

City of Garden Grove**INTER-DEPARTMENT MEMORANDUM**

To: Matthew Fertal
Dept: City Manager
Subject: CONSIDERATION OF AMENDMENT
NO. A-150-09, AN AMENDMENT TO
TITLE 9 OF THE GARDEN GROVE
MUNICIPAL CODE

From: Susan Emery
Dept: Community Development
Date: November 10, 2009

OBJECTIVE

To transmit a recommendation from the Planning Commission amending Title 9 (Zoning Ordinance) of the Garden Grove Municipal Code to include the re-organization of Title 9, the addition of new use definitions, and the correction of typographical errors.

BACKGROUND

In further efforts to update the Title 9 (Zoning Ordinance) of the City's Municipal Code and to make it a more user-friendly document for the public and to improve customer service, the subject Code Amendment proposes re-organizing Title 9 into separate zoning classification sections. Along with the re-organization, the Amendment proposes adding new definitions to further clarify uses listed within the Land Use Chart that currently are not defined, and correcting typographical errors. Other than the additional definitions and the correction of typographical errors, no change to the Code's text has been proposed at this time. However, the reorganization of the Code will allow for future amendments to create development standards for the mixed-use zones as well as update any outdated Code requirements.

The Planning Commission considered the proposed amendment at their public hearing held on October 15, 2009. The Commission recommended approval of the Amendment with a 7-0 vote. No one spoke in favor, or in opposition to the proposed Amendment.

DISCUSSION**Reorganization**

Currently, Title 9 is separated into three sections: Zoning, Subdivisions, and Mitigation Fees. The Zoning section is further divided into seven chapters: General Provisions; Uses; Special Uses; Development Standards; Specific Plans; Procedures

and Hearings; and Nonconformities. The General Provisions, Uses, Special Uses, and Development Standards chapters address all zones, which are intermixed, making it difficult to find specific standards that relate to a specific zoning classification.

With the proposed Title 9 re-organization, the Code will still be separated into the three existing sections. However, the Zoning section will be divided into nine separate chapters: General Provisions; Single-Family Residential; Multi-Family Residential; Commercial/Industrial/Open Space; Signs; Wireless Communications Facilities; Specific Plans; Procedures and Hearings; Nonconformities. Each chapter within the Zoning section will stand on its own.

Currently, to find all the development standards and uses for a particular zone, staff and the public have to look at many different sections of the Code in order to find the information needed. This makes it easy for standards to be overlooked or missed completely. By separating the Code as proposed, each chapter becomes its own individual hand out. This separation will make it easier for the public as well as staff to find all pertinent information specific to a zone in one place.

It should be noted that as part of the re-organization of the Code, the format of the page footers, which include page numbers, would match the page numbering and sections and chapter identifiers of the whole Municipal Code.

The following summarizes the information within each section and new chapter. As previously noted, the information in each section and chapter has not been modified from the existing Code, with the exception of new definitions and the correction of typographical errors.

SECTION I. ZONING

Chapter 9.04 General Provisions

This chapter includes the purpose of the Code; identifies the review authorities; states the relationship between the zoning regulations to the General Plan and other laws; establishment of zones; and definitions to promote consistency in interpretation of uses and development standards.

Chapter 9.08 Single-Family Residential

This chapter includes a summary of the single-family zone; list of uses and special operating conditions; special uses; development standards (i.e. setbacks, building height, lot coverage, etc.); landscaping requirements; parking requirements; and recycling requirements.

Chapter 9.12 Multi-Family Residential

This chapter includes a summary of the multi-family zones; list of uses and special operating conditions; special uses; development standards (i.e. setbacks, building height, lot coverage, etc.); landscaping requirements; parking requirements; and recycling requirements.

Chapter 9.16 Commercial/Industrial/Open Space

This chapter includes a summary of the commercial, industrial, and open space zones; list of uses and special operating conditions; special uses; development standards (i.e. setbacks, building height, lot coverage, etc.); landscaping requirements; parking requirements; and recycling requirements.

Chapter 9.20 Signs

This chapter includes the general requirements, standards, and design requirements for signage throughout the City.

Chapter 9.24 Wireless Communications Facilities

This chapter includes the requirements, restrictions, development standards, and submittal and review requirements to establish a wireless communications facility within the City.

Chapter 9.32 Specific Plans

This chapter sets the parameters for establishing a Specific Plan. There are three Specific Plans that the City has adopted. Due to the size and nature of the documents they are not included within Title 9, but are referenced in this chapter. The three Specific Plan documents are the Harbor Corridor Specific Plan, the Community Center Specific Plan, and the Brookhurst/Chapman Specific Plan.

Chapter 9.34 Procedures and Hearings

This chapter consolidated all applications of land use actions in the City, provides an outline of all procedures for making the applications, and provides the procedures by which the appropriate hearing body receives and reviews the applications. This chapter also consolidates the procedures that appeals of decisions made by a hearing body are to follow.

Chapter 9.36 Nonconformities

This chapter provides regulations for nonconformities to the current Code as they pertain to use, development standards, property, and structures, and specifies the

circumstances and conditions under which those nonconforming may continue to exist. Additionally, this Chapter specifies those circumstances and conditions under which the nonconforming uses, buildings, and structures that adversely affect the maintenance, development or use and assessed value of other property in the zoning classification in which they are located, order that they shall be gradually eliminated.

SECTION II. SUBDIVISIONS

This section provides regulations and controls for the design and improvement of subdivisions, either entirely or partially within the limits of the city, in accordance with the Subdivision Map Act of the state. The provisions of this chapter are supplemental to those of the subdivision map act.

SECTION III. MITIGATION FEES

This section establishes the traffic mitigation fees and explains payment of fees and includes discussion on refunds, project phasing, and exemptions.

New Definitions

In order to clarify the uses within Title 9 for users, the General Provision's definition section has been expanded to include over 120 uses that are permitted in the code. Previously, these uses did not have clarifying explanations coinciding with them. Furthermore, typographical errors and incorrect alphabetical ordering have also been corrected. The new definitions have been underlined within the Draft Code that has been attached for review.

FINANCIAL IMPACT

None.

COMMUNITY VISION IMPLEMENTATION

The re-organization of Title 9 of the Municipal Code, which will make a more user-friendly document to assist residents, property owners, and developers with improvements to their properties, will continue to implement the goals and policies of the City's General Plan as well as continue the vision of the Community Vision Plan, which in general states the vision is of a safe, economically sound, family-oriented diverse informed and well-maintained community with a high quality of life. It also envisions a community where all people from all walks of life live together in secure, well-maintained, comfortable neighborhoods, with adequate public service levels and efficient, professional administration.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Hold a public hearing and introduce the attached ordinances approving Amendment No. A-150-09.



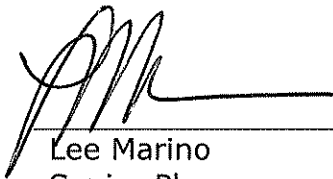
SUSAN EMERY
Community Development Director

Approved for Agenda Listing



Matthew Fertal
City Manager

By:



Lee Marino
Senior Planner



Grant Raupp
Administrative Analyst

- Attachment 1: Planning Commission Staff Report dated October 15, 2009
Attachment 2: Planning Commission Resolution No. 5695
Attachment 3: Planning Commission Minute Excerpt of October 15, 2009
Attachment 4: Draft Ordinance for Amendment No. A-150-09
Attachment 5: Draft Re-organized Title 9 of the Municipal Code

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO: D.1.	SITE LOCATION: Citywide
HEARING DATE: October 15, 2009	GENERAL PLAN: N/A
CASE NO: Amendment No. A-150-09	ZONE: N/A
APPLICANT: City of Garden Grove	CEQA DETERMINATION: Exempt

REQUEST:

A request for Planning Commission to recommend to the City Council approval of an Amendment to Title 9 (Zoning Ordinance) of the Garden Grove Municipal Code to include the re-organization of Title 9, the addition of new use definitions, and the correction of typographical errors.

BACKGROUND:

In further efforts to update the Title 9 (Zoning Ordinance) of the City's Municipal Code and to make it a more user-friendly document for the public, as well as improve customer service, Staff is recommending consideration of a Code Amendment that proposes re-organizing Title 9 into separate zoning classification sections. Along with the re-organization, Staff is proposing to add new definitions to further clarify uses that are listed within the Land Use Chart that currently are not defined and correct typographical errors. Other than the additional definitions and correction of typographical errors, no change to the Code's text has been proposed at this time. However, the reorganization of the Code will allow for future amendments to create development standards for the mixed-use zones, as well as update any outdated Code requirements.

DISCUSSION:

Reorganization

Currently, Title 9 is separated into three Sections, which includes Zoning, Subdivisions, and Mitigation Fees. The Zoning Section is further divided into seven Chapters, which are as follows: General Provisions; Uses; Special Uses; Development Standards; Specific Plans; Procedures and Hearings; and Nonconformities. The General Provisions, Uses, Special Uses, and Development Standards chapters address all zones, which are intermixed, making it difficult to find specific standards that relate to a specific zoning classification.

With the proposed Title 9 re-organization, the Code will still be separated into the three existing Sections. However, the Zoning Section will be divided into nine separate Chapters, which will be as follows: General Provisions; Single-Family Residential; Multi-Family Residential; Commercial/Industrial/Open Space; Signs;

Wireless Communications Facilities; Specific Plans; Procedures and Hearings; Nonconformities. Each Chapter within the Zoning Section will stand on its own.

Currently, to find all the development standards and uses for a particular zone, Staff and the public have to look at many different sections of the Code in order to find the information needed. The existing format makes it easy for standards to be overlooked or missed completely. By separating the Code as proposed, each Chapter becomes its own individual hand out. This separation will make it easier for the public as well as Staff to find all pertinent information specific to a zone in one place.

It should be noted that as part of the re-organization of the Code, the format of the page footers, which include page numbers, will match the page numbering and Sections and Chapter identifiers of the entire Municipal Code.

The following summarizes the information within each Section and new Chapter. As previously noted, the information in each Section and Chapter has not been modified from the existing Code, with the exception of new definitions and the correction of typographical errors.

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This Chapter includes the purpose of the Code; identifies the review authorities; states the relationship between the zoning regulations to the General Plan and other laws; establishes zones; and provides definitions to promote consistency in interpretation of uses and development standards.

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the Subdivision Map Act of the state. The provisions of this chapter are supplemental to those of the subdivision map act.

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RECOMMENDATION:

Staff recommends that the Planning Commission:

- Recommend approval of Amendment No. A-150-09 to the City Council.

Karl Hill
Planning Services Manager

By: Lee Marino
Senior Planner

Grant Raupp
Administrative Analyst

RESOLUTION NO. 5695

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AMENDMENT NO. A-150-09.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on October 15, 2009, considered the amendment to Title 9 of the Garden Grove Municipal Code, which includes a re-organization of Title 9, the addition of new use definitions, and correction of typographical errors. Upon consideration of the item, pursuant to the below report and findings, the Planning Commission does hereby find that the action is exempt from environmental review under Section 15061(b)(3) of the Guidelines implementing the California Environmental Quality Act and recommends City Council approval to amend Title 9 (Zoning Ordinance) of the Garden Grove Municipal Code as provided hereunder.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-150-09, the Planning Commission of the City of Garden Grove hereby reports as follows:

1. The case was initiated by the City of Garden Grove.
2. The City of Garden Grove is proposing an Amendment to Title 9 of the Garden Grove Municipal Code, attached as Exhibit "A", to include the re-organization of Title 9, the addition of new use definitions, and correction of typographical errors.
3. The City of Garden Grove has determined that this project is exempt from environmental review pursuant to Section 15061(b)(3) of the Guidelines implementing the California Environmental Quality Act (CEQA) in that the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and not where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. Report submitted by City staff was reviewed.
5. Pursuant to a legal notice, a public hearing was held on October 15, 2009, and all interested persons were given an opportunity to be heard.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of October 15, 2009; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The proposed Code re-organization will create a user-friendly document that will be easier to find standards and create a document that is less cumbersome to use. The proposed re-organization will not change the Code's language or alter development standards, uses, or processes that are currently in place. No change to the text is proposed, with the exception of correcting typographical errors and adding 123 new definitions to provide further clarification of uses and standards.

The proposed re-organization sets up the Code to make future modifications and additions easier. The re-organization also sets up the Code for the future addition of new mixed-use standards that are required to be created due to the new land use designations that were created with the City's newly adopted General Plan.

FINDINGS AND REASONS:

1. The requested Amendment is internally consistent with the goals, objectives, and the elements of the General Plan. The proposed Amendment does not alter development standards, uses, or processes that are currently in place and continues to implement the goals and policies of the General Plan by maintaining the same requirements for development as envisioned by the City's General Plan.
2. The Amendment will continue to promote the public interest, health, safety, and welfare, as well as continue the City's General Plan vision for City, since no modifications are proposed that alter development standards, uses or processes currently in place.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT:

In addition to the foregoing, the Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

The Amendment does possess characteristics that would indicate justification of the request.

The Planning Commission recommends the approval of Amendment No. A-150-09, to re-organize Title 9 of the Municipal Code, add new definitions and correct typographical errors, as attached.

ADOPTED this 15th day of October, 2009

/s/ KRIS BEARD
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on October 15, 2009, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH, KIRKHAM, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council.
Appeal deadline is November 5, 2009.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: AMENDMENT NO. A-150-09

APPLICANT: CITY OF GARDEN GROVE

LOCATION: CITYWIDE

DATE: OCTOBER 15, 2009

REQUEST: To amend Title 9 (Zoning Ordinance) of the Garden Grove Municipal Code, which includes the re-organization of Title 9, the addition of new use definitions, and the correction of typographical errors.

Staff report was read along with a visual presentation and recommended approval.

Chair Beard opened the public hearing to receive testimony in favor of or in opposition to the request.

There being no further comments, the public portion of the hearing was closed.

Chair Beard asked if Staff made the revisions. Staff replied yes; that other city's formats were reviewed; that the effort took about a year and the new format would be helpful both for the public and Staff; that there would be a new mixed-use section; and that the new format would also be available on line.

Chair Beard moved to recommend approval of Amendment No. A-150-09 to City Council, seconded by Vice Chair Kirkham, pursuant to the facts and reasons contained in Resolution No. 5695. The motion received the following vote:

AYES: COMMISSIONERS: BEARD, BONIKOWSKI, BUI, CABRAL,
ELLSWORTH, KIRKHAM, TRAN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING CODE AMENDMENT NO. A-150-09, FOR THE RE-ORGANIZATION OF TITLE 9 (ZONING ORDINANCE) OF THE MUNICIPAL CODE, ADD NEW DEFINITIONS, AND CORRECT TYPOGRAPHICAL ERRORS.

WHEREAS, the case, initiated by City of Garden Grove, proposes amending Title 9 (Zoning Ordinance) of the Municipal Code to include re-organization of the Code, adding new definitions, and correct typographical errors; and,

WHEREAS, the Planning Commission, at a public hearing held on October 15, 2009, determined that this project is exempt pursuant to Section 15601(b)(3), of the California Environmental Quality Act; and

WHEREAS, pursuant to Resolution No. 5695, the Planning Commission, at a public hearing held on October 15, 2009, recommended approval of Amendment No. A-150-09; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on November 10, 2009, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City of Garden Grove City Council, in regular session assembled on November 10, 2009, does hereby determine that this project is exempt pursuant to Section 15601(b)(3), of the California Environmental Quality Act.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Garden Grove City Council has considered the proposed Code Amendment together with comments received during the public review process. The record of proceedings on which the City of Garden Grove City Council decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. City of Garden Grove City Council finds on the basis of the whole record before it, including comments received, that the project is exempt pursuant to Section 15601(b)(3), of the California Environmental Quality Act.

Section 2. Amendment No. A-150-09 is hereby approved, pursuant to the facts and reasons stated in Planning Commission Resolution No. 5695, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council

Section 3. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council Members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.