

Chapter 18.22**AMENDMENTS****Sections:**

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18.22.010 Purpose.

As the general plan is carried out over the years, there will be a need for changes in district boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Ord. 437 § 1 (part), 1989)

18.22.020 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 18.22.030.

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 city council. (Ord. 437 § 1 (part), 1989)

18.22.030 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 community development department for a change of district boundaries on a form prescribed by the department, which shall include the following data:

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 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 Tulare. 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 chapter.

D. Amendments to this title required as the result of general plan amendments initiated by the city council shall be processed at the expense of the city. (Ord. 437 § 1 (part), 1989)

18.22.040 Public hearing—Notice.

A. The city council 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 title initiated by the city council within forty-five 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 days prior to the date of the hearing

by: (1) publication of a notice of the time and place of the hearing in a newspaper of general circulation, published and circulated within the city; (2) 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 18.22.030; and (3) first class mailing, postage prepaid, a notice of the time and place of the hearing to any person who has filed a written request; therefor, 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. (Ord. 437 § 1 (part), 1989)

18.22.050 Hearing.

A. At the public hearing, the city council 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 code prescribed in Section 18.01.020, how or why the proposed change is consistent with the general plan, and the stated purposes and application intended for the zone classification proposed.

B. The council 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 title, a change in district boundaries cannot be made conditionally, except as provided in Section 18.22.090, and the owner of the property is bound only to comply with the regulations prescribed in this title. (Ord. 437 § 1 (part), 1989)

18.22.060 Investigation and report.

The community development department shall make an investigation of the application and shall prepare a report thereon, which shall be submitted to the city council, including a recommendation as to the action to be taken by the council and a statement supporting such recommendation. (Ord. 437 § 1 (part), 1989)

18.22.070 Relationship to environmental impact assessment and environmental impact reporting process.

An amendment to the zoning code 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 Section 18.18.070 of this title. (Ord. 437 § 1 (part), 1989)

18.22.080 Action of the city council.

A. Within thirty days following the close of the public hearing, the city council shall make a specific finding in writing as to whether the amendment is required in order to achieve the objectives of the zoning code described in Chapter 18.01 and, when applicable, whether the amendment would be consistent with the general plan and the purposes and application intended for the zoning district classification proposed.

B. 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 code, or grant a special zoning exception as prescribed in Section 18.22.090. If the council finds that a change is not required, it shall deny the application or proposal for change. (Ord. 437 § 1 (part), 1989)

18.22.090 Special zoning exceptions— Alternate procedure for action of the city council.

Whenever an application is filed with the city for a change in district boundaries, the 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 city council, the council may require the applicant to submit additional information rela-

tive to his or her proposal in the manner required in the filing of an application for a conditional use permit under this title. In any event, the provisions of Sections 18.22.010 through 18.22.080 and Sections 18.22.100 and 18.22.110 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 city council may grant a special zoning exception subject to any of the conditions prescribed in Section 18.18.040 and in accordance with the provisions of Sections 18.17.090 through 18.17.110 and Sections 18.18.030, 18.18.040 and 18.18.050 through 18.18.090 of this title.

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 subsection 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. (Ord. 437 § 1 (part), 1989)

18.22.100 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. (Ord. 437 § 1 (part), 1989)

18.22.110 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 months of the date of denial of the application. (Ord. 437 § 1 (part), 1989)