

CHAPTER 49

Zoning Ordinance Amendments



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25-49.1 Purpose

This chapter establishes the procedure for changes in zoning designations for parcels, and also for changes in zoning standards within the text of the Firebaugh Zoning Ordinance.

25-49.2 Boundary Changes

- 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 filing an application for a change of district boundaries. If the area for which a change in district is proposed is more than one ownership, at least 50 percent of the property owners or their authorized agents shall join in filing the application.
- b. A change in boundaries of any district or a change in a district regulation may be initiated by application of a private party, or by resolution of the Planning

Commission, or by action of the City Council in the form of a request to the Planning Commission.

25-49.3 Application and Fees

- a. A property owner or authorized agent, desiring to propose a change in the boundaries of the district in which the property is located, may file an application with the Planning Commission for a change in district boundaries on a form prescribed by the Planning Commission 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 for the owner, or the plaintiff in an action of eminent domain to acquire the property involved.
 3. Address and description of the property, including Assessor Parcel Number, number of acres, land use, surrounding land uses and other details that could be relevant to the proposal.
- b. The application shall be accompanied by a drawing of the site and the surrounding area for a distance of at least 300 feet from the 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 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 a resolution of the City Council sufficient to cover the cost of processing the application as prescribed in this chapter.

25-49.4 Review and Public Hearing Notice

- a. Upon receipt the Planning Director shall review the application and determine whether it is complete, and shall notify the applicant of any discrepancies or additional information required to properly analyze the request. The Planning Director 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 Planning Commission and a statement supporting such recommendations.

- b. The Planning Commission shall hold a public hearing on each application for a change in district boundaries or a district regulation within 45 days of the date when the application was filed or the proposal was initiated.
- c. Notice of a public hearing shall be given not less than 10 days prior to the date of the public hearing by : (1) a publication of a notice of the time and place of the hearing and a general explanation of the matter to be considered in a newspaper of general circulation within Firebaugh; (2) mailing a notice of the time and place of the hearings to all persons whose names appear on the property owners list submitted under the provisions of this chapter.

25-49.5 Public 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 amendment is necessary to achieve the objectives of the zoning ordinance prescribed in this chapter or how or why the proposed amendment is consistent with the stated purposes and application intended for the zone classification proposed.
- b. The Planning 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 title a change in district boundaries cannot be made conditionally.

25-49.6 Action of the Planning Commission

Within 45 days following the completion of the public hearing, the Planning Commission shall make specific findings in writing as to whether the change is required to achieve the objectives of the zoning ordinance and the goals, policies and action programs of the general plan. The Commission shall transmit a report to the City Council recommending that the application be granted or denied, or that the proposal be adopted or rejected, including, if warranted, a written statement of the reasons for the recommendation, together with one copy of the application, resolution of the Commission, the scale drawing of the site and surrounding area and all other data therewith, the minutes of the public hearing, the report of the Planning Director and the findings of the Commission.

25-49.7 Action of the City Council

- a. Upon receipt of the Planning Commission's resolution and report, 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 such amendment, the City Council need not take any further action thereon

- unless an interested party requests such a hearing by filing a written request with the city clerk within five working days after the Planning Commission files its recommendation with the City Council.
- b. Notice of the time and place of said hearing shall be given in the time and manner provided in Chapter 25.5 Public Hearings.
 - c. The City Council, after the close of the public hearing, shall make specific findings in writing as to whether the amendment is required in order to achieve the objectives of the zoning ordinance and goals, policies and action programs of the general plan and, when applicable, whether the amendment would be consistent with the purposes and application intended for the zoning district being proposed.
 - d. The City Council may approve, modify or deny the recommendation of the Planning Commission; provided, however, that if modified, the modification shall be first referred to the Planning Commission for report and recommendation. The Planning Commission shall not be required to hold a hearing thereon. Failure of the Planning Commission to report within 40 days of the reference (or such longer period as may be designated by the City Council) shall be deemed to be approval of the proposed modification by the Planning Commission.
 - e. If the City Council finds that the proposed amendment is required (in its original or modified form) it shall enact an ordinance amending the regulations of this title. If the Council finds that an amendment is not required, it shall deny the application or proposal for amendment.

25-49.8 Amendment of Official Zoning Map

A change in a district boundary shall be indicated on the Official Firebaugh Zoning Map together with the date, the amendment action and ordinance number.

25-49.9 New Application

Following the denial of an application for a change in a district boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application.

25-49.10 Urgency Zoning Ordinance Amendments

To protect the public interest, health, safety and welfare, the City Council may adopt an urgency zoning ordinance amendment limiting the use of property that may be in conflict with a general plan, specific plan, or zoning amendment that is being contemplated by the Planning Commission or City Council. The following regulations shall govern the procedures for an urgency zoning ordinance amendment.

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- a. Adoption of an urgency zoning ordinance amendment shall require a four-fifths (4/5) vote of the City Council.
- b. The urgency ordinance shall not be binding 45 days from its adoption except under the following conditions.
 - 1. Subject to a public hearing, the City Council may extend the urgency ordinance amendment for 10 months and 15 days.
 - 2. An urgency ordinance amendment may extended for an additional year, subject to a four-fifths (4/5) vote by the City Council.
 - 3. Ten days prior to the expiration or extension of an urgency ordinance, the City Council shall issue a written report describing the measures being taken to alleviate the condition that led to the adoption of the urgency zoning ordinance.

25-49.11 Prezoning

Firebaugh may prezone unincorporated territory to delineate the zoning of the subject territory in the event of annexation to the City. The procedure for prezoning shall be consistent with the requirements for a zoning amendment outlined in this chapter.

Exhibit 49-1: Zoning Ordinance Amendment Process

