



REZONING/PREZONING

When Required

Zoning, through the Zoning Ordinance, establishes the types of uses allowed on a property as well as physical standards, such as lot size and setbacks, required for development. Zoning must be consistent with the Land Use Plan designation contained in the Novato General Plan.

Rezoning is required in order to change allowed uses or minimum lot sizes as identified on the City Zoning Map. An example would be a change from residential to commercial.

Prezoning is when the City applies a zoning district to property **outside** the City limits prior to annexation of that property to the City. This is often done in order to establish what the zoning will be upon annexation. The prezoning designation becomes effective if and when annexation occurs.

A **Zoning Text Amendment** is required to change the language of the Zoning Ordinance as it relates to allowed uses or development standards.

Preapplication

You should discuss your proposal with a Planning Division staff member. Staff will advise you whether you also need a General Plan Amendment.

Rezoning/Prezoning/Zoning Text Amendment applications may be combined with General Plan Amendment and/or Master Plan and Precise Development Plan applications. You should discuss the appropriateness of a combined application with a Planning Division staff member prior to submittal.

Application

The submittal requirements for a rezoning or prezoning application are listed on the following page. Incomplete applications are often the main cause of delays in processing. Please submit each of the items listed but by all means call the Community Development Department if you have any questions. **We recommend that you submit three copies for staff to review for completeness prior to submitting the multiple copies required.**

A Planner will be assigned to review the application for completeness within 30 days of receipt of application.

Environmental Review

Most applications are subject to the Environmental Review process, as required by the California Environmental Quality Act (CEQA), and the City of Novato Environmental Review Guidelines. Please refer to the separate handout titled, "Guide to Environmental Review," which contains submittal requirements for an Environmental Data Submission. The Environmental Data Submission is reviewed for completeness with the other project application materials. An Initial Study will then be prepared by staff.

Scheduling

When it has been determined that a complete application has been submitted, copies of the proposal are sent to reviewing agencies and departments for review and comment.

Completion of an Initial Study by staff will result in a determination as to whether a Negative Declaration or an Environmental Impact Report (EIR) will be required. One of these documents must be prepared prior to a hearing on the application. A Negative Declaration usually requires a minimum of three months of preparation, an EIR ten months.

Planning Commission Action

After the application is accepted and prior to the hearing by the Planning Commission, the Planning staff will work with the applicant and interested members of the public to evaluate the proposal and prepare a staff report and recommendation.

At the public hearing, the Planning Commission will hear all appropriate testimony and act to recommend the Negative Declaration or EIR and approval to the City Council **or** to deny the application.

Applications which are recommended for approval are sent forward for City Council action. Applications which are denied are closed unless appealed.

City Council Action

Applications which are recommended to or appealed to the City Council are set for public hearing by the staff.

At the public hearing, the City Council will hear all appropriate testimony and act on the Negative Declaration or EIR and to approve the application by approving the ordinance on first reading **or** deny by motion. When the Council proposes to act in a manner that had not been specifically considered by the Planning Commission, the matter must first be referred back to the Planning Commission for report and recommendation.

State law requires that an application receiving a Negative Declaration be acted on within six months. An application requiring an EIR must be acted on within one year. In Novato, applications receiving a Negative Declaration are usually acted on about four months after acceptance.

Result

Applications denied by the City Council are final.

Applications approved by the City Council by adoption of an ordinance are final and become effective 30 days after the date of second reading and adoption.

For rezonings, the affected property is governed by the regulations of the district to which it has been rezoned **only** after it is annexed to the City.

Note: You may request to receive notice of any proposal to adopt or amend any of the following: the Novato General Plan, a specific plan, or chapters of the Municipal Code affecting development. Please use the separate form titled, "Request for Notification of General Plan or Municipal Code Amendments."

Rezoning, Prezoning or Zoning Text Amendment – Submittal Requirements

In order to file an application, please submit the information listed below:

1. A completed Application for Zoning/Planning Action, Cost Recovery Agreement, and application deposit.
2. Fifteen copies of an Environmental Data Submission (unless exempt). (See “Guide to Environmental Review” handout.) **We recommend that you submit one copy for review for completeness prior to submitting the multiple copies required.**
3. A proposal statement describing the request, its purpose and consistency with the General Plan.
4. Rezoning/Prezoning
 - a. Map indicating properties to be rezoned.
 - b. Text indicating existing zoning and proposed new zoning.
5. Zoning Text Amendment
Text of Zoning Ordinance proposed to be amended. Text of amendment proposal.

For further information, please contact the City of Novato, Department of Community Development at:

- 922 Machin Avenue, Novato, CA 94945
- (415) 899-8989
- www.novato.org