



Community Development Department Planning Division

ZONING ORDINANCE TEXT REVISION INFORMATION

PURPOSE: The Zoning Ordinance is one of the major tools used by the City to implement the General Plan. The broad purposes of the Zoning Ordinance are to protect and promote public health, safety, and welfare. More specifically, it provides a precise guide for the physical development of the city consistent with the policies of the General Plan, such as the preservation of the character and quality of residential neighborhoods, the fostering of harmonious land uses, and the conservation and enhancement of the City's resources. Zoning regulations are imposed through the designation of specific zones on all lands within the community, and through the regulations contained in the text of the ordinance itself.

WHEN REQUIRED: Zoning revisions may be proposed to either the zoning map for the City, or to the text of the Zoning Ordinance. (If you are interested in rezoning property, see the "Zone Change" information sheet.) Revisions to the text of the Zoning Ordinance may be proposed when a change in the requirements of the Zoning Ordinance text is desired. An example would be a revision to expand the types of uses allowed in a zone, or to alter the development regulations for a certain use. Zoning Ordinance revisions are first reviewed by the Planning Commission, which makes a recommendation to the City Council. The City Council has final approval authority for all zoning ordinance text revisions.

Zoning Ordinance revisions may be processed concurrently with other types of applications needed for a given project (such as use permits and design review). Zoning text revisions can potentially trigger the need for an amendment to the General Plan as well, if the new regulations would no longer be consistent with General Plan provisions. However, General Plan amendments and text amendments can raise broad, serious issues that go beyond the detailed consideration involved in the review of a use permit or building design. Thus, for a text revision that is related to a project that also involves design or use permit applications, staff or the Planning Commission may determine that the review of the proposed text revision should be completed by the Commission and Council prior to the considerations of the project itself.

PRE-APPLICATION REVIEW: You may request a pre-application review of your project by city staff. By meeting with staff early in the review process, many issues can be resolved which would otherwise cause later delays. Areas of environmental concern can be identified which can be addressed prior to project application. Information on pre-application review can be obtained from any planning staff member.

APPLICATION: The submittal requirements for a Zoning Ordinance Text Revision are listed on the reverse side of this information sheet. Also refer to the "Submittal Standards" sheet for detailed content information. While most text revisions do not require the preparation of plans or other documents, if plans and documents are part of the application, then 6 sets of all plans and bound documents must be submitted initially for staff review. Planning staff will review the material for completeness and will determine if additional information is needed to process the application or to address specific environmental concerns. You will be contacted if additional information is required. After staff has determined that the application materials are complete, you will be notified and asked to submit additional copies of the plans and bound documents for Commission and City Council review of the project. If you have any questions regarding a submittal, contact the Planning Division for assistance.

ENVIRONMENTAL REVIEW: The California Environmental Quality Act (CEQA) requires that certain project applications undergo environmental review. You will be informed if such review is required for your applications. Please refer to the separate "Environmental Review" handout concerning additional submittal requirements.

SCHEDULING: Once an application is determined to be complete, it is formally accepted. Copies of the application are sent to review agencies and departments. The application is then scheduled for public hearing before the Planning Commission. The Planning Commission meets once a month, usually on the second Thursday of the month at 7 p.m. The Planning Commission meeting is a public meeting. Prior to the scheduled hearing, the Planning Commission will be provided with a staff report on the application.

NOTICING: Both Planning Commission and City Council hearings are public, and notices are published in the local newspaper at least 10 days prior to each hearing. Notices are also mailed to property owners within 300 feet of the exterior boundary of the property, though if more than 1,000 property owners are affected, the City may choose to publish a 1/8th page newspaper notice instead.

ACTION: During the Planning Commission meeting, Planning Division staff will present the application and provide comments to the Commission. The applicant will then be given time to present the proposal to the Commissioners, and to answer any questions they may have. Any member of the public attending the meeting may also offer comments. At the conclusion of the hearing, the Planning Commission makes a recommendation to the City Council regarding the application. The City Council then holds a separate hearing to consider the ordinance revision and approves or disapproves the application. The Commission's and Council's decisions are based on criteria contained in the General Plan and Zoning Ordinance, the City staff's recommendations, and testimony received at the hearing. A copy of the Planning Commission's action is mailed to the applicant following the meeting. Copies of the City Council's action may be obtained from the City Clerk's office.

INITIAL SUBMITTAL REQUIREMENTS: To file a Zoning Ordinance Text Revision application, the following items must be submitted:

1. A Planning Application Form
2. A Project Summary Sheet
3. An Environmental Checklist
4. Mailing Labels (4 sets)
5. A written statement or summary regarding the proposed revision, which addresses the following areas:
 - a. The specific change in the text being proposed
 - b. The specific sections(s) of the ordinance proposed for revision
 - c. The reason for the revision
 - d. Any other information pertinent to consideration of the revision
6. Six sets of any related plans, supporting bound documents, photographs, etc. – folded and collated to 8.5" x 11" size
7. Any other drawings, reports or data determined by the Planning Division to be necessary to undertake the review of the application
8. Filing fee (see Planning Division Fee Schedule). Checks should be made payable to "City of Benicia"

SUBSEQUENT SUBMITTAL REQUIREMENTS: The following items will be required after the initial application is deemed complete:

1. Fourteen sets of any related plans, supporting bound documents, photographs, etc. – collated and folded to approximately 8.5" x 11" size
2. One set of any related plans, full size, rolled (not folded—will be used for display)
3. One set of any related plans, reduced to 11" x 17" size

RELATED FORMS AND INFORMATION:

- Planning Application Form
- Project Summary Sheet
- Submittal Standards
- Mailing Notice Requirements
- Environmental Review Information
- Environmental Checklist
- Fee Schedule