

CITY COUNCIL AGENDA: DECEMBER 17, 2013

SUBJECT: IMPLEMENTATION OF PORTERVILLE DEVELOPMENT ORDINANCE


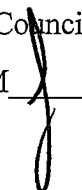
SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT: On November 19, 2013, the City Council adopted comprehensive amendments to the Porterville Development Ordinance (Code) adopted in 2010. Following the initial (Code) adoption, the City Council adopted Resolution 119-2010, outlining transitional implementation provisions to allow for projects that had been previously reviewed and approved to move through the permitting process under the prior Code. Staff is now seeking direction from the Council on approving transitional implementation of projects following the recent substantive changes. The new ordinance becomes effective on January 3, 2014, for all new projects; however, some consideration must be given to projects currently in review.

Staff is recommending that the following implementation strategies for previously approved projects be approved with minor changes from Council's prior action as follows:

1. Approved projects with entitlements that have set timelines for expiration (such as conditional use permits) until they are constructed or their timelines expire. A formal extension may be granted by the City Council, but shall not exceed two years from the effective date of the ordinance (January 3, 2014).
2. Approved projects with entitlements that do not have set timelines for expiration (such as Zoning Administrator Adjustment approvals) *shall not exceed* two years from the effective date of the ordinance revisions.
3. Projects without entitlements, *that have been reviewed and commented on*, by the Project Review Committee (PRC) prior to January 3, 2014, *shall not exceed two years from the date of the PRC letter*.
4. Building permits for new homes on lots in previously approved subdivisions *with homes that are already under construction*.
5. Building permits for new homes on lots in previously approved subdivisions with master residential permits that proposed specific home designs for the subdivision.

As envisioned, the Zoning Administrator would resolve ambiguities between the prior or current ordinance applicability for specific cases, with appeals to the City Council available upon request. In any of the cases listed above, the owner/applicant may voluntarily choose to be subject to the new development ordinance. In no case shall the provisions of both ordinances apply at the same time for any project. Following Council direction, staff will contact the

DD  Appropriated/Funded N/A CM 

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owners/developers of current and new project proposals to notify them of these deadlines.

RECOMMENDATION: That the City Council adopt the draft Resolution formalizing transitional implementation of the adopted revisions to the Porterville Development Ordinance.

ATTACHMENTS: Draft Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PORTERVILLE APPROVING TIMELINES FOR TRANSITIONAL IMPLEMENTATION OF  
THE PORTERVILLE DEVELOPMENT ORDINANCE

WHEREAS: On November 19, 2013, the City Council adopted a comprehensive amendment to the development ordinance; and

WHEREAS: The new development ordinance becomes effective on January 3, 2014; and

WHEREAS: In order to transition between the current development ordinance and the new development ordinance, some consideration must be given to previously approved and current projects; and

WHEREAS: The intent of this resolution is not to interfere with timelines established through the Subdivision Map Act or by other legislative means.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Porterville does hereby provide the following criteria for transitional implementation of the adopted Porterville Development Ordinance:

1. The following projects are subject to the prior development ordinance:
  - a. Approved projects with entitlements that have set timelines for expiration (such as conditional use permits) until they are constructed or their timelines expire. A formal extension may be granted by the City Council, but shall not exceed two years from the effective date of the ordinance (January 3, 2014).
  - b. Approved projects with entitlements that do not have set timelines for expiration (such as Development Agreements or Zoning Administrator Adjustment approvals) shall not exceed two years from the effective date of the ordinance revisions.
  - c. Projects without entitlements, that have been reviewed and commented on by the Project Review Committee (PRC) prior to January 3, 2014, shall not exceed two years from the date of the PRC letter.
  - d. Building permits for new homes on lots in previously approved subdivisions with homes that are already under construction.
  - e. Building permits for new homes on lots in previously approved subdivisions with master residential permits that proposed specific home designs for the subdivision.
2. The Zoning Administrator shall resolve ambiguities between the prior or current ordinance applicability for specific cases. Zoning Administrator decisions are appealable

**ATTACHMENT NO. 1**

to the City Council. In any of the cases listed above, the owner/applicant may voluntarily choose to be subject to the new development ordinance. In no case shall the provisions of both ordinances apply at the same time for any project.

PASSED, APPROVED AND ADOPTED this 17<sup>th</sup> day of December, 2013.

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Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

**ATTACHMENT NO. 1**