

ORDINANCE NO. 4074

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – SECTIONS 20-23.030, 20-23.050, 20-28.090, 20-42.210, 20-61.020, AND 20-70.020 – FILE NUMBER ST14-001

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that amending Title 20 (Zoning) of the Santa Rosa City Code, as follows, is required for implementation of the Roseland Area/Sebastopol Road Specific Plan.

Section 2. Amend Section 20-23.030, Table 2-6, to read and provide as follows:

“TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	<div> <div>P Permitted Use, Zoning Clearance required</div> <div>MUP Minor Conditional Use Permit required</div> <div>CUP Conditional Use Permit required</div> <div>S See Specific Use Regulations for permit requirement</div> <div>— Use not allowed</div> </div>							
	PERMIT REQUIRED BY DISTRICT							
LAND USE (1)	CO	CN (7)	CG	CV	CD (3)	CSC (2)	TV-M	Specific Use Regulations
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING								
Artisan/craft product manufacturing	—	MUP	P	—	—	P	—	
Brewery—Brew pub	—	MUP	MUP	—	MUP	MUP	MUP	
Laboratory—Medical, analytical	MUP	—	—	—	—	—	—	
Printing and publishing	—	—	—	—	MUP	—	—	
Recycling—Reverse vending machines	—	P	P	—	—	P	—	20-42.120
Recycling—Small collection facilities	—	—	MUP	—	—	MUP	—	20-42.120
Storage—Accessory	P	P	P	P	P	P	P	
Storage—Personal storage facility (mini-storage)	—	—	MUP	—	—	—	—	20-42.180
Winery—Boutique	—	—	MUP	—	MUP	MUP	MUP	
Winery—Production	—	—	CUP	—	CUP	—	CUP	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES								
Adult entertainment business	S	S	S	S	S	S	S	20-40
Commercial recreation facility—Indoor	—	—	MUP	—	MUP	MUP	MUP	
Community garden (6)	P	P	P	P	P	P	P	
Conference/convention facility	—	—	CUP	—	CUP	—	CUP	
Health/fitness facility—Commercial	—	MUP	P	—	P	P	MUP	
Health/fitness facility—Quasi-public	—	MUP	P	—	P	P	MUP	
Library, museum	P	P	P	MUP	P	P	P	
Meeting facility, public or private	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Park, playground	P	P	P	MUP	P	P	P	
School, public or private	MUP	MUP	MUP	MUP	MUP	MUP	MUP	

Sports and entertainment assembly facility	—	—	CUP	—	CUP	—	—	
Studio—Art, dance, martial arts, music, etc.	MUP	P	P	—	P	P	MUP	
Theater, auditorium	—	—	CUP	—	CUP	CUP	MUP	

RESIDENTIAL USES (See Section 20-28.080, Senior Housing (-SH) combining district, for specific requirements regarding proposed senior housing developments)

Animal keeping—Domestic and exotic	S	S	S	—	S	S	S	20-42.040
Community care facility—6 or fewer clients	P	P	P	—	P	P	P	20-42.060
Community care facility—7 or more clients	MUP	MUP	MUP	—	MUP	MUP	MUP	20-42.060
Emergency shelter—50 or fewer beds	CUP	CUP	P	CUP	CUP	CUP	CUP	20-42.190
Emergency shelter—51 or more beds	CUP	CUP	CUP	CUP	CUP	CUP	CUP	20-42.190
Home occupation	S	S	S	—	S	S	S	20-42.070
Live/work	MUP	MUP	MUP	—	MUP	MUP	MUP	20-42.080
Multi-family dwelling	CUP	P	MUP	—	MUP	P	P(5)	
Residential accessory uses and structures	P	P	P	—	P	P	P	20-42.030
Residential component of a mixed use project	MUP	P	MUP	—	MUP	P	P(5)	20-42.090
Single-family dwelling—Attached only	CUP	P	CUP	—	MUP	P	P(5)	
Single room occupancy facility			CUP		CUP	CUP	—	20-42.164
Transitional housing	CUP	CUP	CUP	CUP	CUP	—	CUP	
Work/live	MUP	MUP	MUP	MUP	MUP	MUP	MUP	20-42.060

RETAIL TRADE

Accessory retail uses	P	P	P	P	P	P	P	20-42.024
Alcoholic beverage sales	—	CUP	CUP	—	CUP	CUP	CUP	20-42.034
Artisan shop	—	P	P	—	P	P	P	
Auto and vehicle sales and rental	—	—	MUP	P	—	—	—	
Auto parts sales (no installation services)	—	—	P	P	—	P	—	
Bar/tavern	—	CUP	CUP	—	CUP	CUP	CUP	20-42.034
Building and landscape materials sales—Indoor	—	—	P	—	—	P	—	
Building and landscape materials sales—Outdoor	—	—	MUP	—	—	MUP	—	20-42.100
Construction and heavy equipment sales and rental	—	—	—	MUP	—	—	—	
Drive-through retail sales	—	CUP	CUP	—	—	CUP	—	20-42.064
Farm supply and feed store	—	—	MUP	—	—	MUP	—	
Fuel dealer (propane for home and farm use, etc.)	—	—	—	CUP	—	—	—	
Furniture, furnishings, appliance/equipment store	—	—	P	—	P	P	MUP	
Gas station	CUP	CUP	CUP	CUP	CUP	CUP	—	20-42.150
General retail—Up to 20,000 sf of floor area	—	P	P	—	P	P	P	
General retail—More than 20,000 sf, up to 50,000 sf	—	MUP	P	—	P	P	MUP	
General retail—More than 50,000 sf of floor area	—	—	CUP	—	—	P	—	
Grocery store, small—Less than 20,000 sf	—	P	P	—	P	P	P	
Grocery store, large—20,000 sf and greater	—	CUP	CUP	—	P	P	CUP	20-42.200
Mobile food vending	—	—	MUP (9)	—	—	—	—	20-42.210
Mobile home, boat, or RV sales	—	—	MUP	P	—	—	—	
Neighborhood center	MUP	P	P	CUP	P	P	MUP	
Night club	—	—	MUP	—	MUP	MUP	MUP	

Office—Supporting retail	MUP	P	P	—	P	P	P	
Outdoor display and sales	—	MUP	MUP	—	CUP	CUP	CUP	20-42.110
Pharmacy	MUP	P	P	—	P	P	MUP	
Restaurant, café, coffee shop—Counter ordering	MUP	P	P	—	P	P	P	
Restaurant, café, coffee shop—Outdoor dining	P(8)	P(8)	P(8)	—	P(8)	P(8)	P(8)	20-42.110, 20-42.160
Restaurant, café, coffee shop—Serving alcohol (no bar)	P	P	P	—	P	P	P	
Restaurant, café, coffee shop—Table service	MUP	P	P	—	P	P	P	
Second hand store	—	MUP	MUP	—	MUP	MUP	MUP	
Shopping center	—	—	P	—	P	P	—	
Tasting room	—	MUP	P	—	P	P	P	
Tobacco or smoke shop	—	—	MUP	—	MUP	MUP	—	
Warehouse retail	—	—	CUP	—	—	CUP	—	

SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL

ATM	P	P	P	P	P	P	P	20-42.044
Bank, financial services	MUP	P	P	—	P	P	P(5)	
Business support service	MUP	MUP	P	—	P	P	P	
Medical service—Clinic, urgent care	P	MUP	P	—	P	P	MUP	
Medical service—Doctor office	P	P	P	—	P	P	P(5)	
Medical service—Health care facility	MUP	—	MUP	—	—	—	—	20-42.060
Medical service—Hospital	CUP	CUP	CUP	CUP	CUP	CUP	CUP	

SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL

Medical service—Integrated medical health center	P	MUP	P	—	P	P	MUP	
Medical service—Lab	P	—	P	—	—	MUP	—	
Medical service—Veterinary clinic, animal hospital	MUP	—	MUP	—	—	MUP	—	
Office—Accessory	P	P	P	P	P	P	P	
Office—Business/service	P	P	P	—	P	P	P(5)	
Office—Government	P	MUP	MUP	MUP	P	MUP	MUP	
Office—Processing	MUP	—	MUP	—	MUP	—	MUP	
Office—Professional	P	MUP	P	—	P	—	P(5)	

SERVICES—GENERAL

Accessory services	P	P	P	P	P	P	P	20-42.030
Adult day care	—	P	MUP	—	MUP	P	MUP	
Catering service	—	—	P	—	—	—	—	
Child day care—Large family day care home	MUP	MUP	MUP	—	MUP	MUP	MUP	20-42.050
Child day care—Small family day care home	P	P	P	—	P	P	P	20-42.050
Child day care center	MUP	MUP	MUP	—	MUP	MUP	MUP	20-42.050
Drive-through service	—	CUP	CUP	—	—	CUP	—	20-42.064
Equipment rental	—	—	P(4)	—	—	—	—	
Extended hours of operation (11:00 p.m. to 6:00 a.m.)	—	MUP	MUP	—	P	MUP	MUP	
Lodging—Bed & breakfast inn (B&B)	—	—	MUP	—	P	—	MUP	
Lodging—Hotel or motel	—	—	MUP	—	P(4)	—	P	

Mortuary, funeral home	—	—	CUP	—	—	—	—	
Personal services	P	P(2)	P	—	P	P	P	
Personal services—Restricted	—	—	MUP	—	MUP	MUP	—	
Public safety facility	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Repair service—Equipment, large appliances, etc.	—	—	MUP	—	—	—	—	
Social service organization	MUP	—	MUP	—	MUP	—	—	
Vehicle services—Major repair/body work	—	—	—	P(4)	—	—	—	
Vehicle services—Minor maintenance/repair	—	—	MUP	P(4)	—	MUP	—	

TRANSPORTATION, COMMUNICATION & INFRASTRUCTURE

Broadcasting studio	P	—	P	—	P	P	P	
Parking facility, public or commercial	MUP	—	MUP	—	P(4)	—	MUP	
Telecommunications facilities	S	S	S	S	S	S	S	20-44
Transit station or terminal	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utility infrastructure	P	P	P	P	P	P	P	

Key to Zoning District Symbols

CO	Office Commercial	CV	Motor Vehicle Sales	TV-M	Transit Village—Mixed
CN	Neighborhood Commercial	CD	Downtown Commercial		
CG	General Commercial	CSC	Community Shopping Center		

Notes:

- (1) See Division 7 for land use definitions.
- (2) Each new development or project involving significant additions or reconstruction is required to be a mixed use project with a residential component in compliance with the residential density requirements for the CSC zoning district as described in Sections 20-23.040 and 20-23.080.
- (3) Each new development on a site shown in Figure 2-1, 20-23.060.C shall be a mixed use project, and each new development within the Courthouse Square Sub-Area of the Downtown Station Area Specific Plan shall provide activity-generating uses at the ground floor along all public streets.
- (4) Minor Conditional Use Permit required when site abuts residential zoning district or parcel with residential use.
- (5) Uses permitted on upper stories of building, Minor Use Permit required when proposed on ground floor.
- (6) A community garden is allowed on the same property as an existing permitted meeting facility provided that the establishment of the garden does not trigger a grading permit or affect the operation and design of the meeting facility.
- (7) Residential uses are encouraged as part of new development on sites zoned CN, as described in Section 20-23.050.
- (8) Administrative Design Review is required when a project is not part of a building permit application.
- (9) Mobile food vending is permitted on private property, with the approval of a Minor Use Permit, only on sites located within the CG zoning district that have street frontage on Sebastopol Road, between Stony Point Road and Olive Street, as described in Section 20-42.210.”

Section 3. Add the following to Section 20-28.050 to read and provide as follows:

- “10. Burbank Avenue (from the northerly boundary of Roseland Creek Community Park to Hearn Avenue). Scenic characteristics consist of larger front setbacks than typically found in low density, single-family residential areas, and a narrow roadway width that provides

a “country road” feel, as well as roadside trees that create an occasional wooded “tunnel” effect. The area has a semi-rural residential character, with more urbanized subdivisions to the north and south.

- a. Minimum setback from Burbank Avenue:
 - 1) 20 feet measured from edge of pavement to one-story structure or element with a maximum height not exceeding 25 feet;
 - 2) 25 feet measured from edge of pavement to a two-story or greater structure or element, or one-story structure or element with height over 25 feet;
 - 3) Fences and walls, hedges, swimming pools, uncovered parking, uncovered decks, gazebos, and other decorative type accessory structures need only comply with the setbacks and other standards of the primary zoning district.
- b. Where an existing dwelling does not comply with the above setbacks, single story additions and single story accessory structures are allowed within the above setbacks provided that an addition or accessory structure does not extend closer to Burbank Avenue than the existing dwelling, and complies with the setbacks of the primary zoning district.
- c. Roadway improvements. Roadway improvements along Burbank Avenue shall be designed consistent with the street sections included in the Roseland Area/Sebastopol Road Specific Plan.”

Section 4. Add the following section to Chapter 20-28 to read and provide as follows:

“20-28.090 Rural Heritage (-RH) combining district.

- A. Purpose. The -RH combining district is intended to recognize, preserve, and enhance Santa Rosa’s rural communities.
- B. Applicability. The -RH combining district shall apply to properties within rural residential areas near the perimeter of the Santa Rosa city limits. The -RH combining district may be combined with any primary zoning district established by Section 20-20.020 (Zoning Map and Zoning Districts).
- C. Locations of combining district. The standards of this section shall apply to properties located within the West Hearn Avenue neighborhood, as follows:
 - 1. West Hearn Avenue neighborhood.

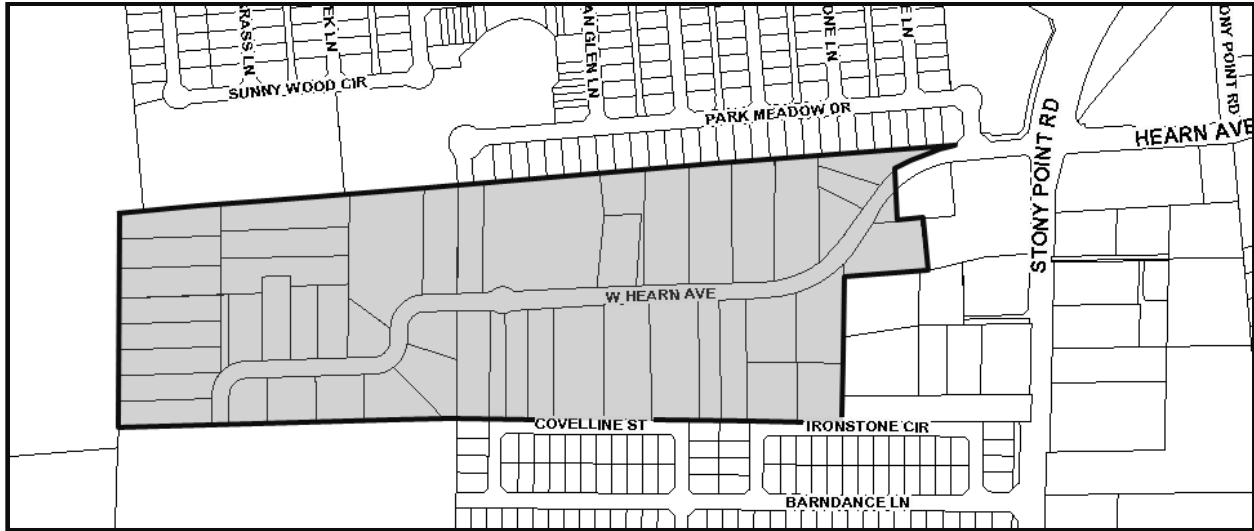


Figure 2-17 – West Hearn Avenue Neighborhood (shaded area with properties that primarily front, or receive access from, West Hearn Avenue)

D. Allowed land uses and permit requirements. Any land use normally allowed in the primary zoning district by this Division may be allowed within the -RH combining district, subject to the land use permit requirements of the primary district. The following special land uses and permit requirements shall apply to properties within the -RH combining district. In the event of any conflict between the following land uses and permit requirements and those of the primary zoning district or the standards for specific land uses (Chapter 20-42), those applicable to the -RH combining district shall apply.

1. The following land uses are permitted, zoning clearance required:
 - a. Animal keeping. Raising, feeding, maintaining and breeding of not more than one of the following per 20,000 square-feet of lot area:
 - 1) Five hogs or pigs;
 - 2) One horse, mule, cow or steer;
 - 3) Five goats, sheep, or similar animals;
 - 4) Fifty chickens or similar fowl;
 - 5) Fifty ducks or geese or one hundred rabbits or similar animals;
 - 6) 4-H and Future Farmers of America (FFA) animal husbandry projects are permitted without limitation of parcels size, provided that the parcel contains at least 20,000 square-feet and provided further a letter of project authorization is first submitted by the project advisor. The Planning and Economic Development

Director may require the applicant to obtain a Minor Use Permit when the director determines that the project might be detrimental to surrounding uses.

- b. The indoor growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, provided that the greenhouse or similar structure for indoor growing is less than 800 square-feet.
 - c. Pet fancier facilities. Pet fancier facility means any lot or premises on which five or more but not exceeding ten dogs and/or five or more but not exceeding ten cats over four months of age are owned and kept by the owner or occupant for personal, noncommercial purposes, including, but not limited to, hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or enhancing or perpetuating a given breed, other than dogs or cats used in conjunction with an agricultural operation on the lot or premises. No pet fancier facility shall be located on any lot or premises less than one acre in size. No pet fancier facility shall sell, display, offer for sale, barter or give away more than four litters of puppies and/or four litters of kittens in any calendar year.
- 2. The following land uses are allowed with the approval of a Minor Conditional Use Permit (MUP):
 - a. Art studios and arts and crafts centers not involving retail or wholesale sales.
 - b. Live/work uses in conjunction with an otherwise allowed residential use.
- E. Fences, walls and screening. Fences within the -RH combining district shall comply with the height limits set forth in Section 20-30.060 (Fences, Walls and Screening), with the following exception:
 - 1. For purposed of the -RH combining district, the term “fence” shall include fences, walls or structures in the nature of a fence. The term “fence” shall not include hedges.
- F. Street standard. The City of Santa Rosa Interim Street Standard (File No. STD.-200K) shall apply, until such time as a Rural Street Standard can be developed and adopted. Any street improvement design shall take into consideration the rural character of the neighborhood and any heritage trees (as defined by City Code Chapter 17-24).
- G. Street lights. No additional streetlights shall be installed unless requested by the neighborhood, or as deemed necessary by the City for safety purposes.

- H. Extension of West Hearn Avenue. Upon development of the property located at 1011 Yuba Drive (Assessor's Parcel Number 134-022-007), consideration shall be given to limiting through traffic onto West Hearn Avenue."

Section 5. Add the following section to Chapter 20-42 to read and provide as follows:

"20-42.210 Mobile food vending.

- A. Purpose. The provisions of this section are intended to provide conditions and requirements under which mobile food vending may be permitted to operate by Minor Conditional Use Permit on private properties within certain areas of the City.
- B. Permit requirements.
1. Minor Conditional Use Permit. Where allowed by Section 20-23.030, Table 2-6 (Allowed Land Uses and Permit Requirements for Commercial Zoning Districts), mobile vending shall require the approval of a Minor Conditional Use Permit. The approval shall be specific to a location and shall not be transferable to other locations or operators. Operation of a mobile food facility shall not be permitted on public property under this section (see City Code Section 6-48.050, Street Vendor Regulations).
 2. Business license. Every mobile food vendor shall obtain a City business license prior to operation.
 3. Sonoma County Environmental Health. A valid permit from the Sonoma County Environmental Health Department is required.
 4. Building Division and Fire Department. All necessary permits and approvals from the Building Division and the Fire Department shall be obtained prior to operation of a mobile food vending facility.
 5. Permit and license display. At all times while vending, a valid business license and Minor Conditional Use Permit shall be displayed at the mobile food vending site.
- C. Location criteria and hours of operation. The following location and hours of operation requirements shall apply to all mobile food vendors:
1. Location. Mobile food vending facilities may be proposed only on private property located within the General Commercial (CG) zoning district that have street frontage on Sebastopol Road, between Stony Point Road and Olive Street.
 2. Concentration. No mobile food vendor shall locate within 200 feet of another approved mobile food vending location.

3. Hours. Hours of operation for mobile food vending businesses shall be between 6:00 a.m. and 11:00 p.m., as defined in Section 20-70.020 (Definitions – “Hours of Operation”), or as determined by the Minor Conditional Use Permit.
- D. Standards and design criteria. The following standards and design criteria shall apply to all mobile food vendors:
1. Mobile food vending shall be conducted entirely upon private property and not within any public right-of-way;
 2. The proposed location is on an improved property that is entirely paved and does not interfere with the operation of any approved uses on the site;
 3. Mobile vendors shall maintain their immediate sales location in a clean and hazard free condition;
 4. Mobile vendors shall maintain garbage container(s) immediately adjacent to the vending location for use by customers;
 5. Applications for mobile food vending shall include the location and description of any proposed outdoor dining area, including tables, chairs and shade structures;
 6. No mobile vendor shall use, play or employ any sound outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of a vending operation;
 7. Outdoor music is permitted consistent with the normally acceptable decibel levels outlined in the Noise and Safety Element of the Santa Rosa General Plan, and as determined by the Minor Conditional Use Permit;
 8. An agreement for the use of properly operating restroom facilities within 200 feet of the mobile food vendor location shall be maintained at all times;
 9. All signage shall be located on the vending equipment and is subject to the requirements of Chapter 20-38 (Signs);
 10. No mobile food vendor shall sell alcoholic beverages;
 11. Mobile vendors cooking food shall maintain a fire extinguisher at the vending location at all times;
 12. Mobile vendors operating within a parking lot shall not inhibit traffic circulation and shall maintain the minimum required on-site parking spaces for the principal use on the property; and

13. After the permitted hours of operation, all mobile vending equipment, including the mobile unit itself and any associated dining furniture, shall be stored off-site or within an approved, enclosed structure on-site.
- E. Existing mobile food vendors. Mobile food vendors located on Sebastopol Road, between Stony Point Road and Olive Street, which obtained a Use Permit from the County of Sonoma's Permit and Resource Management Department prior to annexation may continue as permitted. Hours of operation for mobile food vendors approved by the County of Sonoma shall be between 5 a.m. and 1 a.m. Sunday through Thursday, and between 5 a.m. and 3 a.m. on Fridays and Saturdays."

Section 6. Amend Section 20-61.020, Nonconforming Uses, to read and provide as follows:

"D. Loss of nonconforming status.

1. If a nonconforming use of land, or a nonconforming use of a conforming structure, is discontinued for a continuous period of at least six months, the rights to legal nonconforming status shall terminate. The time limit for maintaining a legal nonconforming status for properties located along the north side of Sebastopol Road to Highway 12, between Stony Point Road and Dutton Avenue, as illustrated in Figure 6-1, shall be 24 months, for existing non-conforming uses and structures, to maintain a vibrant and thriving industrial area until such time as the area is ready to convert to residential and mixed residential and retail uses.
2. The nonconforming use shall not be resumed once the use has been terminated for at least six months, or 24 months for properties located along the north side of Sebastopol Road, between Stony Point Road and Dutton Avenue.
3. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business receipts/records to document continued operation.
4. Without further action by the City, any further use of the site shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this Zoning Code.

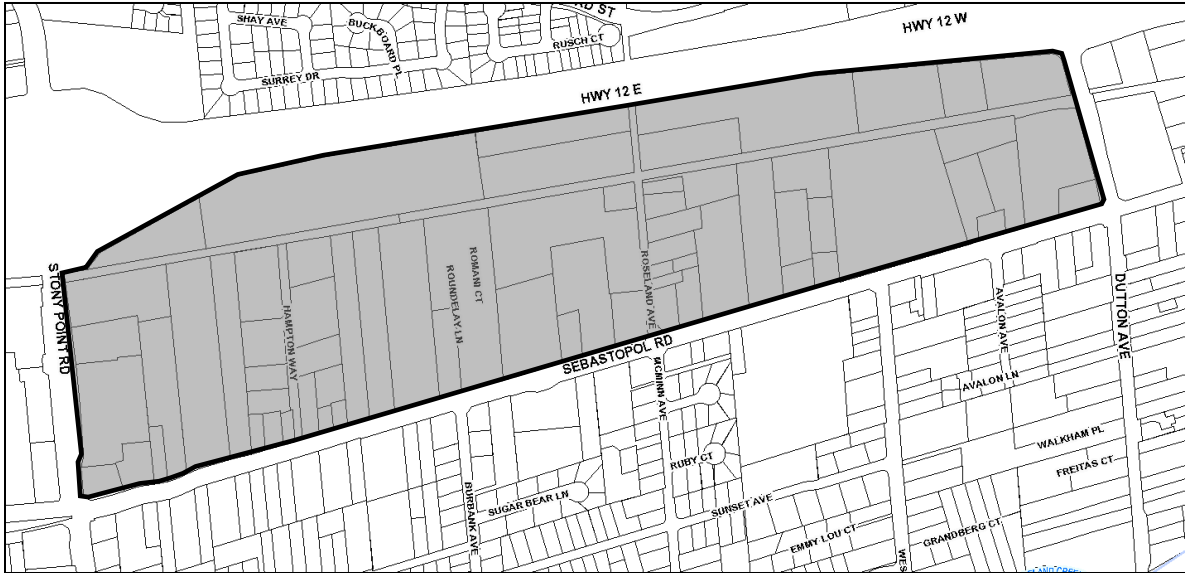


Figure 6-1 – Sebastopol Road north to Highway 12, between Stony Point Road and Dutton Avenue”

Section 7. Add the following definitions to Section 20-70.020 to read and provide as follows:

“Mobile food vendor. Mobile food vendor shall mean any person who owns, controls, manages or is otherwise engaged in the business of selling prepared, pre-packaged or unprepared, unpackaged food or foodstuffs of any kind, from a mobile vending facility on private property.”

“Mobile food vending facility. A mobile food vending facility shall mean any vehicle, trailer, pushcart, motorized food wagon, stand, tent or structure not affixed to a permanent foundation, with or without wheels, which may be moved from one place to another under its own power or by other means.”

Section 8. Environmental Determination. The Council finds that the Final Environmental Impact Report prepared for the Roseland Area/Sebastopol Road Specific Plan, Roseland Area Annexation and the associated Amendments, certified by this Council by Resolution No. 28873, adequately describes and analyzes the amendments to the Santa Rosa Zoning Code set forth herein, and that no further environmental review is required.

Section 9. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on October 18th, 2016.

IN COUNCIL DULY PASSED AND ADOPTED this 25th day of October 2016.

AYES: (4) Mayor Sawyer, Council Members Carlstrom, Coursey, Wysocky

NOES: (0)

ABSENT: (3) Vice Mayor Schwedhelm, Council Members Combs, Olivares

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

Interim City Attorney