

## PROCEDURES FOR REZONING, PREZONING AND CODE AMENDMENTS

All lands within the City are located within a zoning classification or district. The purpose of these zones is to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to protect the public health, safety, peace, comfort and general welfare.

**Rezoning:** Rezoning is the formal process through which the zone on a given parcel or parcels of land can be changed. The provisions of a particular zone as it applies to a site may also be changed through this procedure. The Government Code and Madera Municipal Code Article 10-3.15 regulate the process.

**Prezoning:** Prezoning is a process like rezoning except that it effects property that has not yet been annexed to the City. The zoning becomes effective upon annexation. Prezoning allows a property owner to know in advance what types of uses will be permitted on the property. It also allows the City to evaluate the potential annexation and complete an environmental review for the project.

**Application:** Applications must include submittal of:

- 1) An application form signed by the property owner;
- 2) The filing fee;
- 3) A reproducible copy of a map clearly depicting the area to be zoned and existing land uses;
- 4) A letter stating the reasons for the request;
- 5) A completed environmental assessment form plus the required filing fee; and
- 6) A copy of the latest deed of record for the subject property that would contain the exact legal description of the property and the vesting for the property.

Applicants should discuss the project with the Planning Staff to determine the full scope of the application requirements. In the case of Prezoning the potential for annexation, along with the requirements for that process must be Madera County Planning Department Staff. The annexation procedure is handled entirely by the Madera County Local Agency Formation Commission.

**Filing Fees:** The fees for processing all land use development projects are set by Resolution of the City Council. Contact Planning Staff for applicable fees. Separate application fees will be required for the annexation application, and that information may be obtained from Madera County Planning Department Staff.

**Submittal Deadline:** Complete application packets must be submitted to the Community Development Department at least 30 days prior to the Planning Commission meeting which is regularly scheduled on the second Tuesday of each month.

**Review Process:** Based on information provided with the application, along with comments on the project from other Departments and agencies, Planning staff will prepare a Staff Report for the Planning Commission, which will contain an evaluation of the proposal and information on provision of City services to the property. The staff review and meeting agenda will be sent to the Planning Commission and the applicant preceding the public hearing.

**Planning Commission Action:** In conjunction with the environmental review and rezoning (or prezoning), as applicable, the Commission will also be asked to make a recommendation to the City Council on the prezoning. This will be based on evaluation of the Staff Report, the presentation by the applicant, and any public testimony on the project at the noticed public hearing. A draft Ordinance for the zoning action will be prepared as a part of the Planning Commission packet which will contain maps, legal description, and conditions that may be recommended for the project.

**City Council Action:** At a noticed public hearing, the Council will consider information provided by Staff, the applicant, and the recommendations of the Planning Commission. The City Council takes final action on all Rezoning, Prezoning, and Code amendment Ordinances, along with certification of the final environmental review. If the zoning action is approved, the Ordinance is introduced at the initial hearing, while second reading and adoption will be scheduled as a consent item at either their next or a subsequent regular meeting. Approval of an Indemnification Agreement (hold harmless agreement) will be required with most rezonings and prezonings, and this document must be approved with adoption of the Ordinance. Adoption of the final Ordinance will not be scheduled until all required agreements and any other covenants or restrictions are completed.