

CITY COUNCIL AGENDA: OCTOBER 7, 2014

PUBLIC HEARING

TITLE: TEXT AMENDMENT TO THE DEVELOPMENT ORDINANCE TO AMEND THE DEFINITION OF COMMERCIAL ENTERTAINMENT USES AND ADJUST THE ZONE DISTRICTS WITHIN WHICH COMMERCIAL ENTERTAINMENT AND TRADE SCHOOLS ARE ALLOWED

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

BACKGROUND: On September 12, 2014, staff received a Project Review Committee application to consider a development ordinance text amendment to amend the definition of commercial entertainment uses and adjust the zone districts within which commercial entertainment and trade schools are allowed, in compliance with Chapter 608 Amendments to Zoning Map and Text of the Porterville Development Ordinance. The request was reviewed by staff and discussed at a Project Review Committee meeting on September 24, 2014, where staff expressed no concerns with the proposal.

ANALYSIS: The current development ordinance defines commercial entertainment in four separate categories: Cinema/Theaters; Downtown Entertainment; Large-scale; and Small-scale. The proposed ordinance text amendment would increase the area allowed for indoor commercial entertainment uses in the Small-scale category from 10,000 square feet to 50,000 square feet citywide, and would also broaden the variety of allowable uses within the Small-scale use classification.

The applicant had also requested consideration of trade schools within the CR (Retail Centers) zone district. Currently trade schools are not permitted. Staff recommends trade schools be permitted with a Conditional Use Permit. The reason it could not be permitted by right is that trade schools by their nature vary greatly in use intensity and type, and those uses must be considered on a case-by-case basis. While reviewing the zone districts in which trade schools are permitted, it was noted that trade schools are permitted by right in the PO (Professional Office) district and with a Conditional Use Permit in the IP (Industrial Park). Staff believes these were inadvertently transposed as it would be inappropriate to permit a trade school, such as automobile repair, in the Professional Office district, but that any type of trade school could operate in the Industrial Park district without adversely affecting neighboring land uses.

ENVIRONMENTAL REVIEW:

The proposed ordinance serves to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed ordinance is an implementation measure of the policies, goals and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no

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APPROPRIATED/FUNDED N/A

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additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

- RECOMMENDATION: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the draft ordinance; and
 2. Waive further reading and order the Ordinance to print.

ATTACHMENT: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT
ORDINANCE TO AMEND THE DEFINITION OF COMMERCIAL ENTERTAINMENT
USES AND ADJUST THE ZONE DISTRICTS WITHIN WHICH COMMERCIAL
ENTERTAINMENT AND TRADE SCHOOLS ARE ALLOWED

WHEREAS: On October 7, 2014, the City Council at its regularly scheduled meeting, held a public hearing to consider an amendment to the Porterville Development Ordinance;

WHEREAS: The proposed text amendment was discussed at a Project Review Committee meeting on September 24, 2014, where staff expressed no concerns with the proposal; and

WHEREAS: The Zoning Administrator determined the proposal complied with Chapter 608 Amendments to Zoning Map and Text of the Porterville Development Ordinance and determined the application to be complete; and

WHEREAS: Based on analysis conducted regarding trade schools and their potential effect on adjacent properties, the Council made the following finding in support of the text amendment: trade schools vary greatly in use intensity and type, but through a Conditional Use Permit process, the City of Porterville could establish and enforce conditions of approval to insure that the design and operations of a trade school would not have a significant effect on adjacent properties or the remainder of the community within the CR (Retail Centers) and PO (Professional Office) zone districts; and

WHEREAS: Pursuant to State and local environmental regulations, the proposed ordinance serves to provide greater clarity to uses as identified in the Porterville 2030 General Plan, and the proposed ordinance is an implementation measure of the policies, goals and objectives of the Plan. The Environmental Coordinator made a determination on the basis of substantial evidence that no additional environmental review is necessary beyond the environmental review already considered for the General Plan and the Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby adopt Ordinance No. _____ amending the Porterville Municipal Code to amend the definition of Commercial Entertainment uses and adjust the zone districts within which Commercial Entertainment and Trade Schools are allowed, as follows:

SECTION 1:

1. Amend Table 203.02 LAND USE REGULATIONS - COMMERCIAL DISTRICTS to add as follows:

Public and Semi-Public Uses					
Use Classification	CN	CR	CG	CMX	Additional Regulations
Colleges and Trade Schools, Public or Private	-	<u>-C</u>	C	C	

**ATTACHMENT
ITEM NO. 1**

2. Amend Table 204.02 LAND USE REGULATIONS – EMPLOYMENT DISTRICTS to add as follows:

Public and Semi-Public Uses					
Use Classifications	PO	IP	IG	IA	Additional Regulations
Colleges and Trade Schools, Public or Private	<u>P</u> <u>C</u>	<u>€</u> <u>P</u>	-	-	

3. Amend Section 701.02 to modify the following definitions:

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public.

Large-scale. This classification includes large outdoor facilities such as amusement and theme parks, casinos, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with ~~more than ten thousand (10,000)~~ fifty thousand (50,000) square feet or more in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; riding stables; campgrounds; stables, etc. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small-scale. This classification includes ~~small, generally~~ indoor facilities that occupy less than ~~ten thousand (10,000)~~ fifty thousand (50,000) square feet of building area, such as billiard parlors, card rooms, health clubs, fitness centers, gymnasiums, handball, racquetball; ice or roller skating rinks; swimming or wave pools; miniature golf courses, bowling alleys, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

SECTION 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 7th day of October, 2014.

By: _____
Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk