

CHAPTER 30.63 – AMENDMENTS TO THE GENERAL PLAN, ZONING ORDINANCE, THE ZONING MAP, AND STREET SETBACK ORDINANCES

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30.63.010 – Purpose

A. General Plan.

The purpose of the comprehensive general plan is to set forth the city's goals, policies and programs and to direct and designate the desired general distribution, location and extent of the significant uses of the land toward the achievement of the city's goals. The general plan is a dynamic document based upon community values and existing and projected conditions and needs which are in a constant state of change. The purpose of this chapter is to set forth procedures for the amendment of the general plan so that it may be updated and modified as necessary in response to changing circumstances.

B. Zoning Ordinance.

The principal purpose and objective of this zoning ordinance is to provide for the proper location of land uses, and to that end to classify, insofar as it is practicable to do so, types of land use in order to provide one or more zones in which each type of land use shall be permitted. This objective is ongoing and may require a change of zone from that previously established from time to time in conformance with the comprehensive general plan.

C. Street Setback Ordinance.

The purpose of the setback ordinance is to permit a greater or lesser setback from a particular street or streets than provided for in the zone in which the property is located in order to allow for future street widening or to provide flexibility in the development of certain blocks or neighborhoods due to unique circumstances.

30.63.020 – Authority

- A. The general plan, including its text, maps or diagrams may be amended by resolution passed by the City Council pursuant to the provisions of the California Government Code, sections 65350 et. seq.
- B. Boundaries of the zones established by this part, the classification of property uses therein, development standards and any change in wording, context or substance may be changed when adopted by ordinance passed by the City Council pursuant to the provisions of article XV, section 2 of the Glendale Charter.

- C. Special setbacks may be established or changed whenever adopted by ordinance passed by the City Council in accordance with the provisions of article XV of the Glendale Charter.

30.63.030 – Authorization for Initiation, Application Filing and Filing Fees

For authorization for initiation, application filing and filing fees, see Chapter 30.40.

30.63.040 – Public Hearings and Notice

For public hearings and notices, see Chapter 30.61.

30.63.050 – Withholding of Building Permits When Change of Zone Pending

The City Council, upon the filing of a petition asking that any territory be placed in any zone, may direct the Building Official to withhold the issuance of a permit for the erection, construction, alteration or change of any building, structure or improvement within such territory which would not conform to the requirements for the existing and proposed zone, and any permit issued in violation of this section shall be void. No building permit shall be withheld more than ninety (90) days from the filing of said petition unless an additional extension of not to exceed ninety (90) days has been approved by the City Council; provided, however, that when an environmental impact report is involved, an additional extension of up to one (1) year may be made. In the case of Council-initiated zone changes, the City Council may withhold building permits while the zone changes are pending subject to the same time limitations.

Notwithstanding the provisions hereinabove stated, whenever the City Council has taken action to amend the general plan and where such amendment contemplates zoning which is more restrictive than the existing zone, the provisions of this Section shall not apply. The City Council may, on a case by case basis, determine and instruct staff to withhold the issuance of a building permit pending adoption of a more restrictive zoning ordinance affecting specific parcels of property.

30.63.060 – Withholding of Building Permits When Special Setback Ordinance Pending

The City Council, upon the filing of a request for special setback asking that the setback be more restrictive than that required in the zone in which located, may direct the Building Official to withhold issuance of a permit for the erection, construction, alteration or change of any building, structure or improvement within the proposed setback area, and any permit issued in violation of this Section shall be void. No building permit shall be withheld more than ninety (90) days from the filing of said request unless an additional extension of not to exceed ninety (90) days has been approved by the City Council; provided, however, that when an environmental impact report is involved, an additional extension of up to one (1) year may be made. In the case of Council-initiated special setbacks, the City Council may withhold building permits while the special setback ordinance is pending subject to the same time limitations.

Notwithstanding the provisions hereinabove stated, whenever the City Council has taken action to amend the general plan and where such amendment contemplates a setback that is more restrictive than the existing zone, the provisions of this Section shall not apply. The City Council may, on a case by case basis, determine and instruct staff to withhold the issuance of a building permit pending adoption of a more restrictive setback ordinance affecting specific parcels of property.

30.63.070 – Recommendation of Planning Commission

A. General Plan Amendment.

The Planning Commission shall hold a public hearing and consider all evidence presented for and against the proposal for general plan amendment and shall consider all arguments pertinent thereto. The Planning Commission shall make a written recommendation on the adoption or amendment of a general plan. A recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the Commission. A copy of the Commission recommendation shall be submitted to the Council.

B. Change of Zone, Amendment to the Zoning Ordinance or Street Setback Ordinance.

The Planning Commission shall hold a public hearing and consider all evidence presented for and against the proposal for change of zone or amendment or street setback ordinance and shall consider all arguments pertinent thereto. A copy of the Commission recommendation shall be submitted to the Council.

30.63.080 – Action by Council

A. General Plan Amendment.

The City Council shall hold a public hearing on the proposed general plan amendment taking into consideration the Planning Commission recommendation. The City Council shall adopt or amend a general plan by resolution, which resolution shall be adopted by the affirmative vote of not less than a majority of the total membership of the City Council. The Council shall approve, approve with modifications or disapprove the recommendation of the Planning Commission. However, any substantial modification proposed by the City Council not previously considered by the Commission during its hearings, shall first be referred to the Planning Commission for its recommendation. The failure of the Commission to report within forty-five (45) calendar days after the reference, or within the time set by the City Council, shall be deemed a recommendation for approval.

B. Change of Zone, Amendment to the Zoning Ordinance or Street Setback Ordinance.

The City Council shall hold a public hearing on the proposed change of zone or amendment to the zoning ordinance text or street setback ordinance taking into consideration the Planning Commission recommendation. The Council shall approve, approve with modifications, or disapprove the zone change application or amendment to the zoning ordinance text or street setback ordinance.