

SEC. 10-1.3400 AMENDMENTS

Sections:

Section 10-1.3405	Purpose.
Section 10-1.3410	City Policies and Plans Review.
Section 10-1.3415	Initiation.
Section 10-1.3420	Application Form and Submittal.
Section 10-1.3425	Planning Commission Procedures.
Section 10-1.3430	City Council Procedures.
Section 10-1.3435	Appeals.
Section 10-1.3440	Expanded Area of Consideration.
Section 10-1.3445	Reapplication.
Section 10-1.3450	Reclassification. Conditions Attached or Attachable.
Section 10-1.3455	Prezoning Time Limit.
Section 10-1.3460	Effective Date.

SEC. 10-1.3405 PURPOSE.

The purpose for the following provisions is to establish procedures by which the City Council may amend the regulations herein, the Zoning District Maps that are on file in the Planning Division, or classifications of properties themselves when the public necessity, convenience, and general welfare will benefit from doing so.

SEC. 10-1.3410 CITY POLICIES AND PLANS REVIEW.

In the event a proposed amendment is inconsistent with current City policies and plans, review by the Planning Commission of such proposed amendment and of current City policies and plans shall be coordinated so that the City Council will be able to consider in one proceeding any recommended amendments to City policies and plans necessary to retain such consistency by reason of the proposed amendment.

SEC. 10-1.3415 INITIATION.

a. **Text Amendment.**

May be initiated by a motion of the City Council, or Planning Commission, or the Planning Director, or an individual.

b. **Reclassification.**

May be initiated by the Planning Director, or by motion of the Planning Commission or City Council, or by an application signed by an owner or authorized representative of the property affected.

c. **Prezoning.**

An unincorporated area may be rezoned to determine the zoning that will apply in the event of subsequent annexation to the City. May be initiated by the Planning Director, or by motion of the Planning Commission or City Council, or by an application signed by an owner or authorized representative of the property affected.

SEC. 10-1.3420 APPLICATION FORM AND SUBMITTAL.

An application for an amendment shall be submitted as specified in Section 10-1.2815.

SEC. 10-1.3425 PLANNING COMMISSION PROCEDURES.

- a. The Planning Commission shall hold a public hearing on all text amendments, reclassifications and rezonings. No public hearing shall be required for interim zoning. Notice shall be given pursuant to Section 10-1.2820, except that for text amendments notice shall be published at least 10 days prior to the hearing in a newspaper of general circulation published and circulated in the City of Hayward, in addition to or in lieu of notice by mail.
- b. The Planning Commission may recommend approval of or deny a text amendment, reclassification, or rezoning to the City Council. Recommendations for approval shall be based upon all the following findings:
 - (1) Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
 - (2) The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans;
 - (3) Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and
 - (4) All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

SEC. 10-1.3430 CITY COUNCIL PROCEDURES.

- a. The City Council shall hold a public hearing on each Planning Commission recommendation for approval of a text amendment, reclassification, or rezoning. Notice shall be given pursuant to Section 10-1.2820, except that for text amendments, notice shall be as described in Section 10-1.3425.
- b. The City Council may approve, modify or disapprove any text amendment, reclassification or rezoning. The Council's decision, except for interim zonings, shall be based on the findings in Section 10-1.3425.

SEC. 10-1.3435 APPEALS.

- a. The decision of the Planning Commission to deny a text amendment, reclassification or rezoning, may be appealed to the City Council, in accordance with the appeals process detailed in Section 10-1.2845. Notice shall be given pursuant to Section 10-1.2820, except that for text amendments, notice shall be as described in Section 10-1.3425.
- b. The City Council may approve, modify or deny any text amendment, reclassification or rezoning. The Council's decision, except for interim zonings, shall be based on the findings in Section 10-1.3425.
- c. In the event significant new evidence, which may include substantial changes in the subject matter is presented in conjunction with the appeal, the Council may refer the matter back to the Planning Commission for further consideration and a decision or recommendation.

SEC. 10-1.3440 EXPANDED AREA OF CONSIDERATION.

When, in the opinion of the Planning Director or upon direction of the Planning Commission or City Council, it is determined an area subject to reclassification consideration should be expanded to fulfill the findings specified in Section 10-1.3425, the procedure required for approval is the same as specified for the Planning Commission in Section 10-1.3425 and City Council in Section 10-1.3430. Said expansion may be initiated by the Planning Director, Planning Commission, or City Council. Final reclassification may include all, a portion, or none of the expanded area.

SEC. 10-1.3445 REAPPLICATION.

An application for reclassification cannot be considered within one year from the date of the last official action taken unless prior to that time the Planning Director finds that new evidence or a change of conditions justifies reconsideration.

SEC. 10-1.3450 RECLASSIFICATION. CONDITIONS ATTACHED OR ATTACHABLE.

Conditions of approval for reclassification shall not be cited in ordinances of reclassification. Whenever prerequisite conditions are deemed necessary, ordinances of reclassification shall not be finally acted upon until provisions for compliance have been made.

SEC. 10-1.3455 PREZONING TIME LIMIT.

If, within two years of City Council approval of a rezoning, the subject area has not yet been annexed to the City, the approval is subject to reconsideration by the Planning Commission and the City Council.

SEC. 10-1.3460 EFFECTIVE DATE.

In the case of an ordinance relating to a reclassification or rezoning, the decision of the City Council shall become effective upon adoption of the ordinance. In the case of an ordinance relating to a text amendment, the decision of the City Council shall become effective 30 days after adoption of the ordinance.