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| AGENCY: | City Council |
| MEETING DATE: | November 28, 2016 |
| DEPARTMENT: | CDD |
| PRESENTED BY: | M. Jones/S. Perkins |

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE REPORT AND PROVIDE DIRECTION TO STAFF REGARDING PROPOSED AMENDMENTS TO ARTICLES 3, 4 AND 7 OF THE FORT BRAGG MUNICIPAL CODE TITLE 18, THE INLAND LAND USE AND DEVELOPMENT CODE (ILUDC)

ISSUE:

Every few years, the City updates the Inland Land Use and Development Code (ILUDC) to fix identified problems and to ensure that the ILUDC implements the policy goals of the City Council. On the morning and evening of June 16, 2016, the Community Development Department held two Zoning Code Update Workshops, inviting community members to contribute their ordinance update ideas and concerns. Additionally staff met with the Community Development Committee to review the Land Use and Development Use Tables to identify uses that could potentially be allowed more flexibility within zoning districts.

RECOMMENDED ACTION:

Provide direction to staff regarding proposed amendments to Article 3 and Article 4 of the Fort Bragg Municipal Code Title 18, the Inland Land Use and Development Code (ILUDC).

ALTERNATIVE ACTION(S):

1. No action. Under this alternative, no further actions would be taken to update the Inland Land Use and Development Code.
2. Continue action on the matter and request additional information and/or analysis by staff.

ANALYSIS:

Article 3 of the zoning ordinance provides general land use regulations related to setback, landscaping, parking and sign standards. This chapter also includes the inclusionary housing ordinances, which staff has not reviewed as part of this update as the inclusionary ordinance was adopted in 2009 after much City Council input. If City Council would like to provide direction to change the inclusionary housing ordinance, this would require significant policy discussions. Perhaps the best path forward for any changes to the inclusionary ordinance would be to send this matter to the Community Development Committee for further discussion.

Article 4 addresses standards for specific land uses. This article also includes a large subchapter on adult businesses, which was not reviewed by staff as part of this update. The standards for specific land uses which were addressed include a wide variety of uses - everything from animal keeping to second units.

Article 7 addresses permit application and review authority. Relatively few changes were made to this article. Staff recommends allowing the Director to complete administrative Design Review for certain minor changes to the design of a project and to review variances that involve less than a 25% change in basic development standards administratively.

Staff made a variety of changes to both Article 3 and Article 4 that were focused on the following general goals:

1. Bring the ordinance into compliance with state law. State land use law often changes, and the zoning ordinance must be kept in compliance with current law. For example new state regulations regarding second units have resulted in a complete rewrite of this section.
2. Simplify and Modernize the Standards. The ILUDC includes a fine grain of detail for some regulations that may not make sense for our small town.
3. Provide for More Flexibility. Staff has carefully considered the suitability of each standard and has revised various standards so that they are performance based rather than proscriptive and to provide for more flexibility where that flexibility would not impact either the environment or neighboring uses.
4. Implement Direction Provided by Council. City Council has provided direction in the past to achieve certain policy objectives, such as reducing water use, moving towards native plants in landscaping, encouraging business growth, etc. Staff has sought to partially implement this previous policy direction through proposed changes to Articles 3 and 4.
5. Improve Effectiveness of Ordinance. Staff has also proposed rewording and reorganizing some sections of the ordinance to improve ease of understanding.

Staff has annotated all changes in Article 3 (Attachment 1), Article 4 (Attachment 2) and Article 7 (Attachment 3), using track changes to help City Council and the public track the proposed changes. Additionally, staff has included comments (bubble text) next to each change to help City Council and the public understand the rationale for each proposed change. Please review these attachments to see the proposed changes and the rationale for each change.

FISCAL IMPACT:

All development projects and changes of use that involve an intensification of use must pay permit fees commensurate with the cost to process those fees. Additionally, the General Plan Maintenance fee, which is collected on all Building Permits, is General Fund revenue that funds staff time associated with General Plan and Zoning Ordinance updates.

IMPLEMENTATION/TIMEFRAMES:

Processing of the Inland Land Use and Development Code amendments, its associated environmental review and required public readings will likely take a few more months to complete, with an anticipated completion date of March 2017.

Staff anticipates updating the Coastal Land Use and Development Code (CLUDC) this winter, so that the two ordinances are as similar as possible. The CLUDC, which regulates land use in the Coastal Zone, is updated at less frequent intervals than the ILUDC because the process with the Coastal Commission is time-intensive and lengthy. As the CLUDC has not been updated since 2008, staff will come back to City Council for direction this winter regarding the applicability of ILUDC changes made in 2014 and 2016 to the CLUDC and will submit one Local Coastal Program Amendment to the Coastal Commission which includes all City Council approved changes. The CLUDC update will come forward to the City Council within the next few months and will take approximately 12 months to process with the Coastal Commission.

ATTACHMENTS:

1. ILUCD Article 3 – Site Planning and Project Design
2. ILUCD Article 4 – Standards for Specific Land Uses
3. ILUCD Article 7 – Planning Permit Procedures

NOTIFICATIONS:

None.

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

☐ Deferred/Continued to meeting of: _____

☐ Referred to: _____