

Article 72. Amendments to the Zoning Code

The provisions of this chapter, including changing the boundaries of districts or changing the text of the ordinance, shall be by the procedure set forth in this article.

Sec. 8-5.7201. Initiation.

An amendment may be initiated by:

- A. The petition of one or more owners of property affected by the proposed amendment.
- B. By action of the City Council; or
- C. By action of the Planning Commission.

Sec. 8-5.7202. Process.

A. Staff review.

Following acceptance of a complete application, the proposal shall be distributed by the Planning Department to other City departments and other relevant public agencies for review and comment. Following review by City staff, a recommendation shall be prepared by the Planning Department and forwarded to the Planning Commission.

B. Planning Commission review.

The Planning Commission shall hold at least one public hearing on a proposed amendment and shall give notice of such hearing as required by the State Government Code Sections 65090 through 65095 and by such other means of notification the Planning Commission may require.

At the conclusion of the public hearing the Planning Commission shall either:

1. After making the appropriate findings, recommend approval of the proposed amendment or a modified amendment, in a written report to the City Council; or,
2. Disapprove the proposed amendment. Following a disapproval of the proposed amendment, a written notification of the disapproval shall be transmitted to the applicant and to the City Council. The Planning Commission's action shall become final within 10 days after the Planning Commission decision unless an appeal is filed (Sec. 8-5.7104 (B)).

C. City Council review.

Following receipt of the recommendation of the Planning Commission to approve an amendment, or upon the filing of an appeal, pursuant to Sec. 8-5.7104 (B) of this chapter, the disapproval by the Planning Commission of an amendment petition, at least one public hearing before the Council shall be held. Notice of the hearing shall be given as required by the State Government Code Sections 65090 through 65095 and by such other means of notification the Council may require.

The City Council may approve or deny any recommendation of the Planning Commission, provided that any amendments made by the Council which was not considered by the Planning Commission shall first be referred to the Planning Commission for its recommendation. The Planning Commission is not required to conduct another public hearing on the matter. If the Planning Commission fails to make a recommendation within 40 days after the Council referred the matter to the Commission, the modification shall be deemed to be recommended for approval by the Commission.

D. Findings.

An amendment to this Zoning Code may be made only if the finding is made that the proposed amendment is consistent with the General Plan.

E. Withdrawal of Petition.

Any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition.

F. Abandonment of Proceedings.

The Planning Commission or City Council may, by resolution, abandon any proceedings initiated by its own action.