



AGENDA
REGULAR MEETING
CHOWCHILLA PLANNING COMMISSION MEETING

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

June 20, 2018 | 7:00 PM

Agendas for all Planning Commission meetings are posted at least 72 hours prior to the meeting at the Civic Center, 130 S. Second St., Written communications from the public for the agenda must be received by Administrative Services no less than 7 days prior to the meeting date.

Any writing or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter. In addition, most documents will be posted on the city website at www.cityofchowchilla.org.

The City of Chowchilla complies with the Americans with Disabilities Act (ADA of 1990). The Council Chambers is accessible to the physically disabled. If you need special assistance, please call (559) 665-8615, ext. 410 at least 4 days prior to the meeting.

CALL TO ORDER

ROLL CALL

Chairman: Wayne Chapman

Vice Chair: Nina Zarucchi-Mize

Commissioners: Michael Barberi, Rhonda Cargill, Marlene Holst, Matthew Watson, Spy Vander Dussen

City staff and contract employees present at the meeting will be noted in the minutes

PLEDGE OF ALLEGIANCE:

CEREMONIAL / PRESENTATIONS – Section 1

NONE

PUBLIC ADDRESS

This time is reserved for members of the audience to address the Planning Commission on items of interest that are not on the Agenda and that are within the subject matter jurisdiction of the Planning Commission.

It is recommended that speakers limit their comments to no more than 3 minutes each and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Planning Commission on items on the Agenda should notify the Chairman when that Agenda item is called.

The Planning Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. No adverse conclusions should be drawn if the Planning Commission does not respond to public comment at this time.

Speakers are asked to please use the microphone, and provide their name and address for the record. Prior to addressing the Planning Commission, any handouts are to be provided to Planning Secretary who will distribute them to the Planning Commission and the appropriate staff.

STAFF REPORTS – Section 2

2.1 STAFF REPORTS
Written/Oral Reports

CONSENT CALENDAR – Section 3

All items listed under Consent Calendar are considered to be routine and will be enacted by one motion. For discussion of any Consent Item, it will be made a part of the Regular Agenda at the request of any member of the Planning Commission or any person in the audience.

3.1 Approval of the May 16, 2018 Planning Commission Minutes (Hicks)

PUBLIC HEARINGS – Section 4

NONE

DEFERRED BUSINESS – Section 5

NONE

NEW BUSINESS – Section 6

6.1 Workshop #5: Zoning and Subdivision Ordinance Update:
Nonconforming Uses, Definition of Uses, Overlay Districts, Density Bonus, and Signs

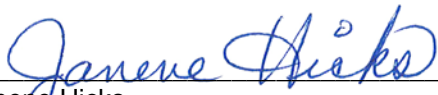
ANNOUNCEMENTS – Section 7

❖ Next Planning Commission Meeting is scheduled for July 18, 2018.

ADJOURNMENT

PUBLIC NOTIFICATION

I, Janene Hicks, Planning Secretary for the City of Chowchilla, declare under penalty of perjury that I posted the above Planning Commission Agenda for the meeting of June 20, 2018 at the Chowchilla Civic Center, 130 S Second Street on/or before 5:00p.m. June 15, 2018.



Janene Hicks
Planning Secretary



MINUTES
REGULAR MEETING
CHOWCHILLA PLANNING COMMISSION MEETING

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

May 16, 2018

CALL TO ORDER – 7:00PM

ROLL CALL:

Chairman: Wayne Chapman
Vice Chair: Nina Zarucchi-Mize
Commissioners: Marlene Holst, Syp Vander Dussen

Community & Economic Development Director, David Hanham; Contract Planner, Annalisa Perea; Steve Brandt, QK; Planning Secretary/Deputy City Clerk, Janene Hicks; Director of Public Works, Jason Rogers

ABSENT: Michael Barberi, Rhonda Cargill and Matthew Watson

PLEDGE OF ALLEGIANCE: Chair Chapman

CEREMONIAL / PRESENTATIONS – Section 1

NONE

PUBLIC ADDRESS

NONE

STAFF REPORTS – Section 2

2.1 STAFF REPORTS
Written/Oral Reports

CONSENT CALENDAR – Section 3

3.1 Approval of the April 16, 2018 Planning Commission Minutes (Hicks)

Motion by Nina Zarucchi-Mize, second by Marlene Holst to approve the consent calendar as presented with Commissioners Barberi, Cargill and Watson absent. Motion approved by voice vote.

PUBLIC HEARINGS – Section 4**4.1 Chowchilla Industrial Specific Plan – Consideration of formal acceptance of the Plan**

Contract Planner Annalisa Perea and Steve Brandt QK presented staff report and power point presentation.

Public Hearing opened

Spoke
Alfreda Smith

Public Hearing closed

Motion by Vice Chair Nina Zarucchi-Mize to formally accept the Chowchilla Industrial Specific Plan to go before the City Council for formal acceptance, second by Commissioner Marlene Holst, motion was approved by roll call vote with Commissioners Barberi, Cargill and Watson absent.

DEFERRED BUSINESS – Section 5

NONE

NEW BUSINESS – Section 6**6.1 Workshop #4: Zoning and Subdivision Ordinance Update**

Contract Planner Annalisa Perea along with Steve Brandt, QK presented the zoning and subdivision ordinance update.

ANNOUNCEMENTS – Section 7

❖ Next Planning Commission Meeting is scheduled for June 20, 2018.

ADJOURNMENT

Motion by Commissioner Vander Dussen, second by Vice-Chair Zarucchi-Mize to adjourn the Planning Commission Meeting at 7:45p.m. Motion passed with Commissioners Barberi, Cargill and Watson absent. Motion passed by voice vote.

ATTEST:

Janene Hicks
Planning Secretary/Deputy City Clerk

Chair



REPORT TO THE PLANNING COMMISSION

June 20, 2018

AGENDA SECTION: New Item

SUBJECT: **Workshop #5: Zoning and Subdivision Ordinance Update:**
Nonconforming Uses, Definition of Uses, Overlay Districts, Density Bonus, and Signs

PREPARED BY: Annalisa Perea, AICP, Contract City Planner

ATTACHMENTS: Workshop #5 PowerPoint

REVIEWED BY CITY ADMINISTRATOR

REVIEWED BY ATTORNEY

REVIEWED BY DIRECTOR - COMMUNITY & ECONOMIC DEVELOPMENT

CONFLICT OF INTEREST:

None known

RECOMMENDATION:

That the Planning Commission consider the Workshop #5: “Nonconforming Uses, Definition of Uses, Overlay Districts, Density Bonus, and Signs” presentation, listen to any public comment, and engage in a meaningful discussion regarding this project.

BACKGROUND:

The City of Chowchilla’s (City) Zoning Ordinance of the Chowchilla Municipal Code (Title 18) has never experienced a comprehensive update since its inception back in 1979 and has only undergone piecemeal changes over time. Additionally, the Subdivision Ordinance (Title 17) has experienced little change since its inception. Its primary function is to ensure that land divisions comply with the Subdivision Map Act of the State of California. Most amendments have been for impact fee program updates and program revisions. The update process will be applied simultaneously to both the Subdivision Ordinance and the Zoning Ordinance. The primary intent is to bring both documents current, without fundamentally changing their structure or format. The primary objectives will be that:

1. The Zoning Ordinance update will be made consistent with the current GPU (including the Housing Element), accommodate the new zoning districts outlined within the GPU, and will incorporate new State requirements and any other changes that may be desired by the Planning Division and Public. General Provisions, Zoning Uses, and Performance Standards will be analyzed and refined, as necessary;

2. The Subdivision Ordinance update will be made consistent with the current Subdivision Map Act, as well as with any issues, practices, and updates recommended by the Planning Division.

Workshop #5 will focus on Nonconforming Uses, Overlay Districts, Density Bonus, and Signs. The presentation will go over each topic and will allow for community members and the Planning Commission to provide input on these proposed sections of the code.

As a recap, the following public outreach workshops have preceded Workshop #5:

- **Workshop #1:** Introduction to the Zoning & Subdivision Ordinance Update Process;
- **Workshop #2:** Zone Districts & Use Matrix Table;
- **Developers Breakfast:** An opportunity to meet with real estate agents and local developers to discuss local standards and other city-wide issues;
- **Workshop #3:** Zoning Map & Design Standards;
- **Workshop #4:** Special Uses.

REASON FOR RECOMMENDATION:

The updated Zoning and Subdivision Ordinances will result in practical, useable, and workable standards for the City Council, the Planning Commission, the Public and City Staff. Planning Commission and community involvement will be critical to ensure a successful process.

FISCAL IMPACT:

None.



City of Chowchilla
Zoning Ordinance Update

Planning Commission Meeting
June 20, 2018



Tonight's Agenda

1. Nonconforming Uses
2. Definition of Uses
3. Overlay Districts
4. Density Bonuses
5. Signs

Components of a Zoning Ordinance

Uses of Land	Design of Land and Buildings	Procedures
Zone Districts	Lot Sizes	Conditional Use Permits
Allowed Uses	Building Setbacks	Temporary Use Permits
Conditional Uses	Building Height	Variances & Exceptions
Temporary Uses	Fences and Walls	Zone Changes
Nonconforming Uses	Off-Street Parking	Site Plan Review
Definitions of Uses	Landscaping	Enforcement
Overlay Districts	Density Bonuses	General Plan Amendments
ZONING MAP	Signs	PUD's

Nonconforming Uses

Chapter 18.90

Describes the rules for uses and buildings that complied with the Zoning Ordinance when they were built or established, but do not comply with today's Ordinance

Uses – wrong use in the zone district

Buildings – wrong setbacks, height

Lots – wrong size or shape

Annexation – was legal in the County, but not legal in the City



Nonconforming Uses

Chapter 18.90

Intensity may not increase. This includes agriculture and animal raising.

Nonconforming uses remain legal unless:

- Use has been abandoned for 6 months
- More than 75% of building in demolished for destroyed

Allowed to apply for a conditional use permit to:

- Increase size up to 10%
- Rebuild after demolition within 1 year



Definitions of Land Uses

Chapter 18.96

Each use listed in the Zone Use Tables is defined in this chapter. Land uses are listed alphabetically.

Following the definition, the line number of the table is listed to allow for easy cross reference.

“Brewery, winery, or distillery” is an establishment that manufactures beer, wine, distilled spirits or similar alcoholic beverages, including processing, storage, aging, packaging, bottling, and shipping. Consumption can occur on or off the site in accordance with the establishment’s ABC license restrictions and can include tasting facilities and/or a restaurant. This use typically requires an ABC Type 01, 02, 03, or 04 license. (D4)

“Brewpub” means a restaurant that also brews limited amounts of beer (less than 5,000 barrels) for consumption on the site. This use typically requires an ABC Type 75 license. (B3)

“Building materials and supply or home improvement store” means an establishment selling a mix of lumber, building materials, tools, residential appliances, nursery items, and home furnishings. (I7)

“Bus, transit, or train station” means a terminal facility where transit vehicles load or unload passengers, along with supporting services such as ticket sales and waiting areas. Bus, transit, or train station does not include a transit stop along a route in the public right-of-way where no additional services are provided. (K2)

Business school. See School, charter, trade, vocational, art, business, or professional. (C13)

	Eating and Drinking Establishment Uses								
B1	Artisan food and beverage production and sales	P	P	P	P	P			P
B2	Bar, nightclub, or lounge		C	C	C	C			
B3	Brewpub	C	P	C	P	P			
B4	Microbrewery		P	C	P	C			C
B5	Restaurant, full service	P	P	P	P	P			



Overlay Zones

Chapters 18.40 and 18.42

Overlay zones act just how they sound. They lay on top of the base zone district and provide additional regulation because of a special circumstance.

Two overlay zones:

Airport Overlay Zone – additional protection for the airport

Specific Plan Overlay Zone – allows specific plans to add to or override the Zoning Ordinance

Density Bonuses

Chapter 18.58

State law requires all zoning ordinances to include density bonus provisions.

If a certain amount of low-income housing is provided, the developer may claim the right to build at a higher density than would otherwise be allowed in the zone.

The City and the developer would sign a written agreement spelling out each parties' responsibilities. The City would agree to allow higher density and the developer would agree to provide a specified number of affordable houses that would be required to remain affordable for a specified period of somewhere between 10 and 30 years.

Signs

REED V. TOWN OF GILBERT 9-0 decision

U.S. Supreme Court, June 18, 2015

135 S.Ct. 2218, 192 L.Ed.2d 236, 83 USLW 4444

- Sign Ordinances must not violate the provisions of the First Amendment's Free Speech clause.
- Governments **cannot** regulate the content of speech, including signs that contain speech, but they **can** regulate the time, place, and manner of that speech.
- If you have to read the sign in order to determine how to regulate it, then the regulation is probably content-based.



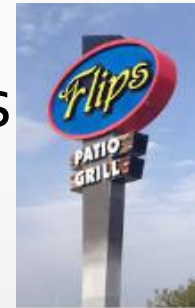
Signs

4 types of signs

Building signs



Freestanding signs



Temporary building signs



Temporary freestanding signs

