

Chapter 18.80**AMENDMENTS TO ZONING MAP AND ZONING REGULATIONS****Sections:**

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18.80.010 Amendments

This title may be amended by changing the boundaries of districts, or by changing the regulations applicable within one or more districts, or by changing any other provision of this title, whenever the public interest or general welfare may so require.

(Ord. 3048 (part), 1978)

18.80.020 Changes in District Boundaries

Changes in the boundaries of districts established by this title may be initiated by any one of the following actions:

- (a) By application of a property owner as provided by Section 18.80.030.
- (b) By motion of the city council, or by motion of the planning commission, as provided by Section 18.80.040.
- (c) For creating or removing a single-story combining district (S), by application of an affected property owner as provided by Section 18.80.035, or by motion of the city council or planning commission, as provided by Section 18.80.040.

(Ord. 4869 § 47, 2005; Ord. 3048 (part), 1978)

18.80.030 Application by Property Owner

- (a) Application for a change in district boundaries may be made by the owner of record of property for which a change is sought, or by one of the following:
 - (1) A purchaser of property for which a change is sought, when acting pursuant to a contract in writing duly executed and acknowledged by both the buyer and the owner of record;

- (2) A lessee in possession of property for which a change is sought, when acting with the written consent of the owner of record;
 - (3) An agent of the owner of record of property for which a change is sought, when duly authorized by the owner in writing.
- (b) Application shall be made to the director on a form prescribed by the director, and shall contain the following:
- (1) A description and map showing the boundaries of existing and requested districts, and identifying the property for which a change of district is requested;
 - (2) A written statement setting forth the reasons for the application and all facts relied upon by the applicant in support thereof;
 - (3) Such additional information as the director may deem pertinent and essential to the application.
- (c) Application for a change in district boundaries shall be accompanied by the fee prescribed by the municipal fee schedule, no part of which shall be returnable to the applicant.

(Ord. 3048 (part), 1978)

18.80.035 Application for Single-Story Overlay Districts

An application for creation or removal of a single-story combining district may be made by an owner of record of property located in the single-story overlay district to be created or removed, in accordance with the requirements of 18.12.100 (Regulations for the Single Story Overlay (S) Combining District). Such applications shall be considered in accordance with the provisions of this Chapter 18.80.

(Ord. 4869 § 48, 2005)

18.80.040 Initiation by City

- (a) Upon its own initiative, either the city council or the planning commission may by motion initiate application and proceedings for a change in district boundaries.
- (b) A motion of the city council or the planning commission pursuant to this section may include any public or private property, and shall be accompanied by such maps or descriptions as may be necessary to define existing and proposed boundaries of districts, and by a statement, describing in general terms, the reasons for consideration of a change in district boundaries. The motion shall be directed to the director, who shall process the application, without fee, as otherwise prescribed in this chapter.

(Ord. 3048 (part), 1978)

18.80.050 Action by Director

- (a) Upon receipt of an application for change in boundaries, or upon receipt of the motion of the city council or the planning commission, or upon the expiration of a development schedule in a PC zone, the director shall notify the chairman of the planning commission.

- (b) Upon receipt of such notice, the chairman of the commission shall, on or before the fifteenth day of the month following the month in which the application or motion was filed, set a date for a public hearing upon the matter at either a regular or special meeting of the commission, unless the application is a minor change to a planned community district development plan diverted to minor architectural review under Section 18.76.020(b)(3)(D). Nothing contained in this section modifies any provision of or authority granted by Section 18.76.020(b)(3)(D). The hearing before the commission shall commence within ninety days of the date of filing.

(Ord. 4826 § 136, 2004; Ord. 3345 § 22, 1982; Ord. 3048 (part), 1978)

18.80.060 Notice of Public Hearing

- (a) The planning commission shall give a notice of hearing on a proposed change of district boundaries in the following manner:
- (1) Notice of the hearing shall be given by publication once in a local newspaper of general circulation not less than twelve days prior to the date of the hearing.
 - (2) Additionally, excepting a city-wide change in the zoning map, the city shall mail written notice of such hearing at least twelve days prior to the date of the hearing to each owner of real property and to each residential occupant within 600 feet of the exterior boundary of the property for which classification is sought. Notice shall be provided as specified in Section 18.77.080. Compliance with the procedures set forth in this section shall constitute a good faith effort to provide notice, and the failure of any owner or occupant to receive notice shall not prevent the city from proceeding with the hearing or from taking any action nor affect the validity of any action.
- (b) The notice of public hearing shall contain the following:
- (1) The exact address of the property, if known, or the location of the property, if the exact address is not known, and the existing and requested district or districts applicable;
 - (2) The time, place and purpose of the hearing;
 - (3) A brief description, the content of which shall be in the sole discretion of the city, of the change in district boundaries or regulations sought;
 - (4) Reference to the application or motion on file for particulars; and
 - (5) A statement that any interested person, or agent thereof may appear and be heard.

Typographical and/or publishing errors shall not invalidate the notice nor any city action.

(Ord. 4964 § 22, 2007; Ord. 3536 § 40, 1984; Ord. 3465 § 60, 1983; Ord. 3273 § 4, 1981; Ord. 3048 (part), 1978)

18.80.070 Action by Commission

- (a) On the basis of evidence and testimony presented to the commission at the public hearing, the commission may determine that the public interest will be served either by revising the area being considered for reclassification to include properties not originally part of the application, or by giving consideration to district classifications not originally

requested by the application. The commission may, solely at its option, consider additional properties or district classifications, or both.

- (b) If the area proposed for reclassification is enlarged, or the district proposed for any parcel is changed to a district of a less restrictive nature than originally cited in the notice of public hearing, additional notice shall be given in accord with Section 18.80.060, and the hearing shall be continued, allowing public consideration of and comment upon the enlarged or less restrictive proposal.
- (c) If the modifications, if any, considered by the commission involve the same or a reduced area, or involve alternative districts of a generally equivalent or more restrictive nature than originally cited in the notice of public hearing, no additional notice or hearings shall be required.
- (d) If, from the facts presented at the public hearing, including public testimony and reports and recommendations from the director of planning and community environment or other appropriate city staff, the commission finds that a change of district boundaries would be in accord with the purposes of this title and in accord with the Palo Alto Comprehensive Plan, the commission may recommend such change as it deems appropriate to the council.
- (e) If the commission finds that a change of district boundaries, either as requested by an application or as modified by the commission pursuant to this section, would not be in accord with the purposes of this title, or would not be in accord with the Palo Alto Comprehensive Plan, the commission shall recommend against any such reclassification.
- (f) The decision of the commission shall be rendered within a reasonable time following the close of any public hearing or hearings and the written recommendation of the commission shall be forwarded to the council within thirty days thereof. The recommendation of the commission shall set forth fully the findings and determinations of the commission with respect to the application.

(Ord. 3048 (part), 1978)

18.80.080 Changes in Regulations

Changes in the provision of this title other than the boundaries of districts may be initiated from time to time, by one of the following actions:

- (a) Changes in the provision of this title other than the boundaries of districts may be initiated from time to time, by one of the following actions:
 - (1) By motion of the city council on its own initiative;
 - (2) By motion of the planning commission on its own initiative; or
 - (3) By application of the owner of property that would be subject to the proposed text amendment.
- (b) Changes initiated by motion of the council shall be forwarded to the commission, and may be supplemented by such explanatory material as the council may deem appropriate to facilitate review and recommendation by the commission. A request by a property owner shall be supplemented by an application, statement and explanatory

material as required by the director under Section 18.80.030. Changes initiated by application of a property owner shall require consideration by the planning and transportation commission first as an initiation request to determine whether to proceed with the rezoning request and public hearing. If the commission so directs, the text revisions shall be reviewed pursuant to the provisions of Section 18.80.090

(Ord. 4964 § 23, 2007: Ord. 3048 (part), 1978)

18.80.090 Recommendations by Planning Commission

The commission shall review any proposed change in the provisions of this title, whether initiated by the council or the commission. The planning commission shall hold a public hearing on any changes proposed to the zoning regulations. Notice of the time and place of such hearing and the purpose thereof shall be given by publication once in a local newspaper of general circulation not less than twelve days prior to the date of hearing.

In the case of proposed changes initiated by the council, the commission shall forward its recommendations to the council within a reasonable time period, but not to exceed one hundred eighty days in any event unless extended by the council.

In the case of proposed changes initiated by the commission, the commission shall forward its recommendations to the council at such time as it deems appropriate.

The written recommendation of the planning commission shall be submitted to the council, and shall set forth the findings and determinations of the commission with respect to the proposed change.

Nothing in this section shall prevent the city council from changing or suspending operation of any provision of this title for temporary periods when in the determination of the council such suspension or change is necessary for the public health, safety or welfare. In such case, planning commission review shall not be required

(Ord. 4181 § 5, 1993: Ord. 3465 § 61, 1983: Ord. 3273 § 5, 1981: Ord. 3130 § 21, 1979: Ord. 3048 (part), 1978)

18.80.100 Action by City Council

Upon receipt of the recommendation of the planning commission on a change of district boundaries, or on a change to the provisions of this title other than a change in district boundaries, the council may, at its option, give notice of a hearing in the manner provided by Sections 18.80.060 or 18.80.090, whichever is applicable.

After consideration of the recommendation of the planning commission, and the completion of a public hearing, if any, the council may approve, modify, or disapprove the proposed change of district boundaries or change of any other provisions of this title. Should the council determine that a change of district boundaries or change of any other provisions of this title shall be appropriate, such change shall be accomplished by ordinance.

(Ord. 4826 § 137, 2004: Ord. 3273 § 6, 1981: Ord. 3048 (part), 1978)

18.80.110 Resubmittal of Application

When an application for change of district boundaries has been submitted by a property owner and subsequently denied by the council, no new application by a property owner for the same change, or

for substantially the same change, either with respect to properties included within the proposed change or with respect to proposed district classifications, or both, shall be filed or accepted by the director within one year of the date of closing of the hearing before the commission, except upon a showing to the satisfaction of the director of a substantial change of circumstances. This provision shall not be construed to prevent the initiation of proceedings by either the planning commission or city council in accord with Section 18.80.040 at any time.

(Ord. 3048 (part), 1978)

18.80.120 Prezoning

The determination of district classifications and district boundaries appropriate for property located outside the city, but potentially subject to annexation, may be made in the same manner as prescribed in this chapter for any property within the city; provided, that any ordinance duly passed by the city council establishing or changing such classification shall become effective only upon the effective date of annexation of such property to the city.

Upon passage of such an ordinance, the zoning map shall be revised to show the prezoned or potential classification to become effective upon annexation, and shall identify the district or districts applicable to such property with the label or nomenclature "PREZONED."

(Ord. 3048 (part), 1978)