



STAFF REPORT

DATE: NOVEMBER 20, 2018
TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: BILL SMITH, CITY MANAGER
PREPARED BY: MARK TOMICH, DIRECTOR
SUBJECT: TIME AND PLACED FIXED TO CONSIDER A PUBLIC HEARING TO WAIVE FULL READING, READ BY TITLE ONLY AND INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON TO MODIFY VARIOUS ITEMS INCLUDING, BUT NOT LIMITED TO, PERMITTED LAND USES, DEFINITIONS, AND REGULATIONS FOR MANUFACTURED HOUSING AND MOBILE UNITS, TELECOMMUNICATION FACILITIES, YARD PROJECTIONS, OFF-STREET PARKING, FENCING, AND SIGNS.

RECOMMENDED ACTION

Staff recommends that the City Council take the following action:

Waive further reading, read by title only and introduce Ordinance No. O-12-18, an Ordinance of the City Council of the City of Colton amending Title 18 (Zoning) of the Colton Municipal Code to address various issues including, but not limited to, adding or amending definitions for motor vehicles, automobiles and trucks and certain land uses; modifying allowances for certain permitted, conditional, and prohibited land uses in various zones; and amending and adding certain regulations for off-street parking, mechanical equipment setback, landscaping and paving, yard projections, fencing, signs, manufactured housing and mobile units, telecommunication facilities and development agreements.

BACKGROUND

Since adoption of the General Plan Land Use Element in 2013, the City has adopted a multitude of zoning text amendments, as shown on the table below.

Year	Zoning Text Amendments
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Year	Zoning Text Amendments
2013	Clean-Up Phase 1 - Amending various sections for general plan consistency
2014	Disbanding Design Review Committee (DRC)
2014	Emergency shelters, transitional housing.
2014	Cleanup Phase 2-A - Amending various sections including adding hillside preservation, compact lot divisions
2015	Adult Use Regulations
2016	Cleanup Phase 2-B – Amend & Expand SDA-O, Sensitive Development Overlay, zone
2016	Marijuana cultivation
2016	Expand Public Noticing
2016	Off-premise signage (billboards)
2016	Create C-2, D-O, Downtown Overlay Zone
2016	Allow R-1 Carports in Front Setback
2016	Create Minor CUP Process
2016	Personal, Medical, & Commercial Marijuana Uses
2017	Accessory Dwelling Units (ADU)
2017	Residential Indoor Marijuana Cultivation (Personal Use)
2017	Commercial Marijuana Cultivation & Overlay Zone
2017	Electric Fences
2017	Sign Code - Public Benefit Amendment
2018	Modify Appeals Process
2018	Deemed Approved Alcohol Licenses

The City has initiated an amendment of several Zoning Code (Title 18) sections of the Colton Municipal Code to group changes covering various topics into one unified code text amendment instead of separate individual code amendment applications. The code changes for consideration are selected for a variety of reasons including:

- Provide clarity to implement existing regulations.
- Provide consistency with other code regulations.
- Allow greater flexibility.

At their meeting on September 25, 2018, the Planning Commission considered the proposed code text amendment. No one from the public spoke on the matter.

Following deliberations, the Planning Commission voted 7-0 in favor of a recommendation to the City Council for approval.

ISSUES/ANALYSIS

The proposed code changes have been grouped into 18 general topics. The list of topics and brief summary is provided below. Attached are sheets for each of the topics showing relevant code

sections and the proposed text changes. The changes have been incorporated into the draft ordinance for adoption.

- **Topic 1. Auto vs Truck Definitions.** Add definitions to differentiate between automobiles and trucks so these and other vehicles may be regulated differently.
- **Topic 2. Auto vs Truck Uses.** Separate various truck uses so these are not necessarily allowed in all zones/locations where automobile uses are allowed.
- **Topic 3. Auto/Truck Storage & Parking.** Clarify distinction between parking and storage of vehicles and provide consistency between definitions and use table.
- **Topic 4. Carport in the R-1 zone.** Clarify allowance for exception for 1- car carport in R-1 zone front yard setback for lots with 1-car garages.
- **Topic 5. Fencing.** Increase maximum height from 4 feet to 5 feet for fencing and walls (non-solid) on residential front yard setbacks; solid fencing, including retaining walls, in residential front yard still limited to 3 feet maximum.
- **Topic 6. Landscape and Paving in residential zones.** Allow the use of hardscape material (mulch, bark, gravel) in landscape areas and clarify requirements on paving in front and street side yards.
- **Topic 7. Manufactured Housing & Mobile Units.** Allow manufactured housing on all single-family zoned lots (per State Law), allow mobile home parks in R-2 & R-3/R-4 zones with CUP, and clarify limitation on mobile offices and cargo (metal) storage containers as temporary uses.
- **Topic 8. Mechanical Units in residential zones.** Prohibit mechanical equipment from projecting into setbacks
- **Topic 9. Outdoor Dining.** Allow outdoor dining in the C-1 zone by providing separate use regulations for outdoor seating for restaurants separately from other types of outdoor retail uses.
- **Topic 10. Parking.** Group nonresidential parking regulations into Section 18.36 and apply standard commercial parking ratios to all retail and office uses; and allow exceptions to standard parking requirements through parking studies; provide parking requirements for C-2/D-O similar to those for M-U/D & M-U/ N zones.

- **Topic 11. Permitted Uses.** Clarifies that land uses listed as allowed in industrial zones are not allowed in other zones even if not explicitly listed as prohibited.
- **Topic 12. Private Transportation Facilities.** Requires CUP for private transportation facility in industrial zones.
- **Topic 13. Second Unit Cleanup.** Remove entries on land use table for no longer effective ‘second unit’ provision.
- **Topic 14. Signs.** Allow exceptions for wall-mounted signs that are not individually mounted channel letter signs, including panels either within “can” (cabinet) sign or frames.
- **Topic 15. Telecommunication.** Exempt replacement and minor changes to existing cell phone facilities from filing a formal zoning entitlement application (“DAP”) for Minor Modification (staff level) so zoning clearance may be granted during building permit plan check ministerially.
- **Topic 16. Truck Uses in M-1 zone.** Allow truck and trailer storage in the M-1 zone with a CUP (currently only allowed in M-2 zone).
- **Topic 17. Warehousing with Truck Storage.** Require a CUP for warehouse/ logistic centers zone, which contain truck and trailer storage space beyond loading docks/areas, within the I-P, M-1 & M-2 zones.
- **Topic 18. Development Agreement.** Remove the 5-year limit on Development Agreements (Section 18.58.102 Q1.). Per the City Attorney’s Office, this is a correction to the ordinance as it was placed under the “Periodic Review” section.

The draft ordinance includes the following modifications to the draft document originally considered by the Planning Commission:

- CMC 18.04.061. Added text to clarify that “semi-trailer truck cabs” do not meet proposed “automobile” definition (semi-trailer truck cabs to be classified as “trucks”).
18.04.061. Automobile. “Automobile” means passenger cars, motorcycles, and trucks less than 20 feet long, not including semi-trailer truck cabs. For purposes of this title, this includes light trucks, all-terrain vehicles (ATVs), buses and recreational vehicles that may be more than 20 feet long.
- CMC 18.06. Added I-P zone as where “warehouse with truck storage” is permitted with a conditional use permit approval by the Planning Commission (in addition to M-1 and M-2 as originally proposed).

- CMC 18.36.021.4. Added text to proposed exception allowing approval of parking studies by the Planning Commission in lieu of parking ratios to also allow exceptions by the Development Services Director for applications that do not require Planning Commission approval.

18.36.021.4. Exceptions to the standards and requirements set forth in this title may be approved by the Planning Commission following preparation of a parking study by a licensed traffic engineer and recommendations of the City Engineer and Development Services Director. For applications where the Planning Commission is not the deciding authority, such exceptions may be allowed by the Development Services Director unless elevated to the Planning Commission.

- CMC 18.58.102.Q1. Remove 18.58.102 Q1 which imposes a five-year time limit on Development Agreements. Per the City Attorney's Office, this is a correction to the ordinance as it was placed under the "Periodic Review" section. Topic added to scope after the Planning Commission meeting.

FISCAL IMPACTS

Implementation of this Zoning Code text amendment is not expected to have a significant fiscal impact since any costs associated with review of proposals, plans and permits will be partly or wholly covered by filing fees paid by applicants.

ALTERNATIVES

City Council may direct staff alternatively.

ATTACHMENT

1. Draft Edits - Topic 1 through Topic 18
2. Planning Commission Reso No. R-24-18 - adopted 9-25-2018
3. Draft Ordinance No. O-12-18