

## ORDINANCE NO. 719

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING THE CALISTOGA MUNICIPAL CODE TO RESCIND AND REPLACE MUNICIPAL CODE CHAPTER 17.24, PD PLANNED DEVELOPMENT ZONING DISTRICT, ARTICLE 1 (ZOA 2015-3)

**WHEREAS**, the PD Planned Development Zoning District was established in order to allow flexibility in design and the approval of desirable departures from the strict application of certain zoning district regulations for appropriate projects; and

**WHEREAS**, amendments to Article 1 of Chapter 17.24 are required because several of the Article's provisions or omissions have proven to be problematic, including the requirement for both a preliminary and a final development plan, the lack of application requirements, the lack of findings for approval, the one-year length of approval, the lack of an approval extension process and the automatic revocation of the approval after one year; and

**WHEREAS**, CMC Section 17.40.070(10) refers to a definition in CMC Section 17.04.597, which was repealed by Ordinance 714 and the reference therefore needs to be deleted; and

**WHEREAS**, the Planning Commission reviewed the proposed Code amendment at a public hearing on October 28, 2015, and after considering the public record, including the staff report and findings, adopted PC Resolution 2015-26 forwarding a recommendation that the City Council approve the proposed Code amendment; and

**WHEREAS**, the proposed amendment is not subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

**WHEREAS**, the City Council of the City of Calistoga reviewed and considered this ordinance at a public hearing on October 20, 2015, noticed in accordance with state and local law, and which included the written and oral staff report, the Planning Commission's recommendation and comments received from the general public and interested agencies and parties.

**NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:**

#### **SECTION ONE**

Findings. The above recitals are incorporated herein as if set forth herein in full and each is relied upon independently by the City Council for its adoption of this ordinance.

#### **SECTION TWO**

Article 1 of CMC Chapter 17.24 Planned Development District is hereby rescinded and replaced with the following:

## Article I. General Provisions

### Sections:

- 17.24.010 Purpose.
- 17.24.020 Base and combining districts.
- 17.24.030 Uses permitted.
- 17.24.040 Allowed variations from standards.
- 17.24.050 Application requirements
- 17.24.060 Review of proposed PD District.
- 17.24.070 Modifications to development plan
- 17.24.080 Approval period and extensions.
- 17.24.090 Termination of PD Districts.

### 17.24.010 Purpose.

The purpose of the Planned Development District is to provide locations for well-planned developments that conform with the General Plan. The planned development provisions are intended to combine General Plan compliance with good zoning practices while allowing certain desirable departures from the strict application of individual zoning district regulations.

### 17.24.020 Base and combining PD districts.

- A. A PD may be established as a base district or as a combining district. When used as a combining district, the PD designation may be combined with any base zoning district.
- B. A combined planned development district shall be designated by the letters PD following the base district designation. A base district shall be designated by PD and the number of the planned development district.

### 17.24.030 Uses permitted.

A planned development may include a multiplicity of land uses, provided as follows.

- A. In the case of a PD combining district, such uses would normally be permitted by the base zoning district.
- B. In the case of a PD base district, such uses are allowed by the applicable General Plan land use designation(s) and policies.

### 17.24.040 Allowed variations from standards.

- A. In approving a development plan associated with a PD combining district, the Planning Commission and City Council may require or allow variations from development standards for the district with which it is combined such as building height, lot coverage, parking, landscaping and lot sizes and dimensions.
- B. Standards for lot area and dimensions, coverage, yards, building heights, landscaping and parking for uses in a PD base district shall be the standards of the zoning district governing uses most similar

in nature and function to the uses proposed in the PD district. Exceptions to these standards may be allowed by the Planning Commission and the City Council when it can be demonstrated that such modified standards would result in more desirable development and are warranted in terms of the relationship of the total proposed development or units thereof in the General Plan.

#### 17.24.050 Application requirements

An application for a PD District classification shall be accompanied by:

- A. A written and/or diagrammatic project description that provides sufficient information to evaluate the merits of the proposed reclassification.
- B. A site features map depicting the project site's existing topography, structures and natural features, including areas of significant vegetation, and properties within 300 feet of the site.
- C. A statement as to how the proposed project will comply with the City's Inclusionary Housing requirements, if ownership residences are proposed.
- D. In the case of a PD base district, proposed district regulations including:
  1. Principal permitted uses
  2. Accessory uses
  3. Uses permitted by conditional use permit
  4. Development standards
    - a. Minimum lot area
    - b. Minimum lot width and depth
    - c. Maximum density
    - d. Minimum setbacks for principal and accessory buildings, including yard setbacks from adjacent properties and between differing uses
    - e. Maximum building heights for principal and accessory buildings
    - f. Maximum lot coverage for structures
    - g. Accessory building requirements, including setbacks, height limits and location
    - h. Parking requirements
    - i. Design guidelines
    - k. Additional standards as determined by the Planning and Building Director
- E. In the case of a PD combining district, any proposed variations from the development standards of the base district with which it is being combined.

- F. A Development Plan that identifies the following:
  - 1. Proposed land uses by type, acreage, residential densities and non-residential uses, expressed in gross square footage of floor area
  - 2. The proposed circulation pattern, indicating both public and private vehicular and pedestrian ways, preliminary locations and widths of streets and alleys, and estimated traffic generation as it affects public streets within and adjacent to the project
  - 3. Site features that influence the development of the site
  - 4. A preliminary grading and drainage plan
  - 5. Preliminary elevations of proposed buildings and structures from major vantage points
  - 6. If a phased development, each phase shall be indicated including location, structures, infrastructure and timing.
  - 7. A statement of provisions for ultimate ownership and maintenance of all parts of the development, including streets, structures, hillside areas (if such exist) and open spaces.
  - 8. Any other information that the Planning and Building Director determines to be necessary to properly evaluate the project.
- G. The Planning and Building Director may waive any of the above required information items if, in their opinion, they are unnecessary or unreasonable under the circumstances.

17.24.060 Review of proposed PD District.

- A. The Planning Commission shall hold at least one public hearing on a proposed PD district, including all of its application materials. The Commission shall make a recommendation to the City Council that the PD District and its Development Plan be approved, approved in modified form, or denied.
- B. In recommending approval of an ordinance adopting a PD district, the Commission shall make the following findings:
  - 1. The PD district is consistent with the General Plan and with the purposes of the Zoning Code.
  - 2. The project will have a beneficial effect that could not be achieved under other zoning districts.
  - 3. Any variations from standard zoning development standards are warranted by the design and amenities incorporated in the project's Development Plan.
- C. The City Council shall hold at least one public hearing on a proposed PD district and its Development Plan after receipt of the Planning Commission's recommendation. In approving an

ordinance adopting a PD district, the Council shall make the same findings required for the Planning Commission.

- D. Approval by the Council of a planned development district shall constitute that body's approval of the associated Development Plan which shall be, by reference, incorporated into and become a part of the planned development district. The approved Development Plan shall govern all development on the site.
- E. Any planned development district shall be subject to all adopted conditions and shall be exempted from other provisions of this title only to the extent specified.

**17.24.070 Modifications to development plan.**

Modifications to an approved development plan shall be submitted for review and action by the Planning Commission, except that minor modifications that do not increase the project's approved density or change the approved uses may be approved by the Planning and Building Director.

**17.24.080 Approval period and extensions.**

- A. Development plan approval shall be valid for two years from the date of the Council's final action.
- B. The commencement of a development plan's first phase shall constitute initiation of the planned development project.
- C. A one-year time extension of a development plan's approval may be approved by the Planning Commission upon a finding that circumstances justify an extension. A longer time extension may be approved by the City Council.
- D. In the circumstance of combined and simultaneous filing with other applications with longer approval periods (i.e., subdivisions, development agreements) the approval of the development plan shall be extended to coincide with the longer term, but in no case shall the development plan be extended more than 10 years.

**17.24.090 Termination of PD Districts.**

If construction specified in a development plan has not commenced within two years after the establishment of a PD District and the approval of its Development Plan by the City Council, or following the expiration of any time extensions, the City Council may consider reclassifying all or part of the area to the original zoning district or other district(s) deemed appropriate by the Council.

**SECTION THREE**

CMC Section 17.40.070(10) is revised to read as follows:

10. *To receive a use permit, a finding shall be made that the proposed development or use would be resident serving. This finding shall only apply to formula businesses.*

#### **SECTION FOUR**

**Environmental Review.** This action has been reviewed in accordance with the California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the "general rule" exemption. The City has determined that because it can be seen with certainty that there is no possibility that the proposed amendment will have an impact on the environment, this ordinance is therefore exempt from CEQA under the general rule.

#### **SECTION FIVE**

**Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

#### **SECTION SIX**

**Effective Date.** This Ordinance shall take effect thirty (30) days after its passage and before the expiration of fifteen (15) days after its passage, shall be published in accordance with law, in a newspaper of general circulation published and circulated in the city of Calistoga.

THIS ORDINANCE was introduced with the first reading waived at the City of Calistoga City Council meeting of the **17th day of November, 2015**, and was passed and adopted at a regular meeting of the Calistoga City Council **on December 1, 2015**, by the following vote:

**AYES:** Vice Mayor Dunsford, Councilmembers Lopez-Ortega, Kraus and Barnes and Mayor Canning  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
Chris Canning, Mayor

**ATTEST:**

  
Kathy Flamson, City Clerk