

CITY COUNCIL AGENDA: NOVEMBER 19, 2013

PUBLIC HEARING

TITLE: COMPREHENSIVE TEXT AMENDMENT TO THE PORTERVILLE MUNICIPAL CODE PERTAINING TO CHAPTER 21, DEVELOPMENT ORDINANCE

BACKGROUND: On March 4, 2008, the City Council of the City of Porterville adopted a comprehensive General Plan Update and Land Use Diagram that included a vision, goals, policies and land use designations to guide development within the City of Porterville's Planning Area through the year 2030.

On May 4, 2010, the City Council adopted a new Development Ordinance. The Development Ordinance is the key policy tool that implements the General Plan. At the time of adoption, staff was directed by the City Council to follow up with a review of any issues or concerns that came up during the initial period of implementation. The Porterville Development Ordinance Committee (PDO Committee) was formed by combining interested members of the General Plan Advisory Committee and the Technical Committee who had worked separately on the original Development Ordinance. The PDO Committee has continued meeting to review draft policies as frequently as necessary since May 2010.

On July 31, 2012, City Council approved revisions to Series 100, 200, 600 and 700 (Segment 1). Staff continued to meet with the PDO Committee, working through the remaining policies in Series 300, 400 and 500 (Segment 2). As noted at the July 2012 meeting, there would be some amendments to the sections contained in Segment 1 to ensure consistency and accuracy of section references between series.

COMMENT: Staff and the PDO Committee have met frequently to progressively review the Development Ordinance. Attachment 1 is a strikethrough/track changes version of the collaborative effort. As a note, the strikethrough version does not show basic reformatting notes that relate to all of the text. For example, in Series 300 some of the chapters were realigned so the items would be listed alphabetically. Only the text changes appear, not the changing of chapter numbers. This was not done in the strikethrough version so that the substantive text changes could be identified.

Series 300 contains general standards that apply to multiple zoning districts, as well as standards for specific land uses, such as automotive repair, personal storage facilities and temporary uses. The PDO Committee reviewed these standards and modifications were made to the special requirements and in some cases special requirements were removed entirely.

The majority of the proposed text amendments occur in Series 400, which contains the regulations related to the subdivision of land. In 2007, staff updated the subdivision ordinance. Series 400 significantly changed the recently adopted language and included language regarding Major and Minor subdivisions. The proposed amendments to Series 400 include removing the language for Major and Minor subdivisions and separate the process for tentative, final and parcel maps.

DD 300 APPROPRIATED/FUNDED N/A CM J ITEM NO. 14

Series 500 includes general provisions for overlay districts. Modifications to Series 500 are minor, except one overlay district, Floodplain, has been removed from the Development Ordinance as the Municipal Code includes Article XIV, Flood Damage Prevention Code.

The proposed Development Ordinance is a collaborative effort and staff would like to thank the PDO Committee through this three-year process for their commitment and dedication. While the PDO Committee and staff have attempted to evaluate the document as thoroughly as possible, it is anticipated that as review of individual projects are evaluated there will be items that will need further review and possible revisions will be required. Staff will also be requesting from Council the consideration of adding a fee to the Fee Schedule to include an optional fee for developers requesting staff to complete an evaluation of photometric plans with building permit submittal. In addition to these future items, there are some references to the previous zoning classifications in the Municipal Code. Staff will be reviewing the Municipal Code for these references.

ENVIRONMENTAL REVIEW: The Porterville Development Ordinance is an implementation measure of the policies, goals and objectives of the Porterville 2030 General Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that the addendum to the Porterville General Plan Final Environmental Impact Report that was prepared for the adoption of the Development Ordinance is appropriate in addressing the environmental circumstances of the proposed amendments; therefore, no Subsequent or Supplemental EIR as described in Sections 15162 and 15163 of the CEQA Guidelines would be required.

RECOMMENDATION: That the City Council:

1. Approve the proposed amendments to the Development Ordinance and give first reading to the draft ordinance; and
2. Waive further reading and order the Ordinance to print.

ATTACHMENTS:

1. Proposed amendments to the Development Ordinance
2. Draft Ordinance for the Development Ordinance

Comprehensive Text Amendment to the Porterville Development Ordinance

Due to the size of the document, this
item is available at the following
locations for review:

Community Development Department
Counter
City of Porterville Website

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE
PERTAINING TO CHAPTER 21, DEVELOPMENT ORDINANCE

WHEREAS: On March 4, 2008, the City Council of the City of Porterville adopted a comprehensive General Plan Update and Land Use Diagram that included a vision, goals, policies and land use designations to guide development within the City of Porterville's Planning Area through the year 2030; and

WHEREAS: On May 4, 2010, the City Council adopted the Porterville Development Ordinance, which replaced Chapter 21 "Subdivisions" and Appendix A "Zoning"; and

WHEREAS: On July 31, 2012, the City Council adopted revisions to the Porterville Development Ordinance, Series 100, 200, 600 and 700; and

WHEREAS: The Development Ordinance is the key policy tool that implements the General Plan; and

WHEREAS: Staff has determined that changes to the current Development Ordinance (Chapter 21 of the Municipal Code) are necessary and appropriate, and such amendments may assist in creating a positive impact on the development community of the City as a whole; and

WHEREAS: The amendments to the Development Ordinance have been reviewed by the Porterville Development Ordinance Committee and found to be appropriate for the community; and

WHEREAS: The amended Series have been reviewed by the City Attorney and found to be in conformance with Federal, State and local laws; and

WHEREAS: A public hearing was held before the City Council on November 5, 2013, pursuant to the Planning and Zoning Law of the State of California and the Municipal Code of the City; and

WHEREAS: The Porterville Development Ordinance is an implementation measure of the policies, goals and objectives of the Porterville 2030 General Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that the addendum to the Porterville General Plan Final Environmental Impact Report that was prepared for the adoption of the Development Ordinance is appropriate in addressing the environmental circumstances of the proposed amendments; therefore, no Subsequent or Supplemental EIR as described in Sections 15162 and 15163 of the CEQA Guidelines would be required.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend Chapter 21 of the Porterville Municipal Code, as attached hereto as Exhibit A, and fully incorporated herein by reference.

**ATTACHMENT
ITEM NO. 2**

This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED AND ADOPTED this 19th day of November, 2013.

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk

Comprehensive Text Amendment to the Porterville Development Ordinance

Due to the size of the document, this
item is available at the following
locations for review:

Community Development Department
Counter
City of Porterville Website