

ARTICLE 19 – AMENDMENTS

SECTION 1901 PURPOSE

As the Isleton General Plan is carried out over the years, there will be a need for changes in district boundaries and other regulations of this ordinance. As the General Plan is reviewed and revised periodically, other changes in the regulations of this code may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this Article.

SECTION 1902 INITIATION

- A. A change in the boundaries of any district may be initiated by the owner of the property within the area for which a change of district is proposed, or the authorized agent of the owner, as prescribed in Section 1903, provided, however, that the City may not accept an application for an amendment which is not consistent with the General Plan.
- B. A change in boundaries of any district, or a change in a district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision may be initiated by action of the Planning Commission, or by action of the City 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 1904, 1908 and 1911 shall be followed.

SECTION 1903 APPLICATION AND FEE

- A. A property owner or his authorized agent desiring to propose a change in the boundaries of the district in which his property is located, may file an application with the Planning Department for a change of district boundaries on a form prescribed by the Commission, which shall include the following information:
 - 1. Name and address of the applicant.
 - 2. Statement that the applicant is the owner of the property for which the change in district boundaries is proposed or the authorized agent of the owner, or the plaintiff in an action of eminent domain to acquire the property involved.
 - 3. Address and description of the property.
- B. The application shall be accompanied by a drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site, showing the location of streets and property lines and the names and last known addresses of the recorded legal owners of all properties shown on the drawing, as shown on the latest adopted tax roll of the County of Sacramento. County Assessor's maps may be used for this purpose.

- C. The application shall be accompanied by a fee set by resolution of the City Council, sufficient to cover the cost of processing the application as prescribed in this article.
- D. Amendments to this ordinance required as the result of General Plan amendments initiated by the Planning Commission or City Council shall be processed at the expense of the City.

SECTION 1904 PUBLIC HEARING – NOTICE

- A. The Planning Commission shall hold a public hearing on each application for a change in district boundaries or of a district regulation, off-street parking or loading facilities requirement, general provision, exception or other provision of this ordinance initiated by the City Council within forty-five (45) days of the date when the application was filed or the proposal was initiated.
- B. Notice of a public hearing shall be given not less than ten (10) days prior to the date of the hearing by publication in at least one newspaper of general circulation within the City, which notice shall contain the date, time and place of the public hearing, the identity of the hearing body (Planning Commission or City Council), a general explanation of the matter being considered, and a general description either in text or by diagram of the location of the real property, if any, which is the subject of the hearing.
- C. Notice of a public hearing for an amendment pertaining to real property shall be given not less than ten (10) days prior to the date of the hearing in all of the following ways:
 - 1. Publication as specified under paragraph B of this Section.
 - 2. First class mailing, postage prepaid, at least ten (10) days prior to the hearing, a notice of the time and place of the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.
 - 3. First class mailing, postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the property owners list submitted under Section 1903.
 - 4. First class mailing, postage prepaid, a notice of the time and place of the hearing to any person who has filed a written request, therefore, with the City Council. Such request may be submitted at any time during the calendar year and shall apply to the balance of such year.

SECTION 1905 HEARING

- A. At the public hearing, the Planning Commission shall review the application or the proposal and may receive pertinent evidence and testimony as to why and how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 102, or why and how the proposed change is consistent with the General Plan and the stated purposes and application intended for the zone classification proposed.

- B. The Commission may review proposals for the use of the property for which a change in district boundaries is proposed, or plans or drawings showing proposed structures or other improvements, in light of the fact that under the provisions of this code, a change in district boundaries cannot be made conditionally, except as provided in Section 1910, and the owner of the property is bound only to comply with the regulations prescribed in this ordinance.

SECTION 1906 INVESTIGATION AND REPORT

The City's Planner shall make an investigation of the application and shall prepare a report thereon, which shall be submitted to the Planning Commission, including a recommendation as to the action to be taken by the Commission and a statement supporting such recommendation.

SECTION 1907 ACTION OF THE PLANNING COMMISSION

Within forty (40) days after the completion of the public hearing, the Planning Commission shall make a specific finding in writing as to whether the change is required to achieve the objectives set forth in Section 102 of the zoning ordinance, whether the change is consistent with the purposes and intended application of the zoning district affected or proposed, and that the change will be consistent with applicable provisions of the General Plan. The Commission shall transmit a report to the City Council that the application is granted or denied, or that the proposal be adopted or rejected, including a written statement of the reasons for the recommendation, together with one (1) copy of the complete record developed by the Commission.

SECTION 1908 ACTION BY CITY COUNCIL

- A. Upon receipt of the resolution and report of the Planning Commission, the City Council shall hold a public hearing; provided, however, that if the matter under consideration is an amendment to change property from one district classification to another, and the Planning Commission has recommended against the adoption of the amendment, the City Council need not take any further action thereon unless an interested party shall request such a hearing by filing a written appeal with the City Clerk within five (5) days after the Planning Commission files its recommendations with the City Council.
- B. Notice of the hearing shall be given in the manner provided under Section 1904 of this Article.
- C. Within thirty (30) days following the close of the hearing, the City Council shall make a specific finding in writing as to whether the amendment is required in order to achieve consistency with the General Plan, to achieve the objectives set forth in Section 102 of the zoning ordinance, and the stated purposes and application intended for the zone district classification proposed.
- D. The City Council may approve, modify or disapprove the recommendation of the Planning Commission; provided however, that any modification shall first be referred to the Planning Commission for report and recommendation, but the Commission shall not be required to hold a hearing thereon. Failure of the Commission to report within forty

(40) days of the reference, or such longer period as may be designated by the Council, shall be deemed approval of the proposed modification.

- E. If the Council finds that the proposed change is required, in its original or modified form, it shall enact an ordinance amending the regulations of this ordinance, or grant a special zoning exception as prescribed in Section 1910. If the Council finds that a change is not required, it shall deny the application or proposal for change.

SECTION 1909 RELATIONSHIP TO ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL IMPACT REPORTING PROCESS

An amendment to the zoning ordinance shall be subject to the same procedures and regulations with respect to environmental assessment as are set forth for site plan review under the provisions of Article 15 of this ordinance.

SECTION 1910 SPECIAL ZONING EXCEPTIONS – ALTERNATE PROCEDURE FOR ACTION OF THE PLANNING COMMISSION AND CITY COUNCIL

Whenever an application is filed with the City for a change in district boundaries, the Planning Commission and City Council, in lieu of granting or denying said application, may grant to the applicant a special zoning exception by resolution which will permit said applicant (or his assignee) to develop or use said property in accordance with said application and the provisions of this Section.

- A. Before a special zoning exception may be granted by the Planning Commission, the Commission may require the applicant to submit additional information relative to the application in the manner required in the filing of an application for a conditional use permit under this ordinance. In any event, the provisions of Sections 1901 through 1908 and Sections 1911 and 1912 shall apply in addition to the provisions of this Section. In filing an application, the applicant may request that the application be considered as a request for a special zoning exception.
- B. The Planning Commission may grant a special zoning exception subject to any of the conditions prescribed in Section 1504 and in accordance with the provisions of Sections 1409 through 1411 and Sections 1503, 1504 and 1505 through 1509 of this ordinance.
- C. Upon being granted a special zoning exception by the City Council, the applicant shall develop his property in accordance with approved plans and conditions imposed under the provisions of this Section.
- D. Upon the development and use of property in accordance with the provision of paragraph C of this Section, the district or part thereof for which the special zoning exception was granted, shall be thereon rezoned, altered, amended and established in accordance with the original application, or as set forth in the order of the City Council made at the time said zoning exception was granted.

SECTION 1911 CHANGE OF ZONE PLAN

A change in a district boundary shall be indicated on the zone plan with a notation of the date and number of the ordinance amending the plan.

SECTION 1912 NEW APPLICATION

Following the denial of an application for a change in district boundary, no application for the same or substantially the same change shall be filed within six (6) months of the date of denial of the application.