



Joint City Council/ Planning Commission Staff Report

DATE: April 24, 2023

ITEM INITIATED BY: Raffi Boloyan, Community Development Director

ITEM AUTHORIZED BY: Raffi Boloyan, Community Development Director

A handwritten signature in blue ink, appearing to be "Raffi Boloyan".

PREPARED BY: Raffi Boloyan, Community Development Director

**SUBJECT: COMPREHENSIVE ZONING ORDINANCE UPDATE
STUDY SESSION #3 – CORRIDOR MIXED USE (CMX) DISTRICT
FOLLOW UP AND DRAFT ADMINISTRATIVE PROCEDURES**

BACKGROUND

Three joint Planning Commission/City Council study sessions have been scheduled to review sections of the draft Zoning Ordinance Update.

- The 1st session was conducted on Tuesday, January 31, 2023 and covered the Draft Zoning District and Use regulations, and the Draft Zoning map. Video and materials for this session can be viewed at <https://www.cityofdixon.us/MeetingAgendasMinutesVideos> and then navigating to the archived meetings section, and then clicking on “2023” “City Council”, and “audio/video” link for the January 31, 2023 meeting.
- The 2nd study session was conducted on Monday, March 20, 2023 and covered the draft Citywide standards. Video and materials for this session can be viewed at <https://www.cityofdixon.us/MeetingAgendasMinutesVideos> and then navigating to the archived meetings section, and then clicking on “2023” “City Council”, and “audio/video” link for the March 20, 2023 special meeting.

This 3rd session will cover Draft Administrative Procedures section of the Zoning Ordinance. As well as a follow up to the Corridor Mixed Use (CMU) standards from session #1. Administrative provisions convey who is responsible for making decisions on zoning applications and details the review and approval process. The written materials for the 3rd session include:

- This Staff Report
- [Draft Administrative Provisions](#), April 2023

These materials were published and made available to the public, Commission and Council on April 14th. All current documents related to the zoning ordinance update project, including the items above, can be found on the project web page at www.cityofdixon.us/zoningupdate and are listed in Project Documents section.

The purpose of this memo is to provide the recommended format for the meeting, summary and background on the two topics for the 3rd study session, and provide any written public comments received to date.

STUDY SESSION FORMAT

Given that this session includes different topical areas, staff recommends a separate presentation and discussion on each of the two topic areas, with a repeat of the project overview for any new members of the public . The following format is recommended for conducting this study session:

1. Project and Study Session Overview

- Staff Presentation
- Planning Commission and City Council Questions
 - Staff responses if necessary
- Public comments and questions
 - Staff responses if necessary
- Commission/Council Discussion

2. Corridor Mixed Use (CMX) District Follow up

- Staff Presentation
- Planning Commission and City Council Questions
 - Staff responses if necessary
- Public comments and questions
 - Staff responses if necessary
- Commission/Council Discussion

3. Draft Administrative Procedures

- Staff Presentation
- Planning Commission and City Council Questions
 - Staff responses if necessary
- Public comments and questions
 - Staff responses if necessary
- Commission/Council Discussion

DISCUSSION

There are two components that will be discussed at this study session: 1) the follow-up on the Corridor Mixed Use (CMX) regulations (from 1st session) and 2) the Draft Administrative Provisions. Discussion for each topic is provided below:

1. CORRIDOR MIXED USE (CMX) DISCUSSION:

The General Plan establishes land use designations and the overall policy basis for land use and development in the City. Zoning then establishes specific land use and development controls to implement the General Plan. The Corridor Mixed Use General Plan Land Use Designation applies to a wide variety of areas that are currently within commercial, service, industrial, and residential zoning districts. Context, parcel size, lot pattern, and use vary

widely throughout. While the General Plan provides specific direction for land use and development within the Corridor Mixed Use area, there are some areas that must be clarified and defined through the zoning regulations.

a. General Plan

The General Plan Land Use Designation description requires more than one use on 'larger' sites. *The Zoning Code needs to define 'larger', as well as identify the specific uses that are allowed.*

Allowed residential density is 12-28 dwelling units per acre. *If residential is developed, it must be at least 12 units/acre.*

b. Comments on CMX from 1st Study session

The following list generally summarizes comments heard at the January 31st Study Session regarding the CMX District.

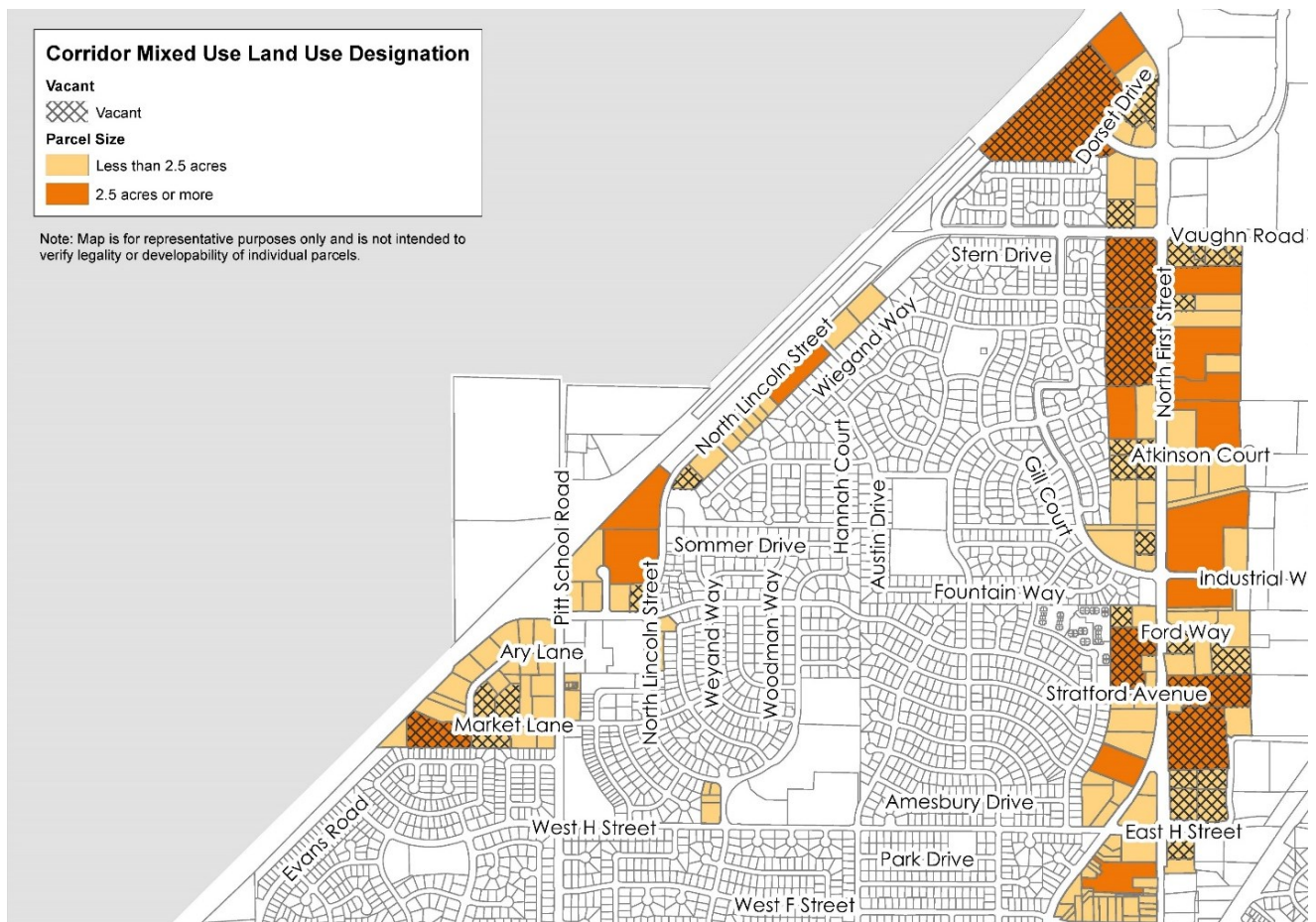
- Clearly define 'active use'
- Concerned with the variety of uses allowed. Auto related or other obnoxious uses should not be allowed with a mixed-use residential project.
- People often think of 'mixed-use' as ground floor commercial with residential on top. General Plan allows both vertical and horizontal mixed-use.
- Vertical mixed-use is preferred. Mixed use of car wash next to residences with small yards was not what was envisioned.
- Limit the allowed residential to specific types, such as supportive or transitional housing
- There isn't a strong market for commercial development. Developers are going to want to build residential development. The City will need to require, or force, the nonresidential component.
- Concern with developers building one or two dwelling units and calling it 'mixed-use.'
- Strike a balance between profitability and what the City wants. Make sure it's feasible otherwise may not get anything.

c. District Standards Staff Recommendation Summary

The following are staff's recommendation for how to address the small vs large site, as well as standards for mixture of uses to require on small vs large sites. In addition, an exhibit below illustrates the properties within the CMX District that would be considered small vs large, Yellow properties are sites less than 2.5 acres, Orange are sites greater than 2.5 acres, and properties with a hatching, are those that are vacant:

i. Definition of 'small' and 'large' site:

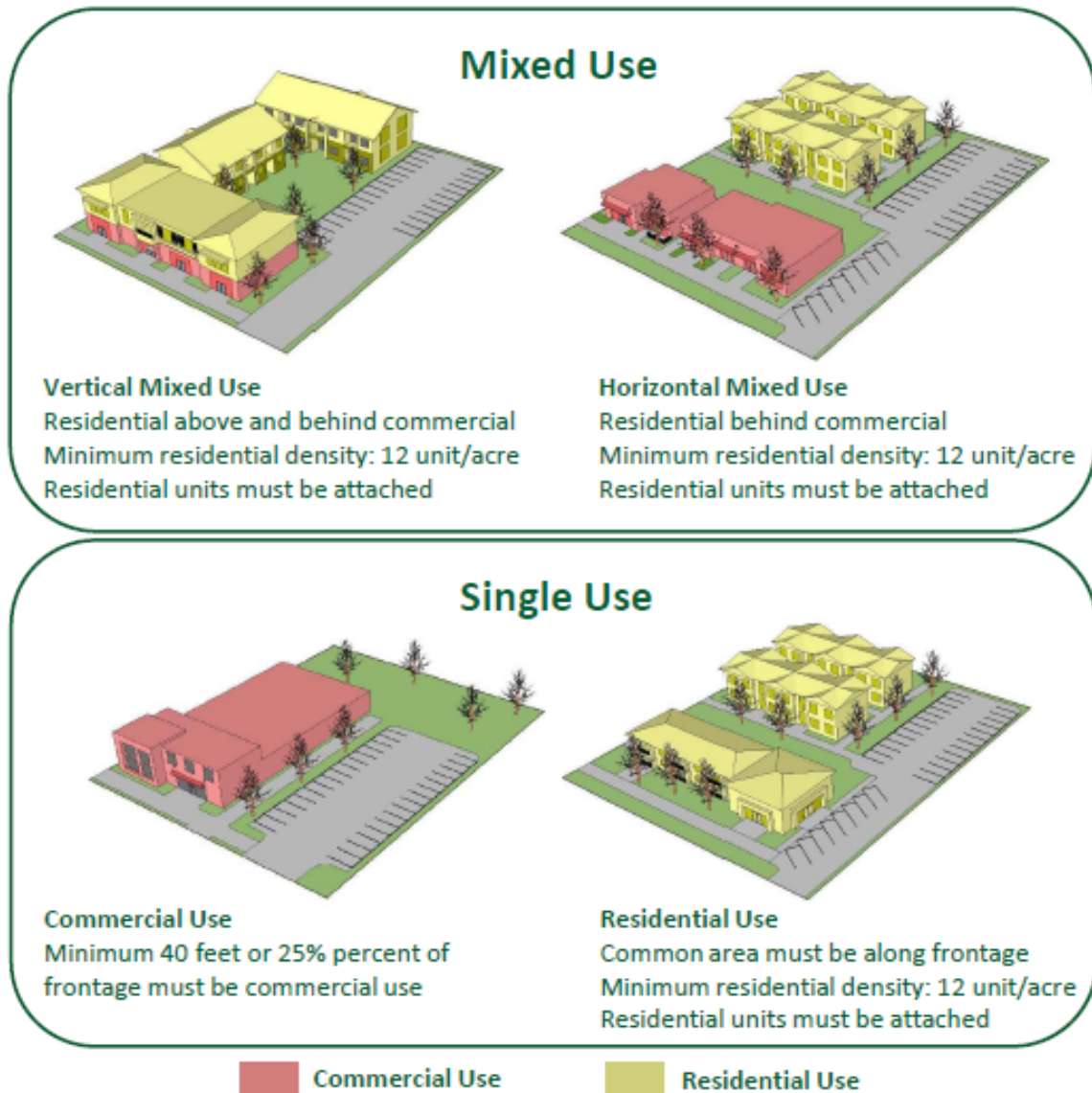
- 'Small' site: Less than 2.5 acres (*single- or mixed-use allowed*)
- 'Large' site: 2.5 acres or larger (*mixed use required*)



ii. *Development Standards for 'Small' Sites (sites less than 2.5 acres in size)*

- **Single or Mixed Use Allowed:** May have a single use or any mix of allowed uses
 - Single-unit dwellings are not allowed (*All dwelling units must be 'attached' (i.e. apartments above commercial, apartments, townhomes, or duplexes)*)
 - Residential development must have a minimum density of 12 units/acre
- **Required Frontage:** Commercial uses or residential common areas
 - A minimum of 40 feet or 25% of the ground floor building frontage must be commercial uses or residential common areas, such as community rooms or fitness areas

Development programming meeting the standards for small sites are depicted below.
Note: *Illustrations are schematics only to portray draft standards and are not intended to depict actual development.*



iii. *Development Standards for 'Large' Sites (sites 2.5 acres or more in size)*

- **Mixed Use Required:** At least one Residential Use and at least one Commercial Use
 - Single-unit dwellings are not allowed (*All dwelling units must be 'attached' (i.e. apartments above commercial, apartments, townhomes, or duplexes)*)
 - Residential development must have a minimum density of 12 units/acre
- **Required Frontage:** Commercial uses
 - Commercial uses must occupy a minimum of 40 feet or 25% of the ground floor building frontage

Development programming meeting the standards for large sites are depicted below.

Note: *Illustrations are schematics only to portray draft standards and are not intended to depict actual development.*

Mixed Use

Vertical Mixed Use

Residential above and behind commercial
Minimum residential density: 12 unit/acre
Residential units must be attached



Horizontal Mixed Use

Residential behind commercial
Minimum residential density: 12 unit/acre
Residential units must be attached



Commercial Use

Residential Use

c. CMX Use Allowances

The following lists summarize the draft use allowances for the CMX District that were presented in the 1st session, in the Draft Zoning Land use tables.

Permitted Uses (subject to Design Review for new construction and additions)

Residential Uses

- Apartments, townhomes, or duplexes
- Assisted living and other group residential.

Public/Semi-Public Uses

- Colleges and trade schools
- Community assembly (meeting halls, religious facilities)
- Cultural institutions (museums, libraries)
- Day care centers

- Medical clinics
- Instructional services (yoga, dance, or music studios)
- Parks and recreation
- Public safety facilities

Commercial Uses

- Pet day care
- Veterinary services
- Automobile rental
- Automobile sales
- Minor auto repair (smog checks, quick service oil)
- Banks
- Business services (printing and copying, custodial services)
- Movie theaters
- Indoor recreation (bowling alleys, health clubs)
- Outdoor recreation (sports complex, tennis club)
- Restaurants
- Farmer's markets
- Food preparation (retail bakeries, catering kitchens)
- Funeral parlors
- Hotels
- Offices
- Personal services (barber and beauty shops, dry cleaners)
- Retail (except liquor and tobacco stores)

Industrial Uses

- Contractor shops (HVAC, carpentry)
- Custom manufacturing (ceramic studios, woodworking)
- Small (less than 15,000 square feet) food and beverage manufacturing (coffee roasters, micro-breweries)
- Research and development

Transportation, Communication, and Utility Uses

- Broadcasting studio

Administrative Use Permit Required (Public notice, Director decision unless elevated or appealed to PC)

An Administrative Use Permit is a discretionary permit to ensure the use will be designed, located, and operated in a manner that will be compatible with the surrounding area and uses)

Public/Semi-Public Uses

- Private schools
- Social service facilities

Commercial Uses

- Service stations
- Car washes
- Drive-throughs

Conditional Use Permit Required (Public notice and PC hearing)

A Use Permit is a Discretionary permit to ensure the use will be designed, located, and operated in a manner that will be compatible with the surrounding area and uses)

Public/Semi-Public Uses

- Hospital
- Skilled nursing facility

Commercial Uses

- Cannabis business
- Outdoor entertainment (amphitheater, drive-in theater)
- Convention facility
- Bars/nightclubs/lounges
- Liquor stores
- Tobacco retailers
- Smoking lounge

Industrial Uses

- Large (greater than 15,000 square feet) food and beverage manufacturing
- Light industrial (Assembly or reshaping, no materials processing)
- Storage and warehousing (indoor and personal storage)

Transportation, Communication, and Utility Uses

- Public works and utilities

d. Other Options for consideration:

In addition or in lieu of the staff recommendation, the Commission/Council can consider other options:

- Further limit the types of nonresidential uses allowable in mixed use developments
 - Prohibit certain uses outright
 - Require a separation between certain uses that have the potential to impact residential uses
 - Require specific approval from Planning Commission
 - Allow certain uses only as single-use development
- Modify development site size threshold
 - 2.5 acres proposed based on feasibility information and decision maker direction on previous projects
- Modify amount of required 'active' frontage – defined as commercial use or common area of residential development
 - Minimum of 40 feet or 25% of the ground floor building frontage, whichever is greater

e. Discussion Questions for CMX District

The following questions will be presented at the hearing, to facilitate discussion on this topic.

- Are the draft standards to implement the Corridor Mixed Use General Plan land use designation appropriate?

- Is the 2.5 acre threshold appropriate to distinguish 'larger sites'?
- Are there any commercial uses that are inappropriate as part of mixed-use development (i.e. any commercial uses that should not be located on the same site as residential)?
- Is the requirement for a minimum of 40 feet or 25% of the ground floor building frontage, whichever is greater, to consist of commercial use or common area of residential development appropriate to ensure a minimum amount of active street frontage?

2. REVIEW OF DRAFT ADMINISTRATIVE PROVISIONS

The [Draft Administrative Provisions](#) are attached to this report and can also be found here. The discussion below is a summary of the provisions contained in the Draft document and some questions to solicit input

The Administrative Provisions section of the Zoning Ordinance conveys who is responsible for making decisions on zoning applications and details the review and approval process. The draft provisions are intended to clarify and simplify review procedures while maintaining the bulk of existing provisions and codifying existing practices. A list of topics covered in the Draft Administrative Provisions, along with brief descriptions of notable changes, follows below.

Planning Authorities. Lists of the basic roles and functions of decision makers under the code. A general statement is made to clarify that the Director may refer any item for which the Director makes a determination to the Planning Commission for review and decision.

Common Procedures. Uniform procedures that are common to the permitting process; covering everything from time limits and extensions through to post-decision provisions. The time period for which a permit is 'good for' is proposed to increase from one year plus a one year extension to two years plus a two year extension.

Zoning Clearance. This new section codifies procedures for reviewing building permits and business licenses for compliance with the Zoning Code.

Design Review.

- Clarifies the applicability of design review.
- Retains applicability to new construction, additions, and model homes.
- Adds applicability to subdivisions and new fencing and walls visible from the freeway or North 1st Street.
- Removes the Design Review Commission (DRC), which is an obsolete body.
- Revises current threshold for City Council review from 75,000 square feet of retail space to 75,000 square feet of nonresidential space.
- Retains Planning Commission review of projects involving more than 5,000 square feet of new nonresidential space, three or more new residential units, and model homes.
- Adds Planning Commission review of subdivisions of five or more lots.
- Retains Director review of projects with less than 5,000 square feet of new nonresidential space and less than three new residential units.

- Adds Director review of new fencing and walls visible from the freeway or North 1st Street.

Use Permits. Retains procedures for Conditional Use Permits and details procedures for Administrative Use Permits which currently do not have codified procedures. Administrative Use Permits are discretionary permits that require public notice and decision by the Director. A public hearing would occur if the Director refers the item to Planning Commission for decision or if the Director’s decision is appealed.

Temporary Use Permits. The current code is unclear on the process for review of temporary uses. This new section establishes procedures for Director review of temporary uses that meet specific criteria in Standards for Specific Uses.

Modifications. Sometimes referred to as ‘mini-variances,’ modifications are a new process to allow consideration of specific deviations from development standards. Any deviation that does not fall within the thresholds for a modification require a variance.

Variance. Existing procedures for Planning Commission consideration of deviations to standards that don’t meet the criteria for a Modification.

Reasonable Accommodation. New procedures for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

Amendments. Existing provisions for amending the Zoning Code text and the Zoning Map.

Prezoning. Existing procedures for prezoning of property to determine the zoning that will apply to property in the event of subsequent annexation to the City.

Planned Development. Procedures for the establishment of a Planned Development (PD) Overlay District and the review and approval of a PD Plan for development within a PD Overlay District. City Council approval is required to establish a PD Overlay District. A PD Plan, which guides development within the PD Overlay is approved by the City Council when prepared concurrent with the establishment of the overlay district. If processed after the establishment of the overlay district, the PD Plan is approved by the Planning Commission, or City Council upon appeal.

Enforcement. Existing procedures for enforcing and abating violations of code regulations.

a. Discussion Questions for Draft Administrative Provisions

The following questions will be presented at the hearing, to facilitate discussion on this topic.

- Are the provisions for the administration of the Zoning Code appropriate?
- Is it appropriate to increase the time period for which a permit is ‘good for’ from one year plus a one year extension to two years plus a two year extension?
- Is the applicability of Design Review appropriate?
 - New construction.
 - Additions and alterations to existing structures.

- Model homes in residential subdivisions.
- Subdivisions involving five or more lots.
- New fencing and walls visible from the freeway or North 1st Street.
- Are the Design Review authorities appropriate?
 - City Council: > 75,000 sf nonresidential floor area
 - Planning Commission:
 - 5,000 sf new nonresidential floor area
 - ≥ 3 new residential units
 - Model homes
 - Subdivisions involving five or more lots
 - Director:
 - ≤ 5,000 sf new nonresidential floor area;
 - < 3 new residential units
 - New fencing and walls visible from the freeway or North 1st Street
- Any other questions or observations?

CORRESPONDENCE

Notice of the three study sessions, along with notice of availability of the draft documents for the all sessions, were emailed to all interested parties and distributed to the Council/Commission at least 10 days before each meeting. For this meeting, the draft document and this staff report were posted on line and distributed to the Council and Commission on Friday April 14th.

At the issuance of this staff report on Thursday, 4/13, no public comments, adverse or otherwise, have been received by staff for the third study session. During prior meetings, there have been some limited public comments presented at each study session, mostly related to the mixed use topic.

Any comments submitted after this memo and before the meeting, will be forwarded to the Commission and Council under separate cover and posted on the City's agenda page.

RESOURCES

1. [Draft Administrative Procedures](#)
2. Materials from Previous study sessions can be viewed at <https://www.cityofdixon.us/zoningupdate>