

ORDINANCE NO. 1356 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ
AMENDING THE MARTINEZ MUNICIPAL CODE BY REPEALING IN ITS
ENTIRETY, AND REPLACING CHAPTER 22.42 PLANNED UNIT DEVELOPMENTS

THE CITY COUNCIL OF THE CITY OF MARTINEZ DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 22.42 of the Martinez Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

CHAPTER 22.42

PLANNED UNIT DEVELOPMENTS (PUDS)

22.42.010 Purpose

The purposes of this chapter are to:

- A. Implement the objectives of the General Plan in a manner that will provide for greater flexibility in the design of integrated developments than otherwise possible through strict application of zoning regulations.
- B. Encourage the design of well-planned facilities which offer a variety of housing or other land uses through creative and imaginative planning.
- C. Ensure orderly and through planning and review procedures, that will result in high quality urban design.
- D. Encourage variety and avoid monotony in development.
- E. Conserve superior natural features
- F. Encourage the preservation of serviceable existing structures determined by the City to be of historic value by providing the opportunity for imaginative re-use, rehabilitation and where appropriate expansion.
- G. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

- H. Provide more desirable public and private open space and encourage allocation and improvement of common open space in residential areas. Provide for maintenance thereof at the expense of those who will directly benefit from it.
- I. Provide a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.
- J. Encourage the provision of superior amenities in development.

22.42.020 General Provisions

A. General Criteria and Intent. In administering the provisions of this chapter, the extent to which the proposed planned unit development (PUD) generally promotes the purposes of this chapter shall be taken into consideration.

1. It is intended that this chapter be utilized for developments capable of achieving the distinct characteristics intended by the PUD criteria set forth in this chapter, among them the following types of development:

(a) Residential. Residential subdivision developments which may include a variety of housing types and site plans, accessible open "green spaces," or common recreational areas and other features of substantial benefit to a viable and balanced community.

(b) Residential - Mixed Use Development. Mixed residential-commercial developments combining among other things, residential, retail, hotel, office, commercial recreation facilities, or other compatible uses grouped in a well-designed and coordinated site development.

(c) Industrial Development. Well-designed and controlled groupings of research, service, or light industrial uses within an area containing visual and operational amenities and features, such as selective occupancies, setbacks, landscaping, and bulk and building material controls.

B. Limitations on Use of PUD. It is not intended that this Chapter:

1. Encourage or permit a property owner to increase the development potential of his or her property merely by increasing the density of his or her project, contrary to the regulations imposed by the base zoning applicable to the property.
2. Be used solely to create a development potential for small or difficult parcels of property created or remaining as a result of subdividing, freeway construction, or other contributing factors.
3. Be applied to projects of less than 1 acre in size, except projects within the boundaries of either the Downtown Specific Plan or Central Martinez Specific Area Plan, in which case the minimum size project for a PUD application is 7,000 square feet.

22.42.030 PUD District

- A. Application-Procedure-Notice-Fees. A zoning amendment to rezone property to a PUD Overlay District may be initiated by a property owner or authorized agent, or by the City. If initiated by the property owner and the property is not under a single ownership, all owners shall join in the application, and a map showing the extent of the ownerships shall be submitted. The PUD zoning designation shall be adopted or removed in the same manner as a rezoning as set forth in this title. An application for a PUD zoning designation shall be subject to application fees as set forth by resolution of the city council.
- B. Areas in Multiple Ownership. The PUD designation of property that is not all in the same ownership may only be initiated by a petition submitted on behalf of the owners of all of the property within the area.
- C. Effect of PUD Designation. A PUD designation constitutes an overlay zoning district. The PUD designation appearing on the official zoning map indicates that the property within such overlay zone is subject to the requirements and restrictions set forth in this chapter in addition to the indicated underlying zoning district.

22.42.040 PUD Plan

No land use entitlement or development for property located within a PUD Overlay Zone shall be approved until a PUD Plan for the property subject to the Overlay has been approved by the City Council in accordance with this Chapter.

22.42.050 Required Contents of PUD Plan.

- A. The approval of a PUD Plan shall constitute a rezoning of the property and zoning text amendment applicable to the property and shall establish the specific requirements for development and use of the site consistent with the General Plan and any applicable Specific Plan. In approving a PUD Plan, the city council may modify zoning regulations prescribing development standards, including but not limited to those relating to maximum building height, minimum yard, open space area and lot size requirements, parking and loading, and other provisions of this title otherwise applicable to the property, excepting those prescribed by the Hillside Development Regulations; Chapter 22.33, which include but are not limited to Maximum Allowable Density Calculations; Section 22.33.020.
- B. The PUD Plan shall contain a schematic plan and development standards applicable to development within the PUD and shall include specific details, elements, conditions and restrictions as the council may deem warranted to carry out the purpose of this chapter, including conditions and restrictions related to size, timing and sequence of development.
- C. The PUD Plan shall at a minimum contain:
 1. Allowable Density Standards. The allowable density and intensity of development , including: the total number and type of dwelling units that may be allowed for residential development (attached or detached and product type) and or the total square footage, maximum floor area ratios and building massing requirements for nonresidential development. Maximum allowable density shall not exceed the maximum density permitted by the General Plan, any applicable Specific Plan and the underlying zoning district in which the property is located.

2. Allowable Land Uses. The allowable land uses, including accessory uses, and any subsequent land use permit requirements that shall apply after the approval of the PUD Plan.
3. Streets and lots. The proposed street and lot pattern. The creation of lots is subject to compliance with the subdivision ordinance.
4. Lot Size and Coverage Requirements. Minimum lot sizes and site coverage requirements.
5. Setbacks and Height Limits. Minimum setback requirements and structure height limits.
6. Parking. Off street parking requirements and identification of the location for required off street parking.
7. Landscaping. Landscaping requirements.
8. Sign Program. If signs are proposed, an integrated consistent sign program.
9. Such other information required by the review authority.

22.42.060 Effect of Approval, and Administration of Approved Plans.

After the PUD Plan approval, the land uses allowed on the site and the proposed development shall comply with:

- A. The standards of the PUD Plan to the extent that those provisions differ from the standards of this title, and
- B. The provisions of this title where the PUD Plan is silent on any aspect of land use or development that is otherwise regulated by this title.
- C. In any case where a PUD Plan is silent on an aspect of land use or development otherwise regulated by this title, the allowable land use requirements and development standards of the underlying zoning district shall apply.

22.42.080 PUD Plan Application and Approval Procedures

PUD Plans shall be prepared, filed, processed, and approved or disapproved as follows.

A. Application Filing and Processing. An application for PUD Plan approval shall be filed and processed as an amendment to the zoning text and map in compliance with this title. The PUD Plan application shall include the following information and materials.

1. Graphic documents (one or more maps or drawings) accurately drawn to scale and sufficiently detailed to show:
 - (a) Boundaries and area of the site;
 - (b) A site plan for the conceptual and completed project showing each type of land use and the maximum allowable density or building intensity identified, areas designated for open space, all buildings/structures, streets, parking, pathways, patios, decks, pools, accessory buildings, fences, walls and similar improvements;
 - (c) Preliminary utility plan including storm drainage system;
 - (d) Topography, with existing and proposed contours shown at a minimum interval of 10 feet;
 - (e) Site slopes, calculated and classified as per Section 22.33.020; Hillside Development Regulations, Maximum Allowable Density Calculations;
 - (f) All existing structures and improvements on the site;
 - (g) All water areas (ponds, lakes, streams, wetlands, and drainage ways);
 - (h) Contiguous properties, their zoning and existing uses and structures and other improvements;
 - (i) Surrounding street pattern, with design capacities and current traffic counts;
 - (j) Either: 1) conceptual architectural floor plans and elevations, sufficiently detailed to show conceptual height, bulk, and their relationship to the topography and indicating materials and colors of all building types proposed to be developed, or 2) comprehensive design standards and guidelines,

as to be applied to all development within the PUD, prescribing the maximum building envelope for each structure; and minimum standards for and/or limitations on ranges of exterior materials, landscaping, fencing and any other applicable limitations on site development, including but not limited to grading or tree removal.

- (k) Designation of projected density and/or intensity of development. Density in gross and net figures for residential uses and, lot and building coverage, and total square footage of floor area for nonresidential uses;
- (l) Geologic map graphically identifying areas of potential geologic problems or hazards;
- (m) Opportunities and constraints map, showing visual focal points, view potential and existing utilities;
- (n) Subdivision proposals with minimum lot sizes and lot pattern;
- (o) Comprehensive landscape plans including the location, trunk diameter and type of all existing trees more than three inches in diameter measured 24 inches above ground level within the development area noting which, if any, are to be removed. These plans shall also show areas to be planted with trees, shrubs, groundcover, and hydroseeding and whether such trees or shrubs are to be evergreen or deciduous and shall include visual design including such elements as fencing, pathways, lighting, and other features;
- (p) A comprehensive grading plan with a contour interval of at least five feet, showing area, height and slope of all cut or fill banks, earth quantities of import or export, street and lot layout;

2. Written development standards and statements as they apply to the following subjects:

- (a) Density/intensity of development proposed including: the total number and type of dwelling units that may be allowed for residential development (attached or detached and product type) and or the total square footage, maximum floor area ratios and building massing requirements for nonresidential development;

- (b) The proposed allowable land uses, including all accessory uses and approximate land area and square footage of floor areas and number of bedrooms for residential uses;
- (c) Provisions dealing with ongoing physical development or use limitations such as, minimum lot size, height limitations for structures, required yard areas, maximum fence heights, coverage limitations, maximum floor area ratios, accessory structures, home occupations, parking requirements, landscaping requirements and signs;
- (d) A description of subsequent land use permit requirements that shall apply after the approval of the PUD plan;
- (e) Professional analysis and report on soils, flooding, geologic hazard, seismic hazard, wildlife, vegetation, noise, traffic safety, historic or archeological considerations;
- (f) Utilities plan (gas, electric, water, sanitary sewer, telephone, storm drainage);
- (g) Public services (police, fire, schools, mail);
- (h) Public conveniences (solid waste, TV, newspapers);
- (i) Public facilities (streets, library, public transportation and parks);
- (j) traffic analysis (auto, bike, pedestrian, equestrian), including trip generation figures for vehicular traffic (auto/truck/service);
- (k) Parking computations and ratios (per unit for residential and per square foot in nonresidential);
- (l) If the project is in a high fire hazard area, as determined by the Fire District, then a fire management plan shall be included. the fire management plan shall describe the terrain, vegetation, fire service, access, and water availability and proposed method to reduce fire hazards, including long-term maintenance standards and management practices and identification of the responsible party and funding source;
- (m) Any proposed exceptions to development standards of this code;

- (n) Management plans including standards for maintenance of any open space, common areas, scenic easements, or other non-developer areas, and all waterways or wetlands including identification of responsible party and long-term funding source for maintenance activities; and
- (o) Information provided as required by the director to allow a determination on environmental review to be made in accordance with the California Environmental Quality Act).

3. A list of all property owners included on the PUD Plan and a map depicting the parcel ownership.

B. Design Review Committee Recommendation on Site Plan Required. Prior to review by the Planning Commission, PUD Plans shall first be reviewed by the Design Review Committee for a site plan design recommendation. Design Review Committee recommendations shall be advisory and shall be transmitted to the Planning Commission with the staff evaluation. The Planning Commission shall consider the staff evaluation and the Design Review Committee's recommendation in making its findings and recommendations to the council on the PUD Plan.

C. Commission Action on PUD Plan. Following a public hearing in compliance with this title, the commission may recommend that the council approve, conditionally approve, or disapprove the PUD Plan. The commission may recommend approval of a PUD Plan only after first making all of the following findings:

1. The proposed PUD Plan development is in conformance with the applicable goals and policies of the general plan and any applicable specific plan;
2. The proposed PUD Plan development can be adequately, conveniently, and reasonably served by public conveniences, facilities, services, and utilities;
3. Streets and pedestrian facilities adequate in width and pavement type to carry the quantity and type of traffic expected to be generated by the proposed development;

4. The proposed PUD Plan development concepts are reasonably suited to the specific characteristics of the site and the surrounding neighborhood and the site is physically suitable for the type and density/intensity of development being proposed, adequate in shape and size to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this title;
5. The proposed PUD Plan would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than might otherwise occur from more traditional development applications;
6. The location, access, density/building intensity, size and type of uses proposed in the PUD Plan are compatible with the existing and future land uses in the surrounding neighborhood.

D. Council Action on PUD Plans.

1. After a commission recommendation for the approval of a PUD Plan, or an appeal of a commission disapproval of a PUD Plan, council shall review the PUD Plan in a noticed public hearing in compliance with this title.
2. Following the public hearing, the council may approve, conditionally approve, or disapprove the PUD Plan. The council may approve the PUD Plan only after first making all of the findings required by subsection (C) of this section.
3. Disapproval shall be by motion. Approval or conditional approval shall be by the adoption of an ordinance.

22.42.090 Council Action Required for Applications Integral to PUD Plan.

Applications for development entitlements made concurrently with an application for approval of a PUD Plan, including but not limited to a request for approval of a subdivision map, variance to the provisions of the Hillside Development Regulations (Chapter 22.33) and Design Review (pursuant to Section 22.42.100.B below), the Planning Commission will make its recommendation to the Council on such applications, who will take action to approve, conditionally approve, or disapprove such applications concurrently with its consideration of the PUD Plan pursuant to Section 22.42.080.D

22.42.100 Design Review Approval and Issuance of Building Permits.

- A. Design Review Approval Subsequent to Council Action No building permit shall be issued for any building or structure within the boundaries of property zoned PUD overlay until a Design Review application, per Section 22.34.030-070, has been approved for the finalized architectural and landscape plans, and it is determined by the Planning Commission that the plans conform to either the: 1) conceptual architectural floor plans and elevations or 2) comprehensive design standards and guidelines adopted for the PUD. No building or structure within a PUD may be occupied until an inspection of the project has been made by the Community Development and Economic Director to see that all conditions of the plan review have been complied with. Modifications to previous Design Review approvals may be subject to Design Review Committee and/or Planning Commission review per Section 22.34.030-070.
- B. Design Review Application may be Concurrent with Council's approval of PUD. Notwithstanding Section 22.42.080.B and 22.42.090.A, an applicant may choose to apply for Design Review approval concurrently with the application for a PUD. In such cases, Design Review Committee's site plan review, as required by Section 22.42.080.B, will be expanded to include a review of finalized architectural and landscape plans as normally required by Sections 22.34.030-070. The Design Review Committee's recommendation will be made to the Planning Commission, who will make its recommendation to the Council, who will take action as provided in Section 22.42.090 above.

22.42.110 Amendments to an Approved PUD Plan.

Any proposed deviation from an approved PUD Plan, other than those limited to Design Review approval(s) per Section 22.42.090, are to be considered a potential amendment to the PUD Plan. Amendments to a previously approved PUD Plan may be applied for by the property owner or the City. The authority of the commission and council to act upon a PUD Plan amendment application is limited to considering and taking action with respect to only: (i) the changes in the plan proposed by the amendment; (ii) the direct and indirect effects on the balance of the plan caused by said amendment; and (iii) the environmental consequences of, and any necessary mitigation measure applicable to said changes. The commission and council shall follow the same procedures as were required for the city's consideration and action on the original (or previously amended) PUD Plan.

22.42.120 Revocation of an Approved PUD District and Plan

An application to revoke a previously approved PUD District and Plan may be applied for by the property owner or the City. Reasons for such an application may include, but are not limited to, the expiration of a concurrently approved tentative map or the failure of a property owner(s) to acquire neighboring parcel(s) for concurrent development as envisioned by the approved PUD Plan. The commission and council shall follow the same procedures as were required for the city's consideration and action on the original (or previously amended) PUD District Plan. The approval of the requested revocation will remove the PUD Overlay District, and the land use and development regulations of the underlying base zoning district would apply.

22.42.130 Map of Approved PUDS

The City shall prepare and maintain on file in the planning division a map which delineate the designated PUD's in the city.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

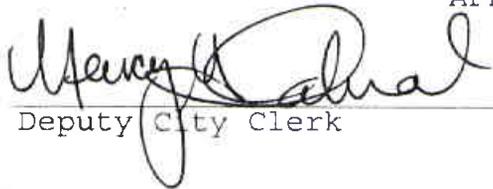
SECTION 3. Effective date. This ordinance shall become effective 30 days after the date of adoption.

SECTION 4. Posting. At least five (5) days prior to its final adoption, a certified copy of the full text of this ordinance shall be posted in the office of the City Clerk.

Within 15 days after adoption the City Clerk shall publish a summary of this ordinance with the names of those City Council members voting for and against the ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted ordinance.

ATTEST:


Deputy City Clerk

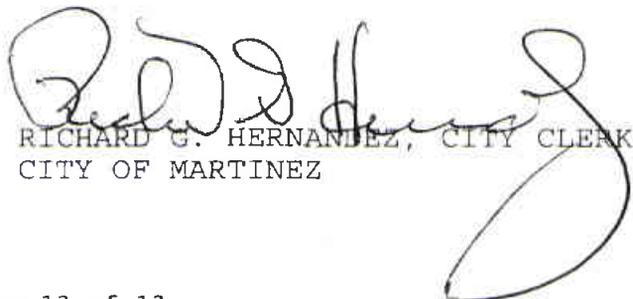
APPROVED:


Rob Schroder, Mayor

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I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the 21st day of July, 2010, and duly passed and adopted at a Regular Meeting of said City Council held on the 15th day of September, 2010, by the following vote:

AYES: Councilmembers Michael Menesini, Mark Ross, Mayor Rob Schroder
NOES: None
ABSENT: Councilmember Janet Kennedy and Vice Mayor Lara DeLaney
ABSTAIN: None


RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

