

ZONING ORDINANCE TEXT AMENDMENT

Planning Department
1480 Main Street
St. Helena, CA 94574

Office Use Only - Do Not Write in this Area

File Number _____
General Plan _____ Zoning _____

Background Files _____

Related Applications _____

Initial Deposit Received _____ Received By _____

Description of Zoning Ordinance Text Amendment requested:

Please Type or Print

Project Name _____

Site Address _____

APN ____-____-____ ____-____-____ Site Area _____ Sq. Ft. (or) _____ Acres

Residential

Commercial

Industrial

Property Owner(s) _____

(Name)

Mailing Address _____

City _____ State _____ ZIP Code _____

Phone Number _____ Cell _____

Email Address _____

Applicant(s) _____

(Name)

Mailing Address _____

City _____ State _____ ZIP Code _____

Phone Number _____ Cell _____

Email Address _____

NOTE: Additional property owners and/or applicants (name, address, phone number, and signature) shall be attached to the application. In the case of a partnership, all general and limited partners shall be identified. In the case of a corporation, all shareholders owning 10% or more of the stock and all officers and directors shall be identified.

If you would like project correspondence and notice of meetings to be sent to parties other than the applicant, please list their names, address and telephone numbers on a separate sheet.

I, _____, hereby file this application for a development project and agree to pay any and all processing fees imposed by the St. Helena Municipal Code and City Council Resolutions (as they may be amended from time to time).

- Processing fee: **\$9,000**
- Public Hearing Notice: **\$ 400**
- Request Preparation of Mailing Labels: **\$ 200 *(Additional Fee)**

Applications with a negative balance at the time of the public hearing will be continued until the balance is paid in full.

In the event the property owner is different from the applicant, the property owner must sign to indicate her/his/its consent to the filing and agreement to be liable with the applicant for payment of the processing fees.

A finance charge of 1% per annum shall accrue on any balance unpaid after 30 days.

In the event the City is required to take legal action to enforce any of the terms and conditions of this application, Applicant and Property Owner agree to pay to City reasonable attorney fees and costs incurred in such action.

We, the owner and the applicant, will defend, indemnify and hold the City, its agents, officers, and employees harmless from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning the project, as long as the City promptly notifies the applicant of any such claim, action or proceedings and the City cooperates fully in the defense. We have also reviewed the requirement to disclose the complete list of partners and/or shareholders.

Date: _____ Applicant's Signature: _____

Date: _____ Property Owner's Signature: _____

CHAPTER 17.12: ZONING AND GENERAL PLAN AMENDMENT PROCEDURES

Article 1: General Plan Amendments

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Article 1: General Plan Amendments

Sec. 17.12.010. Statement of policy.

The City Council finds that the community is best served by having a General Plan which is stable, widely understood and accepted; and that such stability, understanding, and acceptance is jeopardized by too-frequent amendment of the General Plan. While recognizing that the General Plan evolves over time, the City Council intends to limit the rate and manner of amendment to the General Plan so that the community, individually and collectively, may make its own plans in reliance on a reasonable constancy of the city General Plan. (Prior code § 26.1)

Sec. 17.12.020. Determination of General Plan conformance.

Initial determination of General Plan applicability to a specific parcel or proposal shall be the responsibility of the Planning Director. Such determination when made verbally shall be advisory only. A formal determination in writing may be obtained upon written request of the city and payment of a fee as set forth by resolution of the City Council. Such a formal determination may be appealed in writing to the Planning Commission and ultimately the City Council pursuant to Chapter 17.08. (Prior code § 26.2)

Sec. 17.12.030. Initiation.

A General Plan amendment may be initiated by a majority vote of the Planning Commission or of the City Council or by an application filed by a property owner or the owner's authorized agent. Generally, initiation by the City Council shall be a direction to the Planning Commission to initiate such an action. (Prior code § 26.3)

Sec. 17.12.040. Property owner initiation.

- A. All General Plan amendments initiated by property owners must be processed for preliminary review pursuant to the provisions of this section, unless exempted pursuant to Subsection F of this section.
- B. A completed application for a General Plan amendment shall be submitted on a form provided by the General Plan at least thirty (30) days prior to the scheduled review date and shall include the following:
 - 1. A description of the land use proposal;
 - 2. A completed General Plan amendment application form including a statement of general goals and objectives and social, economic, and physical conditions which relate to the requested amendment and its relationship with adjoining land uses;
 - 3. A General Plan diagram showing adjoining land use projections in the area requested for change within at least a five hundred (500) foot radius of the exterior limits of the subject property;
 - 4. A completed environmental information questionnaire;
 - 5. A processing fee as set forth by resolution of the City Council.
- C. Complete applications received for a General Plan amendment shall be presented to the City Council for preliminary review at the council's first regularly scheduled meetings in March and September of each year. Following the review, the City Council, at its discretion, may order the application to be further processed or may direct staff to cease processing the application. Any authorization to proceed does not imply in any way ultimate approval or disapproval of an application.
- D. If the City Council authorizes the application to be processed, it shall refer the matter to the Planning Commission, which shall hold public hearings pursuant to state law after the necessary environmental review process and staff analysis have been completed.
- E. In the event the City Council directs staff to cease processing an application pursuant to subsection C of this section, a new application for a General Plan amendment involving

substantially the same request for a parcel or area shall not be reviewed by the City Council for at least one year after such direction.

- F. Applications for General Plan amendments shall be exempt from the provisions of this section if they:
1. Propose only residential development and that at least sixty (60) percent of the planned residential units shall be "affordable" as defined in Section 17.04.160(B);
 2. Were properly filed with the City prior to March 26, 1991; or
 3. The City Council finds for specified reasons that it is in interest of the public health, safety or welfare to allow the processing to proceed forthwith. (Prior code § 26.4)

Sec. 17.12.050. Amendment guidelines.

The Planning Commission and City Council in reviewing General Plan amendments shall consider the following guidelines:

- A. To allow for the consideration of an element not initially considered at the time of approval of the General Plan;
- B. To reflect changes in goals, policy, physical, social or economic conditions; and
- C. When, due to naturally occurring physical constraints or changes, the projected land usage on the General Plan is no longer feasible. (Prior code § 26.5)

Sec. 17.12.060. Annual review.

At least once a year, generally in January, the Planning Commission shall conduct a comprehensive review of the General Plan map and text and report its findings to the City Council. (Prior code § 26.6)

Article 2: Additional Amendment Procedures

Sec. 17.12.070. Purpose.

The purpose of this article is to establish procedures required for the adoption or amendment of this title including zoning map (rezoning), General Plan including General Plan land use map and specific plan. These procedures shall also apply to pre-zoning of unincorporated lots. (Prior code § 27.425)

Sec. 17.12.080. General provisions.

The City Council may by ordinance amend the provisions (text) of this title or zoning map, according to procedures established by this article, whenever the public necessity, the general community welfare and good zoning practice warrant such amendment. All amendments to this title or zoning map shall be consistent with the General Plan, any adopted Specific Plan, and other appropriate City policies. (Prior code § 27.426)

Sec. 17.12.090. Application.

Amendments may be initiated by the City Council, Planning Commission or Planning Director. In the case of the zoning map, amendments (rezoning) may also be initiated by the owner or authorized agent of the owner of the property included in any proposed change. An application for a rezoning shall be made in writing in a form prescribed by the Planning Director. (Note: individuals or groups seeking to change the General Plan land use classification or zoning in an area independent of an application should contact the City Council.) (Prior code § 27.427)

Sec. 17.12.100. Procedure.

The Planning Commission shall hold a public hearing on all proposed amendments and make a recommendation to the City Council, where a public hearing shall also be held prior to a final decision by the City Council. The Planning Commission may recommend the approval, modified approval or denial of the proposed amendment. (Prior code § 27.428)

Sec. 17.12.110. City Council/Planning Commission considerations.

In considering an ordinance amending any of the provisions of this title including an amendment to the zoning map (rezoning) the Planning Commission and City Council shall take into consideration the consistency of the proposed amendment with the goals, policies and programs of the General Plan, adopted specific plan (where applicable) and other existing city policies. (Prior code § 27.429)

Sec. 17.12.120. Modifications by City Council.

The following provisions shall be observed when the City Council determines to modify any proposed amendment:

- A. The City Council may modify any proposed amendment by making no substantive changes in the wording of a proposed text amendment; or in the case of a rezoning, by reducing the area involved, or by adopting a more restrictive zoning classification without first referring the matter to the Planning Commission for a report and recommendation. However, any substantive change proposed by the City Council which was not discussed by the Planning

Commission shall be referred back to the Planning Commission for a report and recommendation.

- B. When the City Council has referred a matter back to the Planning Commission, it shall report back to the City Council within thirty (30) days after the date of the City Council referral unless the City Council specifically allows for a longer period of time for the Planning Commission report and recommendation. Where action cannot be taken within thirty (30) days by the planning commission, a longer period of time may be requested and the City Council may at its discretion grant such a request. Although no additional public hearing shall be required, the Planning Commission may at its discretion hold a public hearing prior to a report and recommendation on any matter referred to it by the City Council.
- C. The City Council or Planning Commission may abandon any proceedings for an amendment initiated by its own action, when such proceedings are before either the City Council or Planning Commission at a regularly scheduled meeting. (Prior code § 27.430)

Sec. 17.12.130. Adoption and Amendment of Specific Plans.

Except as provided below, specific plans shall be adopted and amended in the same manner as provided for zoning ordinance amendments, pursuant to Sections 17.12.090 through 17.12.120, of this adoption or amendment of a specific plan may be by ordinance, resolution or both depending on the proposed Specific Plan. (Prior code § 27.431)

Sec. 17.12.140. Adoption and Amendment of General Plan.

Except as provided in Title 16 of this code, the General Plan and any element thereof shall be adopted and amended in the same manner as provided for zoning ordinance amendments, pursuant to Sections 17.12.090 through 17.12.120, inclusive of this article. (Prior code § 27.432)