

# FIREBAUGH CITY COUNCIL

## STAFF REPORT

**Date:** September 19, 2016  
**To:** Firebaugh City Council  
**From:** Karl Schoettler, Planning Consultant  
**Subject:** Public Hearing for Adoption of the Comprehensive Zoning Ordinance Update and environmental finding

### Summary/Recommendation

The hearing is for adoption of the new comprehensive Zoning Ordinance Update. The Planning Commission has been working and reviewing individual chapters of the new zoning ordinance over the past several years and voted to recommend adoption of the new Ordinance on July 11, 2016. The Planning Commission also voted to recommend adoption of an environmental analysis and finding (a Negative Declaration) for the project. My recommendation is that City Council take the following actions:

1. Ask for the City Planner to deliver the staff report;
2. Ask any questions of staff regarding the action;
3. Open the public hearing for comments; Close the public hearing; Ask for any additional Commission discussion and questions;
4. Ask for a motion for action on the project. Staff and the Planning Commission is recommending the City Council approve the new Zoning Ordinance by adopting:
  - Resolution 16-35 (to adopt a Negative Declaration as the environmental finding)
  - Ordinance 16-05 (to adopt the new Zoning Ordinance). Recommendation is that City Council waive the first reading and introduce the ordinance by title only.

### Discussion/Analysis

The City Planner (working with the Planning Commission) has prepared a comprehensive update of the Firebaugh Zoning Ordinance that is now ready for adoption. This report summarizes what is contained within the new Zoning Ordinance along with individual chapters, and changes and improvements from the City's existing Zoning Ordinance. The updated Zoning Ordinance is also attached, to Ordinance 16-05. The following is a summary of key issues associated with the Zoning Ordinance update.

### What Is the Zoning Ordinance?

The Zoning Ordinance is that portion of the Firebaugh Municipal Code that regulates the development of land. Firebaugh is divided into various zones (e.g. residential, commercial, industrial, public and open space, etc.) and the zoning ordinance establishes lists of permitted uses and development standards for each zone. Development standards in each zone typically address the following issues:

- Minimum lot size and dimensions
- Setback (yard) requirements
- Building height
- Lot Coverage
- Parking
- Landscaping
- Fencing
- Signs

The ordinance also identifies permit and processing requirements for all types of development that is proposed in the City.

### **Why Is the Zoning Ordinance Being Updated?**

The 2030 Firebaugh General Plan includes an action plan calling for the City to update the ordinance. Much of the current Zoning Ordinance is 30+ years old and has a number of standards that are out of date. The updated ordinance is designed to achieve a number of objectives, including:

- Ensuring the ordinance is legally sound and consistent with State zoning laws;
- Incorporating smart-growth and form-based zoning standards and mechanisms to make future neighborhoods more walkable and livable;
- Clarifying and simplifying complicated planning permit processes;
- Revising, updating and clarifying permitted use lists in each zone district;
- Updating definitions and terminology;
- Eliminate unused zone districts, such as R-2-A and R-3-A, etc.;
- Updating and clarifying standards pertaining to specific issues like fencing, parking, landscaping, accessory uses and structures, etc.;
- Making the Ordinance more user-friendly through the addition of graphic illustrations of complex zoning standards, as well as providing flow charts for permit processes;
- Establishing an up-to-date and legally-sound adult businesses ordinance;
- Eliminating unneeded and repetitious sections of the Zoning Ordinance;
- Incorporating requirements of the recently adopted Housing Element;
- Correcting other problem issues identified by staff, Commission, etc.
- Improving formatting for better readability

### **What Changes Are Included in the Updated Zoning Ordinance?**

Attachment “A” lists each chapter in the updated Zoning Ordinance along with a brief summary of changes and improvements that are proposed (versus the existing Zoning Ordinance).

### **Are Any Zones Being Added and Deleted?**

The updated ordinance proposes to add the following zones:

**R-1 (TN).** This is the “Traditional Single Family Residential” Zone (Chapter 17). As noted in Attachment “A”, this zone is optional for future residential subdivisions and is intended to facilitate the development of attractive, walkable neighborhoods.

The updated ordinance proposes to delete the following zones:

**R-2-A:** This zone is the Low Density Multi Family Residential (one story) zone. This zone allows low-density multi-family development limited to a single story. This zone has never been used and is not applied to any parcels in Firebaugh.

**R-3-A:** This zone is the Medium Density Multi Family Residential (one story) zone. This zone allows, medium density, multi-family development limited to a single story. This zone has never been used and is not applied to any parcels in Firebaugh.

### **What Has Been the Planning Commission’s Involvement in the Zoning Ordinance Update?**

The City Planner has been conducting public workshops with the Planning Commission on updating the Zoning Ordinance since 2011. Originally, the update was planned to take 2 to 3 years but the recession caused work to be suspended in 2012. Work was resumed about a year and a half later. The original purpose of spreading the work out over time was to reduce the cost to the City and allow the Planning Commission to fully digest and understand the zoning concepts being considered.

The Commission conducted approximately 20 public workshops to review concepts and draft chapters of the ordinance. Among other activities, the Commission also took a Visual Preference Survey to determine “likes” and “dislikes” of the design of various types of development. For each type of development two images were shown and the Commissioners were asked to rate each image on a scale of 0 to 10, with “0” being a negative image and 10 being a positive image. A summary of the results of this survey are included in Attachment “B”. The Commission also watched several videos about urban design and zoning issues.

### **What About Environmental Review?**

The City Planner has also prepared an analysis of potential environmental impacts of the Zoning Ordinance Update, as required by CEQA (California Environmental Quality Act). The analysis concluded that the Update would have no significant impacts on the environment. This is primarily because the update only regulates future development – it does not propose development or cause development to occur. In response to this conclusion, the study recommends the City adopt a Negative Declaration as the environmental finding for the Update.

The environmental study and Zoning Ordinance update were circulated for review to potentially affect public agencies and the general public for 20 days. The only comment received was from Caltrans – they are encouraging the City to promote new development that is walkable and designed to accommodate multiple forms of transportation (bicycling, transit, walking, autos, etc.).

### **Planning Commission Hearing**

As noted previously the Planning Commission conducted a public hearing on July 11, 2016 for adoption of the new Zoning Ordinance and the environmental analysis and voted to recommend approval of both.

### **Conclusion**

Recommendation to City Council is to conduct a public hearing and vote to adopt both the Zoning Ordinance Update and the Negative Declaration (as the environmental finding) by taking the following actions:

- Adopt Resolution 2016-35 (for adoption of the Negative Declaration)
- Waive the first reading and introduce by title only Ordinance 16-05 amending the Firebaugh Municipal Code by rescinding the existing Chapter 25 and replacing it with a new Chapter 25.

### **ATTACHMENTS**

- Attachment “A”: Summary of proposed chapters and zones
- Attachment “B”: Visual Preference Survey summary
- Resolution 2016-35 (for adoption of the Negative Declaration)
- Ordinance 16-05 (for adoption of the new Zoning Ordinance)

**Attachment “A”**  
**Summary of Proposed Zoning Chapters and Improvements/Changes**

The following is a summary of each chapter in the proposed new Zoning Ordinance along with significant changes, improvements and features.

Ch. 1. The Zoning Ordinance. This chapter establishes the purpose of the Zoning Ordinance.

Proposed Changes & Key Features: This chapter simplifies language and includes a graphic.

Ch. 2. General Provisions. This chapter establishes basic requirements pertaining to the ordinance, including authority, minimum standards, classification of uses, interpretation and fees and charges, among others.

Proposed Changes & Key Features: This chapter simplifies language, clarifies requirements and includes a graphic.

Ch. 3. Administration. This chapter establishes authority for administering the Zoning Ordinance.

Proposed Changes & Key Features: This chapter clarifies administration responsibilities in one place and includes a graphic.

Ch. 5. Public Hearings. The chapter establishes procedures for the conduct of public hearings.

Proposed Changes & Key Features: This chapter simplifies and clarifies the process for public hearings - in one place (one chapter) and includes a graphic.

Ch. 6. Appeals. This chapter establishes procedures for individuals who wish to appeal a decision of the Planning Commission or City Planner.

Proposed Changes & Key Features: This chapter clarifies, in one place, the process for dissatisfied individuals to file an appeal and includes a graphic.

Ch. 9. Zoning Districts. This chapter establishes the complete list of zone districts that will apply to land within the city limits of Firebaugh.

Proposed Changes & Key Features: This chapter lists zone districts in one place and includes a graphic.

Ch. 15. R-1 (Conventional Single Family Residential) Zones. This chapter establishes permitted uses and zoning standards for the conventional single-family residential zones (R-1, R-1-5 and R-1-4.25).

Proposed Changes & Key Features: This chapter clarifies standards for the R-1 zones. Key changes/improvements include:

- Language is simplified and clarified.
- Permitted use list is updated
- Tables have been added to clarify standards
- The rear yard setback for the R-1 zone has been reduced from 20 feet to 10 feet. This will allow more residents to install patio covers.
- Graphics have been added to illustrate standards pertaining to lot size and dimensions, setbacks, fencing and conservation
- New formatting has improved readability of standards

Ch. 17 R-1 (TN) (Traditional Single Family Residential Zones). This “new” chapter establishes permitted uses and zoning standards for a new “Traditional” single-family residential zone. This zone is optional (can be requested by a developer for a new subdivision) and development will be required to implement various “smart growth” design mechanisms, such as homes with prominent front porches, garages set back behind the front plane of the house, traditional/historic architectural styles and other techniques.

Proposed Changes & Key Features: Key features include:

- New standards have been created to facilitate homes with prominent front porches and the garage set at the front plane of the dwelling.
- Language is simplified and clarified.
- Tables are provided to clarify standards.
- Architectural design guidelines have been established
- Graphics have been added to illustrate standards pertaining to lot size and dimensions, setbacks, fencing and conservation

Ch. 19 R-2 and R-3 Zones (Multiple Family Residential). This chapter establishes permitted uses and zoning standards for Firebaugh’s two multi family residential zones (R-2 and R-3). The chapter also includes design guidelines that will guide the character and appearance of new multi family development.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- Permitted use lists are updated
- Tables have been added to clarify standards
- A graphic matrix illustrates standards for density, lot width and depth, building height, lot coverage, setbacks and fencing.
- Design guidelines have been established to improve the appearance and function of future multi family residential projects.

Ch. 21 C-1 Zone (Neighborhood Commercial). This chapter establishes permitted uses and zoning standards for the neighborhood commercial zone. The neighborhood commercial zone is generally intended to be applied to locations in or nearby residential areas, to serve the daily needs of residents.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- The permitted and conditional use lists are updated, including allowing mixed uses (residential and commercial in the same building, subject to special design standards).
- Graphics have been added to illustrate standards pertaining to lot size and dimensions and setbacks.

Ch. 23 C-2 Zone (Central Commercial). This chapter establishes permitted uses and zoning standards for the central commercial zone. This zone is typically applied to parcels within Firebaugh’s downtown area.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- The permitted and conditional use lists are updated, including allowing mixed uses

- New setback standards have been established to require new development to better “fit” the existing development pattern of downtown – particularly which new buildings will be set forward on the lot with parking lots to the rear or side.
- Graphics have been added to illustrate standards pertaining to building and parking location.
- Design guidelines have been established to improve the quality of design and function.

Ch. 25 C-3 Zone (General Commercial). This chapter establishes permitted uses and zoning standards for the general commercial zone. This zone applies to many parcels along Highway 33.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- The permitted and conditional use lists have been updated, including allowing mixed uses
- Graphics have been added to illustrate standards pertaining to lot size and dimensions, setbacks and fencing.

Ch. 27 Commercial Development Design Guidelines. This “new” chapter establishes design guidelines that will be applied to all future commercial development that occurs in Firebaugh. The design guidelines supplement basic zoning standards (setbacks, etc.) within each commercial zone. The goal is to provide guidelines to work with developers to improve the quality of commercial design of future projects.

Ch. 29 Industrial Zones (M-1 and M-2). This chapter establishes permitted uses and zoning standards for Firebaugh’s two industrial zones (M-1: Light Manufacturing) and M-2: Heavy Manufacturing). The chapter also includes design guidelines that will be applied to future industrial development, to improve the quality of development.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- The permitted and conditional use lists are updated and contained in a side-by-side list for ease of use.
- Graphics have been added to illustrate standards pertaining to lot size and dimensions, setbacks, and fencing.
- Design guidelines have been added.

Ch. 31 O Zone (Open Space). This chapter establishes permitted uses and development standards for the open space zone. This zone is typically applied to parks and other open space areas of the community.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- The permitted and conditional use lists are updated
- A graphic has been added to illustrate standards pertaining to lot size and dimensions, setbacks, and fencing

Ch. 33 G Zone (Government). This chapter establishes permitted uses and zoning standards for the government zone. This zone is typically applied to land that includes government facilities such as City Hall, the wastewater treatment plant, schools and similar public uses.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- The permitted and conditional use lists are updated
- A graphic has been added to illustrate standards pertaining to lot size and dimensions, setbacks, and fencing.

Ch. 35 UR Zone (Urban Reserve). This chapter establishes permitted uses and zoning standards for the urban reserve zone. This zone is typically applied to agricultural and open space lands on the periphery of the community that are not yet needed for urban development.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- The permitted and conditional use lists are updated
- A graphic has been added to illustrate standards pertaining to lot size and dimensions, setbacks, and fencing

Ch. 37 MHP (Residential Mobile home Park) zone. This chapter establishes permitted uses and zoning standards for mobile home developments in Firebaugh.

Proposed Changes & Key Features: Key changes/improvements include:

- The name of this zone is being changed from “TP” (Trailer Park) to “MHP” (Mobile Home Park).
- Language is simplified and clarified.
- The permitted and conditional use lists are updated
- A graphic has been added to illustrate standards pertaining to lot size and dimensions, setbacks, and fencing.

Ch. 39 PD Zone (Planned Development Overlay). This chapter establishes standards for application of the Planned Development zone to parcels in Firebaugh. The Planned Development zone allows flexibility with respect to zoning standards as long as the resulting project is superior to what could be achieved under conventional zoning standards.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.

Ch. 41 Special Uses. This new chapter establishes additional zoning standards, uses that may have unusual characteristics and the potential for pronounced impacts on their surroundings. These uses include:

- Home Occupations
- Mixed Uses
- Service Stations
- Temporary Uses
- Caretaker Facilities
- Temporary Modular Structures
- Recycling/Buyback Centers
- Second Residential Units
- Wireless Telecommunication Equipment
- Adult Entertainment Uses
- Outdoor Storage Yards

Proposed Changes & Key Features: This is a new chapter and establishes special standards for certain key uses that may impact the neighborhood in which they are located.

- Ch. 43 Landscaping, Irrigation and Grading. This chapter establishes standards for landscaping, and irrigation, which also incorporates standards of the State's water efficient landscape ordinance, which promotes efficient water use with respect to landscape design.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- The State's model water efficient ordinance requirements are incorporated into the ordinance.

- Ch. 45 Parking and Loading. This chapter establishes standards for the design of parking and loading facilities associated with future development.

Proposed Changes & Key Features: Key changes/improvements include:

- Parking requirements (by use) have been updated, clarified and simplified.
- Graphics have been added to illustrate the design of parking lots, handicap parking and parking lot landscaping.

- Ch. 47 Signs. This chapter establishes standards for the design of signs and advertising structures associated with future development. This chapter is not being updated, since it was adopted by the City Council in 2010.

- Ch. 49 Zoning Ordinance Amendments. This chapter establishes procedures for amendments to the Zoning Ordinance, including changes to zoning text and the zoning map.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- A flow chart has been added to illustrate the zone change process.

- Ch. 51 Conditional Use Permits. This chapter establishes requirements for the processing of uses that require a Conditional Use Permit. Uses that require a Conditional Use Permit are identified in each zone district.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- A flow chart has been added to illustrate the Conditional Use Permit process.

- Ch. 53 Site Plan and Design Review. This chapter establishes requirements for the processing of uses that require Site Plan Review.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- A flow chart has been added to illustrate the Site Plan Review process.



Ch. 55 Variances, Minor Deviations and Reasonable Accommodations. This chapter establishes requirements for the processing of Variances, Minor Deviations and Reasonable Accommodations requests. Variances and Minor Deviations are required when an applicant wishes to deviate from the minimum (or maximum) zoning requirements for a particular project, such as setbacks, lot coverage, building height and parking, among others. Reasonable Accommodations is a type of permit available to those developing housing (or remodeling existing housing) for handicapped individuals that would otherwise require a Variance or Minor Deviation. Approval of Variances, Minor Deviations and Reasonable Accommodations is only possible if certain findings can be made about the request – that adhering to the standard causes an undue hardship for the applicant.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.
- A flow chart has been added to illustrate the Variance process.

Ch. 57 Development Agreements. This chapter establishes requirements and procedures for the approval of Development Agreements that stipulates requirements that pertain to certain types of development projects. Development Agreements are typically required for larger, more complex projects.

Proposed Changes & Key Features: Key changes/improvements include:

- Language is simplified and clarified.

Ch. 61 Non-Conforming Uses and Structures. This chapter establishes standards and procedures that apply to non-conforming uses and structures (which are uses and structures that do not conform to current zoning standards). These are most often uses and structures that were established many years ago. Typically, such uses and structures may continue to exist but may not expand or intensify, unless the expansion does not, further the degree of non-conformity. A common example is a house in a commercial zone.

Proposed Changes & Key Features: Key changes/improvements include:

- These standards now have their own chapter.
- Language is simplified and clarified.

Ch. 63 Enforcement. This chapter establishes procedures and standards for enforcement of the Zoning Ordinance.

Proposed Changes & Key Features: Key changes/improvements include:

- These standards now have their own chapter. The existing zoning ordinance is nearly silent on the issue of enforcement
- To avoid repetition this chapter refers to existing enforcement procedures within Chapter 16.5 of the Municipal Code. That is the "Public Nuisance Abatement" chapter.

Ch. 67 Definitions. This chapter establishes definitions of terminology used in the zoning ordinance.

Proposed Changes & Key Features: Key changes/improvements include:

- Definitions have been updated to be consistent with State zoning laws
- Graphics have been added to illustrate key terms, including lot types, sign definitions, sign area measurement, lot width and depth, and yard types.
- Outdated definitions have been deleted. New definitions have been added, as needed.