

ORDINANCE 1236

AN ORDINANCE OF THE CITY OF TRACY AMENDING ARTICLES 13 (PLANNED UNIT DEVELOPMENT ZONE – PUD) AND 30 (DEVELOPMENT REVIEW) OF CHAPTER 10.08, ZONING REGULATIONS, OF THE TRACY MUNICIPAL CODE

WHEREAS, The City wishes to improve the development application process by streamlining regulations governing the reviews and approvals that must occur prior to the issuance of building permits; and

WHEREAS, The Planning Commission considered this Ordinance at a noticed public hearings held on March 22, 2017 and May 10, 2017 and recommended approval; and

WHEREAS, The City Council considered this Ordinance at a noticed public hearing held on July 5, 2017; and

WHEREAS, The City Council finds that this Ordinance is consistent with the Environmental Impact Report (EIR) that was prepared for the General Plan and certified on February 1, 2011. Therefore, no further environmental assessment is required pursuant to CEQA Guidelines Section 15183 because there will be no significant on or off-site impacts as a result of this Ordinance that were not already discussed in the General Plan EIR;

The City Council of the City of Tracy does ordain as follows:

SECTION 1: Article 13, Planned Unit Development Zone, of Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, is amended in its entirety to read as set forth in the attached Exhibit A.

SECTION 2: Article 30, Development Review, of Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, is amended in its entirety to read as set forth in the attached Exhibit A.

SECTION 3: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 4: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk’s office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov’t. Code §36933.)

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Ordinance 1236
Page 2

The foregoing Ordinance 1236 was introduced at a regular meeting of the Tracy City Council on the 5th day of July, 2017, and finally adopted on the 18th day of July, 2017, by the following vote:

AYES: COUNCIL MEMBERS: DEMENT, RANSOM, YOUNG, VARGAS, RICKMAN
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE

Signed By: Robert Rickman, Mayor
Attest: Nora Pimentel, City Clerk

Exhibit A
“Article 13, Planned Unit Development Zone (PUD)”

10.08.1760 – Purpose and Intent; Applicability (PUD).

(a) Purpose. The Planned Unit Development (PUD) Zone allows a single zoning district to combine a variety of uses, densities, and design characteristics. It applies to projects that:

- (1) are of substantial public benefit or are in furtherance of some City objective; and
- (2) have one or more of the following characteristics:
 - (i) common or public open space areas;
 - (ii) the maintenance of common spaces at the expense of those directly benefiting from it;
 - (iii) a mixture of uses;
 - (iv) a variety of housing types, and a mixture of densities and lot sizes in residential areas;
 - (v) preservation of natural amenities; and/or
 - (vi) creation of additional amenities.

It is not the purpose nor intent of the PUD Zoning simply to bypass standard zoning district regulations.

(b) Applicability. The specific regulations and the general rules set forth in this article apply in a PUD Zone. In case of a conflict, PUD Zone requirements supersede other zoning requirements.

10.08.1770 - Application.

(a) General. PUD zoning may be established consistent with Article 29, Amendments (section 10.08.3800 and following).

(b) Pre-application conferences. Before filing an application for PUD zoning, the prospective applicant must submit to the Development Services Department preliminary plans, sketches, and other basic site information as required by the Department, and consult with the Department as to the relation of the proposal to the General Plan, any applicable specific plan, and this Article 13.

(c) Application. An application for PUD zoning must be made in accordance with the provisions of Article 29. In addition to the standard requirements set forth on the City's application form, the application must include the following:

- (1) Written documents as follows:
 - (i) A legal description or assessor's parcel numbers and a map of the total site proposed for development, including a statement of the present ownership and zoning;
 - (ii) The proposed amenities and benefits to the public and/or the project that would not be attainable through traditional zoning. (See section 10.08.1760(a).) This includes a concise statement of one page or less describing these public benefits and a statement of the planning objectives to be achieved by the PUD zoning through the particular approach proposed, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
 - (iii) In narrative and diagrams, describe all land uses to be established in various areas and buildings of the district in detail sufficient to generally describe the proposed PUD Zone;
 - (iv) Quantitative data for the following: the total number and type of dwelling units; the parcel size; the proposed maximum lot coverage of structures; the approximate gross and net residential densities; the total amount of open space; the total amount of usable open space; the total amount of nonresidential construction; and other studies as may be required by the Development Services Director; and
- (2) Site plan and supporting maps are required when needed to support an assertion of public benefit under section 10.08.1760 (a), as follows:
 - (i) Architectural renderings of typical structures and improvements, including elevations. Such drawings shall be sufficient to relay the basic architectural intent of the proposed improvements but need not be encumbered with final details at this stage;
 - (ii) The tentative street and lot pattern;
 - (iii) The location and floor area size of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units, density per type, and nonresidential structures, including recreational and/or commercial facilities.
 - (iv) The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreation areas, school sites, and similar public and semi-public uses;
 - (v) The existing and proposed circulation system of arterial, collector, and

local streets, including off-street parking areas, service areas, loading areas, major points of access to public rights-of-way, and points of ingress and egress to the development;

(vi) The existing and proposed pedestrian walk areas, including their possible inter-relationships with the vehicular circulation plan;

(vii) The existing and proposed utility systems, including, but not limited to sanitary sewers, storm sewers, water, electric, gas, telephone, cable and internet lines;

(viii) A map of the PUD showing topography data indicating clearly the character of the terrain; the type, location, condition, and size of the trees or tree groups and other natural vegetation; other natural features; and the existing development to be retained;

(ix) A landscape plan indicating the quantity, size, and type of materials. An irrigation plan shall also be required;

(x) Sufficient information on land areas adjacent to the proposed PUD Zone to indicate the relationships between the proposed development and the existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape;

(xi) The proposed treatment of the perimeter of the PUD, including the materials and techniques used, such as screens, fences, walls, dedications and vehicle and pedestrian connection points;

(xii) For residential uses, a residential lot plan; and for commercial uses, a commercial site plan (including lots, driveways, buildings, parking, internal circulation patterns and access to public right of way). For residential development, the lotting plan must include lot sizes and locations, public streets, open space, parks, landscape features and other amenities; and

(xiii) Any additional information required by the City necessary to evaluate the character, impact, or proposed public benefit of the proposed PUD Zoning.

10.08.1780 Approval

(a) Approval. The Planning Commission and City Council will review the proposed PUD. If approved, the City Council will take the action by ordinance, which establishes the PUD zoning regulations for the area.

(b) Format and contents. The ordinance will set forth the basic elements of the PUD Zone, including:

- (1) Purpose and intent.
- (2) Permitted uses: a listing of all uses to be permitted within the district, or in specific locations within the district. Any use may be permitted in a PUD Zone as long as the use is in conformance with the General Plan and any applicable specific plan.
- (3) Conditional uses: a listing of uses to be conditionally allowed within the district or within specific locations within the district.
- (4) Site development regulations: the maximum or minimum regulations, as appropriate, governing site dimensions, required yards and distances between buildings, site coverage, building height, residential density, floor area ratio, open space requirements, accessory facilities and uses, and other aspects of the proposed development.
- (5) Parking and loading requirements.
- (6) Special requirements: additional regulations as are appropriate to assure a harmonious relationship between uses and a compatible relationship with existing or potential uses within adjoining districts. This may include additional height limitations, yard requirements, landscaping and screening, provisions governing outdoor activities, and other requirements.
- (7) A concise description in one page or less setting forth what qualifies the PUD under section 10.08.1760(a).
- (8) Incorporating by reference specific site plan or design exhibits when these elements are used to support an assertion of public benefit under section 10.08.1760 (a).

10.08.1790 Development Review Permit Required in PUD.

A development review permit is required prior to the issuance of building permits in a PUD Zone as specified in Article 30 (section 10.08.3920 and following).

10.08.1800 - Amendments to a PUD.

The City will process a proposed amendment to a PUD Zone in the same manner as any zoning amendment under Article 29 (section 10.08.3800 and following).”

Exhibit B
“Article 30, Development Review Permit

10.08.3920 – Intent and purpose.

The City Council determines that appropriate building and site design improvements enhance the health, safety, and welfare of the residents of the City by:

- (a) improving the desirability of properties within the area for future uses;
- (b) improving the benefits of occupancy of other property in the area;
- (c) encouraging the most appropriate development of other properties within the area;
- (d) encouraging other property owners to properly maintain and improve their properties, benefiting the health, safety, comfort and general welfare of the residents of the area and the City at large;
- (e) avoiding unsightliness which, if permitted to exist, adversely affects surrounding properties; and
- (f) assuring appropriate City utilities, public infrastructure, circulation and roadway access.

The development review permit process is intended as a comprehensive review to facilitate the efficient processing of project applications, by combining environmental and public infrastructure review with site and architectural plan review before a building permit is issued.

10.08.3930 - Applicability.

A development review permit is required for any of the following:

- (a) Improvements. A permit is required for an improvement except for:
 - (1) new construction of or an improvement to a single-family home or residential duplex or a project consisting of four or fewer single-family homes;
 - (2) an addition or repair to an existing improvement if the exterior is not to be altered; and
 - (3) an accessory dwelling unit or residential accessory structure.
- (b) Changes. A permit is required for a change made to an improvement under a prior approval, including prior development review permit approval. However, a change substantially consistent with the prior approval, as determined by the director, does not require a new permit.

In this article, *improvement* means: construction or a modification that requires a building permit

under chapter 9.04 or an exterior change to color, building materials, landscape, hardscape, window replacement, or façade treatment.

10.08.3940 - Application.

The application for a development review permit must be in the form required by the Development Services Department and must include the fee established by City Council resolution.

10.08.3950 – Approval authority

Each development review application will be considered in one of three tiers, depending on the nature of the application, as follows:

(a) Tier 1. A Tier 1 application is reviewed by the City Council, following recommendation by Planning Commission and occurs when:

- (1) the development review permit application is paired with another application being reviewed by the City Council (including an appeal);
- (2) the affected property is located within the I-205 overlay zone (Article 21.2);
- (3) a specific plan or design guidelines require City Council review.

The City Council will consider a development review permit application after notice and a public hearing.

(b) Tier 2. A Tier 2 application is reviewed by the Planning Commission and occurs when:

- (1) the development review permit application is paired with another application being reviewed by the Planning Commission (including an appeal);
- (2) the development review permit application is for a site located within 500 feet of a freeway;
- (3) a specific plan or design guidelines require Planning Commission review; or
- (4) the Director refers a development review permit application to the Planning Commission.

The Planning Commission will consider a development review permit application after notice and a public hearing.

(c) Tier 3. A Tier 3 application is reviewed by the Director and occurs when not covered by Tier 1 or Tier 2, above. The Director may refer review and approval of an application to the Planning Commission.

The Director will consider a development review permit application after notice and a public hearing.

10.08.3960 – Decision and findings.

The reviewing body will consider the following factors: general site considerations including height, bulk, and size of buildings; physical and architectural relationship with the existing and proposed structures; site layout, orientation, and location of the buildings and relationships with open areas and topography; location and type of landscaping; off-street parking areas; height, materials, colors and variations in boundary walls, fences, and screen plantings; appropriateness of the sign design and exterior lighting; and appropriate City utilities, public infrastructure, circulation, and roadway access.

Before approving a development review permit, the reviewing body (under section 10.08.3950) must make written findings that:

- (1) the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy.
- (2) the proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

10.08.3970 Appeal.

Any person dissatisfied with the action taken on an application for a development review permit may file an appeal to the Planning Commission within ten days after the Director's notice of decision. An action of the Planning Commission may likewise be appealed to the City Council, by filing a written appeal within ten days after the Commission's action, all in accordance with the procedures for appeals set forth in section 1.12.020..

10.08.3980 - Time limits; extensions.

(a) Time Limits. A development review permit approval lapses two years after the date it became effective unless:

- (1) By condition of the permit a greater time is allowed, up to three years, based on the size, complexity or other project characteristics; or
- (2) A building permit is issued and construction is begun and diligently pursued toward completion.

(b) Extensions.

- (1) The property owner may apply for one or more extensions before the development review permit has lapsed. Submittal of the application for extension together with the application fee suspends the expiration date until the decision on the extension, and the City will not issue a building permit during the period of suspension.
- (2) The approval body for the permit shall conduct a public hearing. If the approval body was the Director, he or she may refer the extension request to the Planning Commission for a public hearing and decision.
- (3) The Director (or Planning Commission upon referral) may approve an extension for up to three years if it finds there are no substantial changes in: (i) the project; or (ii) the circumstances, City policies, standards, or laws that affect the approval.
- (4) The development review permit is automatically extended (without separate notice or public hearing) for a corresponding period of time if the Planning Commission approves extension of a conditional use permit for the same project, under section 10.08.4250.
- (5) The extension decision may be appealed under section 10.08.3970.”