

City Council Special Meeting Agenda



FEBRUARY 28, 2017

5:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
Gary Soiseth

Council Members
Matthew Jacob
William DeHart, Jr.
Vice Mayor
Amy Bublak
Gil Esquer

City Manager
Gary R. Hampton
City Clerk
Jennifer Land
City Attorney
Phaedra A. Norton

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. A. CALL TO ORDER

B. SALUTE TO THE FLAG

2. PUBLIC PARTICIPATION – LIMITED TO ITEMS DESCRIBED IN THE NOTICE FOR THIS MEETING

This is the time set aside for citizens to address the City Council concerning any item that has been described in the notice for the meeting, including Consent Calendar items, before or during consideration of that item. You will be allowed five (5) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

3. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

4. **ORDINANCE AMENDMENT 2016-02 – WORKSHOP:
AMENDMENTS TO CHAPTER 5-16 (CHRISTMAS TREE SALES LOTS) AND TITLE 9
(ZONING REGULATIONS) OF THE TURLOCK MUNICIPAL CODE**

Council will review amendments to Chapter 5-16 (Christmas Tree Sales Lots) and Title 9 (Zoning Ordinance) of the Turlock Municipal Code (Ordinance Amendment 2016-02) to improve the permit process and timeline for Christmas tree sales lots, modify attached patio cover and air conditioner setbacks, revise Noise Standards, modify landscaping and irrigation requirements, update wireless communication facilities regulations, modify use classifications and permitting requirements, modify property development standards, modify requirements for underground utilities, amend setbacks for recycling and solid waste disposal facilities, redefine group homes and group quarters permitting requirements, and allow for electronic noticing.

Recommended Action:

Formal action will not be taken during the Special City Council meeting. The proposed Ordinance amendments have been agendaized as Public Hearing Item 7A of the Regular City Council meeting.

5. **ADJOURNMENT**

The foregoing meeting is hereby called by Mayor Gary Soiseth at the above mentioned date and time pursuant to California Government Code §54956.



GARY SOISETH, Mayor



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DEBRA A. WHITMORE
DEPUTY DIRECTOR
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DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

156 S. BROADWAY, SUITE 120 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5542 EXT 2218 | FAX 209-668-5107 | TDD 1-800-735-2929

Date: February 28, 2017
To: HONORABLE MAYOR AND CITY COUNCIL
From: Debra A. Whitmore, Deputy Director of Development Services/Planning
SUBJECT: **WORKSHOP ON OMNIBUS ORDINANCE AMENDMENT 2016-02**

The Planning Division periodically brings forward proposed amendments to the City's land use regulations to keep the ordinance up-to-date with State law and to respond to issues that arise in the community through the development process. Omnibus Amendment 2016-02 involves both technical and policy changes to the zoning ordinance as well as a change to another article of the Turlock Municipal Code addressing Christmas tree sales lots. Staff worked with the Planning Commission over roughly one and a half years to bring the proposed amendments forward to the City Council for consideration. On August 4, 2016, the Planning Commission unanimously recommended the City Council enact the proposed changes including regulations addressing noise, underground utilities, landscaping, and a variety of other land use permitting processes and development standards.

The workshop will review the proposed amendments in detail with a special focus on the major changes that are being proposed. Attached is a summary of the proposed amendments as well as a copy of the presentation that will be given at the workshop.

SUMMARY OF PROPOSED ORDINANCE AMENDMENTS

TOPIC	TURLOCK MUNICIPAL CODE SECTIONS AFFECTED	WHAT HAS CHANGED?	WHY?
CHRISTMAS TREE SALES LOTS	Chapter 5-16	<p>Moves start date from Nov 25 to Nov 22</p> <p>Gives lot operators until Jan 15 instead of Jan 8 to clean up site</p> <p>Designates temporary Use of Land permitting process</p>	<p>Better reflects current business practice</p> <p>Allows staff sufficient time to perform inspections</p> <p>Clarifies the permitting process that applies</p>
BAR/RESTAURANT/NIGHTCLUBS	TMC 9-1-202 (Definitions)	<p>Allows restaurants to sell small amounts of alcoholic products</p> <p>Small modification to the definition of "bar"</p> <p>Adds "nightclub" definition to replace "live entertainment" and "dance hall"</p>	<p>Better reflects business practices</p> <p>Aligns municipal code with State ABC license regulations</p> <p>Simplifies definition and reduces confusion about which businesses fall into this category</p>
GROUP HOMES/GROUP QUARTERS	TMC 9-1-202 (Definitions)	<p>Redefines "group homes" as congregate housing regulated by the State of California</p> <p>Redefines "group quarters" as congregate housing not regulated by the State of California</p> <p>Adds a category of "unlimited" for group homes and group quarters with 13 people or more</p>	<p>Defines permitting for nursing homes, community care facilities, assisted living facilities, and the like, based on whether or not they are regulated by the State of California</p> <p>Establishes a new classification for larger group homes and group quarters that was not previously defined. This allows larger nursing homes and residential care facilities to have a clear permitting classification.</p>
	TMC 9-3-102 (Agricultural District: Use Classifications)	<p>Adds permitting requirements for Group Homes and Group Quarters. Facilities larger than 14 people are not permitted. Facilities 7-14 required a MDP for Group Homes and CUP for Group Quarters.</p>	<p>The only Agricultural District is on the west side of the freeway which is not conducive to the establishment of nursing homes, and the like, due to freeway noise.</p>

TOPIC	TURLOCK MUNICIPAL CODE SECTIONS AFFECTED	WHAT HAS CHANGED?	WHY?
	TMC 9-3-202 (Residential Districts: Use Classifications)	<p>Maintains same permit requirements for Group Quarters and Group Homes as current ordinance but classifies the permitting based on size.</p> <p>Eliminates "Residential care facilities" classification which has now been included in "Group homes"</p> <p>Changes "Convalescent hospital" which is a rehab facilities, not residential care facilities, to a CUP in Medium and High Density zones</p>	Realignment of permitting requirements to new definitions. Permitting requirements unchanged.
	TMC 9-3-302 (Commercial Districts: Use Classifications)	Reclassifies group homes and quarters	Realignment of permitting requirements to new definitions. Permitting requirements unchanged.
	TMC 9-4-103 (Downtown Districts: Use Classifications)	Reclassifies group homes and quarters.	Realignment of permitting requirements to new definitions. Permitting requirements unchanged.
BUILDING PROJECTIONS	TMC 9-2-105 (Building projections into yards)	Treats patio covers attached to a house in the same manner as an accessory structure by allowing them to extend 5' into the rear yard when 15' tall or less	Creates greater flexibility to install patio covers for homes
LANDSCAPING AND IRRIGATION	TMC 9-2-109 (Landscaping and irrigation) & 9-2-216 (Parking lot)	Allows air conditioners, heating units and other equipment with the potential to generate noise to project 2.5' into the side yard if they are no taller than 7' in height and a noise analysis shows that City standards would be met	Clarifies that such equipment may be installed in the side yard area so long as they will not violate City noise standards for the adjacent neighbor
		Added incorporation of Low Impact Design strategies (LIDs) as one of the purposes of landscape areas	Updates ordinance to reflect new State Model Water Efficient Landscape Ordinance (MWELO) and Stormwater (MS4) Permit Requirements

TOPIC	TURLOCK MUNICIPAL CODE SECTIONS AFFECTED	WHAT HAS CHANGED?	WHY?
	landscaping)	<p>Clarifies openings can be allowed in curbs to allow stormwater runoff to enter landscape areas</p> <p>Adds requirement for developer installed front yard landscape areas to be installed prior to final occupancy & homeowner installed front yard landscaping unless a deferral agreement is in place</p> <p>Changes square foot limitation for areas subject to MWELo to 500 square feet for new landscape area and 2,500 for rehabilitated</p> <p>Amends model home landscape requirements to be consistent with State Law</p>	<p>Allows for landscape areas to be used for stormwater runoff more easily, to comply with City's MS4 permit</p> <p>Makes it clear front yard landscaping is tied to the building permit for new single family homes and is subject to the MWELo per the California Building Code</p> <p>To comply with MWELo</p> <p>To comply with MWELo</p>
MOBILE HOMES, RV'S AND CAMPERS	TMC 9-2-114 (Permitted locations of mobile homes, recreation vehicles, and campers)	Removes mobile homes from this section	Mobile homes are a class of manufactured housing that by law must be regulated the same as any other type of construction
		Extends loading and unloading period for RV's from 48 hours to 72 hours	At the request of the Neighborhood Services Division, to simplify enforcement, the regulation has been modified to coincide with the time limits in State law for abandoned vehicles
RECYCLING AND SOLID WASTE DISPOSAL	TMC 9-2-115 (Recycling and solid waste disposal regulations)	<p>Adds requirement to locate recycling or trash enclosures to minimize visual impacts on adjacent uses, parks, and public right-of-way</p> <p>Requires minimum setbacks in, and when property abuts a, residential district</p>	Requirements are intended to reduce noise, odor and visual impacts to adjacent uses particularly to residential uses

TOPIC	TURLOCK MUNICIPAL CODE SECTIONS AFFECTED	WHAT HAS CHANGED?	WHY?
UNDERGROUND UTILITIES	TMC 9-2-120 (Underground utilities)	Eliminates wording requiring all utilities be underground Outlines conditions under which undergrounding is required Provides certain exceptions from requirement	Provides greater flexibility to exempt certain projects from undergrounding utilities, particularly distribution lines serving the property
		Provides the City Engineer flexibility to waive the requirement under certain circumstances	Provides more specific criteria for exemptions, waivers and variances to ensure consistency in applying the undergrounding requirement
		Allows the Planning Commission to grant variances under certain circumstances	
		Technical change in the wording to make it more clear where driveways need to be constructed	
OFF-STREET PARKING	TMC 9-2-207 (Parking in the R districts)	Technical change to clarify that bicycle parking may be provided at a different location for employee use	Clarifies that bicycle parking is intended to be used for both customers and employees so bicycle parking can occur at a different location than the primary customer entrance
	TMC 9-2-214 (Parking lot design standards)	Removes "local collector" from section on parking lot setbacks	The City no longer uses this roadway classification
		Moves noise regulations from the Zoning Ordinance to Title 5 of the Turlock Municipal Code (PUBLIC WELFARE, MORALS AND CONDUCT)	
NOISE	TMC 9-2-300 ART (Noise Standards)		Overhaul of the noise ordinance to reflect the new General Plan. Worked with the Police Department and Neighborhood Services to make changes that would improve the clarity and enforceability of the ordinance. Moves regulations to Title 5 which clarifies that all activities in the City are subject to these standards.
		Eliminates previous table establishing noise limits by three environmental noise zones	Reduces confusion in the application of the standards

TOPIC	TURLOCK MUNICIPAL CODE SECTIONS AFFECTED	WHAT HAS CHANGED?	WHY?
		<p>Noise standards reflect previous "urban" standards consistent with new General Plan</p> <p>Adds new standards for amplified sound using C-weighted noise scale that accounts for base sound</p> <p>Modifies the allowable noise levels for mobile construction equipment to reflect more typical levels</p> <p>Limits hours of operation of trash enclosures and recycling equipment from 9 PM to 7 AM when located adjacent to residential properties</p> <p>Exempts noise generated by public and private schools during the course of normal operations between 7 AM and 10 PM on weekdays and 9 AM and 10 PM on weekends</p> <p>Exempts City maintenance activities but limits use of portable blowers within 200' of a residence to the same standards that apply to private use of like equipment</p>	<p>Eliminates confusing language about environmental noise zones ("rural", "suburban" and "urban") that were never designated</p> <p>Establishes a standard for amplified sound that can be enforced. Standard is based on levels adopted by the City of Roseville.</p> <p>Sets standards for construction related noise more in line with Caltrans standards</p> <p>Reduce noise impacts to residences during evening hours</p> <p>Schools have separate elected representatives subject to community feedback. School noises are normally expected when someone buys a house near a school.</p> <p>This section would exempt normal regular maintenance activities but subject blowers to the same standards that residents would have to meet</p>
WIRELESS COMMUNICATIONS	Chapter 9 Article 6	<p>Clarifies minor expansions of towers do not require a discretionary permit, but must provide same stealthing as main tower and submit visual simulation with building permit application</p> <p>Specifies application submittal requirements</p>	Comply with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 & AB 57

TOPIC	TURLOCK MUNICIPAL CODE SECTIONS AFFECTED	WHAT HAS CHANGED?	WHY?
PLANNING PROCEDURES	TMC 9-5-120 and -125; 9-5-311 (Notices and Hearings)	Adds electronic transmittal	Allows email transmittal of notices as requested by the agency or customer
	TMC 9-5-301 and -304 (MAA Review)	Establishes time frame of 5-10 days to review applications and establishes date when permit is officially effectuated	Aligns ordinance with CEQA requirements
	TMC 9-5-309 and -312 (MDP Application)	Changes application completeness determination from 5 to 30 days	Reflects time frames established in the Permit Streamlining Act
OUTDOOR DINING	TMC 9-5-300 ART (Outdoor dining)	Changes outdoor dining to outdoor seating and generalizes permit to any type of food service	Clarifies the intent of the ordinance
TEMPORARY USES OF LAND	TMC 9-5-501 (Temporary Uses)	Changes period of time allowed during a year from 90 days to 135 days	Allows a single site to be used for all holidays during the year

Ordinance Amendment 2016-02

Presentation to the Turlock City Council
February 28, 2017



PRESENTATION OUTLINE

- Ordinance development process
- Overall purpose of the proposed amendments
- Quick overview of minor changes
- Major changes will be reviewed in more depth:
 - Underground Utilities
 - Noise
 - Landscaping
 - Wireless Communications
- Staff is prepared to take questions on other changes

ORDINANCE DEVELOPMENT PROCESS

- Planning Commission workshops on:
 - Underground Utilities
 - Noise
 - Landscaping
 - Wireless Communications
- Planning Commission hearing held on August 4, 2016
- Planning Commission unanimously recommended approval of the proposed amendments

PURPOSE

- Revise requirements based on community and industry feedback
- Improve administration of the Zoning Ordinance
- Respond to changes in State/Federal Law
- Help make the ordinance easier to read and understand

Topics – MINOR CHANGES

- Christmas tree sales lots
- Definitions
 - Nightclub/Bar/Restaurant
 - Family Day Care Homes
 - Group Homes/Quarters/Convalescent Hospitals
- Building projections into yards
- Mobile home on-street parking time limit

Topics – MINOR CHANGES

- Recycling/solid waste setbacks
- District regulations for:
 - Group homes/quarters
 - Nightclubs
 - Second-story setbacks in RM and RH Districts
- Administration:
 - Electronic transmittal of notices and other documents
 - Change Outdoor Dining to Outdoor Seating
 - Extend duration of seasonal sales on a single property from 90 days to 135 days

UNDERGROUND UTILITIES

- Current ordinance requires all utilities to be underground with any development except remodels
- Proposed ordinance would provide standards and processes for allowing exceptions to undergrounding utilities

UNDERGROUND UTILITIES: required when...

- New utility lines
- For existing overhead lines:
 - When located on the property to be developed
 - Within street between centerline and property
 - Within 6' of the property lines

UNDERGROUND UTILITIES: exceptions...

- Emergency facilities (30 days or less)
- Construction
- Temporary use of land
- Utilities that the Public Utilities Commission does not allow to be underground
- Overhead service lines to adjacent lots not controlled by the developer
- Electrical transmission lines (69 kV or above)

UNDERGROUND UTILITIES: waiver...

- May be authorized by the City Engineer when:
 - Off-site lines are not required to be undergrounded and boring from the opposite side of the street is required
 - Infeasible or impractical due to physical conditions
 - Infeasible or impractical based upon sound engineering and architectural practices
 - Remodeling where the remodeling cost is 50% or less of appraised value for tax purposes
 - When length of the line is less than 600 feet and the cost of work to underground exceeds 25% of the overall cost of the project

UNDERGROUND UTILITIES: variance...

- May be authorized by the Planning Commission when:
 - The variance is required to allow for the logical and orderly development of the surrounding area; AND
 - The developer agrees to enter into a deferral agreement with the City to underground utilities at a time specific or upon demand by the City as a condition of approval

NOISE STANDARDS

- Bring the Noise Ordinance into conformance with noise standards in the General Plan
- Adds noise standards for amplified sound
- Increases construction-related noise standards with no change in the hours when construction can occur
- Prohibits operation of trash compactors/enclosures from 9 PM to 7AM when adjacent to a sensitive receptor
- Exempts school activities and City tree and park maintenance activities

LANDSCAPING

- MS4 Changes
 - Encourages the implementation of low impact development strategies in landscape areas
 - Clarifies openings can be allowed in curbing to allow runoff into landscape area

LANDSCAPING

- Model Water Efficient Landscape Ordinance:
 - Developer installed front yard landscaping must be installed prior to final occupancy
 - Homeowner installed front yard landscaping must be installed prior to occupancy unless there is a deferral agreement
 - Change square footage thresholds: 500 sq. feet new landscape area; 2,500 sq. feet rehabilitated landscape
 - Updated model home landscape requirements

WIRELESS COMMUNICATIONS

- Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 & AB 57 – Shot Clock
 - No discretionary permit required for minor expansions
 - Must incorporate same stealthing as existing tower
 - Provide visual simulation with building permit application

WIRELESS COMMUNICATIONS

- Section 6409(a) AB 57
 - Clarified application requirements
 - Required pre-application meeting
 - Visual simulation
 - Evaluation of radio frequency compliance with Federal standards
 - Any special studies
 - Any other material deemed necessary by Development Services Director

WIRELESS COMMUNICATIONS

- Moved and reworded areas to help clarify permitting requirements in each Zoning District
- Use consistent wording in definitions and regulations (ex “stealth facility”)

QUESTIONS?