



Agenda Item #:	4.C
Meeting Date:	<u>April 11, 2023</u>
Prepared By:	<u>Ellen McDowell, Senior Planner</u>
Reviewed By:	<u>Scott M. Duiven</u> Scott M. Duiven Community Development Director

PROPERTY ADDRESS: Citywide

APPLICANT: City of Healdsburg

SUBJECT: Revisions to the Healdsburg Municipal Code, Title 17, Property Development to revise and clarify various sections related to off-site easements and rights-of way, acceptance dates, improvements required for certain dwellings, Planning Commission and City Council powers and duties, and required bonds; and Title 20, Land Use Code, to revise and clarify various sections related to large family daycares, amplified music, fence regulations, design review expiration, and conditional use permits.

RECOMMENDED ACTION:

Review the draft revisions to Healdsburg Municipal Code including Title 17, Property Development and Title 20 Land Use Code, and hold a public hearing to receive and consider public comments, and adopt Resolution 2023-XX (attached) recommending the City Council amend various sections of the Healdsburg Municipal Code and related CEQA Exemption.

BACKGROUND:

The purpose of this report is to provide background information to the Planning Commission regarding various amendments to the Healdsburg Municipal Code in order to support the Planning Commission in making the required findings and recommend Land Use Code Amendments to the City Council for adoption.

PROJECT DESCRIPTION AND ANALYSIS:

Overview of Land Use Code Amendments

The draft ordinance (Attachment 1) makes several amendments to the City’s Municipal Code Title 17 and Title 20 to clarify various sections of the Property Development and Land Use Code Sections. To support the ongoing development and implementation of the City’s Municipal Code, staff recommends implementing the proposed changes to the sections identified in the attached ordinance. Analysis for each amendment identified within the ordinance can be found below.

Title 17, Property Development, Section 17.08.190 (Off-site easements and rights-of-way):

This section has been revised to allow the City Manager, or designee, to administratively accept public right of way dedications or grants of public easements required as part of privately funded development projects. Currently, all dedications of public right-of-way or public easements must first be approved via resolution by the Healdsburg City Council authorizing the City Manager to

accept. This code revision will streamline the city's process by removing the requirement for City Council approval prior to City Manager acceptance.

Title 17, Property Development, Section 17.08.070 (Acceptance date):

This section has been revised to allow the City Engineer to sign off on up to 80% of certificate of occupancies issued by the Building Official for a development prior to acceptance of subdivision and/or public improvements. The addition of this code language ensures the city is able to ensure all required subdivision and/or public improvements have been constructed, inspected, tested, and are operating per applicable city design and construction standards prior to full occupancy of the development project.

Title 17, Property Development, Section 17.08.330 (Improvements required for certain dwellings):

This section has been revised to clarify when frontage improvements, except what is required as part of the Healdsburg sewer lateral ordinance, such as curb, gutter, sidewalk, streetlights, etc. are exempted and required with development applications, as follows:

1. Expansions to the floor area of existing non-residential structures of twenty-five percent or less of the structure. Expansions shall be considered cumulatively from the effective date of the ordinance.
2. Permits for accessory structures such as gazebos, pools, decks, awnings, patio covers and similar non-inhabitable accessory structures. Additionally, guesthouses, room additions, conversions, and similar habitable residential structures, where a primary structure exists, are exempt from this chapter.
3. Development of one accessory dwelling unit, where a primary residential structure exists.
4. All development projects not meeting any of the above exemptions are required to construct full frontage improvements.
5. For any development with a project valuation of \$25,000 or more, the property owner shall remove and replace all portions of broken, displaced, cracked, etc. sidewalk, curb, gutter, driveway approach, and pedestrian ramps along the project street frontage(s), ½-inch or greater, per city design and construction standards.

Title 17, Property Development, add Section 17.04.305 (Approval of final parcel maps):

This section has been added to allow the City Engineer to administratively approve, conditionally approve or disapprove final parcel maps (four lots or fewer). This code section addition also allows the City Manager, or designee, to administratively accept or reject dedications of public right of way and public easements within the boundary of the subdivision for final parcel maps when made by a statement on the map. Currently, final parcel maps and dedications of public right of way and public easements on a final parcel map must be approved via resolution of the Healdsburg City Council. This code revision will streamline the city's process by removing the requirement for City Council approval of final parcel maps, including parcel maps submitted under state senate bill 9, which requires that any senate bill 9 parcel map to be approved administratively by the local agency. Tentative parcel maps (four lots or fewer) still require approval by the Healdsburg Planning Commission, unless exempted by state senate bill 9. Tentative maps (five lots or more) still require a recommendation of approval by the Healdsburg Planning Commission and approval by the Healdsburg City Council. Final Maps (five lots or more) still require approval by the Healdsburg City Council.

Title 20 Land Use Code, Section 20.28.130 (Effective date and term of approval):

This section has been revised to allow 24 months for design review approvals and one 12-month extension approved by director or Planning Commission. Staff has found a need to provide greater flexibility with approval timelines. Through research, 24 months initial approval is consistent with surrounding jurisdictions.

Title 20 Land Use Code, Section 20.08.100, Table 8 (Permitted and conditionally permitted uses ORM and MP districts):

This section has been revised to amend a typographical error. The section should reference Article III (Multi-Family Residential, RM District) rather than Article IV (Downtown Residential (DR) District).

This section has been amended to include a land use designation for a Library and Museum to provide consistency with the special purposes of the ORM District in Chapter 20.08.190 (D) which reads that the ORM District should provide space for quasi-public facilities and institutions that appropriately may be located in the ORM District. Library and Museum would be a conditionally permitted use in the ORM District.

Title 20 Land Use Code, Section 20.08.050, Table 4 (Permitted and Conditionally Permitted Uses: RM district):

This section has been updated to allow Large Family Daycare as a permitted use in the RM zoning district. In 2019, SB234 went into effect and intends to streamline the administration of Large Family Daycares and require that they be administered the same as a Small Family Daycare. Large Family Daycares have been updated to reflect large family daycare as permitted pursuant to State law SB234.

Title 20 Land Use Code, Section 20.08.070, Table 6 (Permitted and Conditionally Permitted Uses: DR district):

This section has been updated to allow Large Family Daycares as a permitted use pursuant to SB234 which requires Cities to allow large family daycares as a permitted use in residential zones.

This section has been revised to amend a typographical error that incorrectly allowed multi-family residential as a conditionally permitted use in the DR district. Council Ordinance 1104, approved on December 6, 2010 allows multi-family residential as a permitted use.

Title 20 Land Use Code, Section 20.08.150, Table 11 (Permitted and Conditionally Permitted Uses: GMU District):

This section has been updated to allow Large Family Daycares as a permitted use pursuant to SB234 which requires Cities to allow large family daycares as a permitted use in residential zones and add HMC 20.20.055 under the specific use regulations.

Title 20, Land Use Code, Section 20.08.145, Table 10 (Permitted and Conditionally Permitted Uses in the PR, CD and CS Districts):

This section shall be amended to remove amplified music as a stand alone use. The table shall be amended to include amplified sound within the Restaurant, café and eating establishment category, and continue to require a Conditional Use Permit.

Title 20 Land Use Code, Section 20.28.310 (Definitions):

The definitions section shall be updated to amend a typographical error and include definitions for Amplified Sound, and Libraries and Museums to be consistent with updates.

Title 20 Land Use Code Section 20.16.045, Maximum height of fences and walls:

This section shall be amended to revise section 20.16.045(3) to allow 6 feet plus 2 feet of additional 50% open lattice.

Title 20 Land Use Code, Section 20.16.055, Fence, walls and hedges exceeding allowed height

This section shall be amended to add subsection B to require a Building Permit for all fences exceeding 7 feet in height in accordance with the California Building Code.

Title 20 Land Use Code, Section 20.20.055, Large family day care center

This section has been eliminated from the Land Use Code as the City can no longer require use permits, business licenses and other permits or fees for large family day cares pursuant to SB234. In 2019, SB234 went into effect with the intent to streamline the administration of Large Family Daycares and require that they be administered the same as a Small Family Daycare. Large Family Daycares have been updated throughout the code to reflect large family daycare as a permitted use in residential zones pursuant to SB234.

Title 20 Land Use Code, Section 20.20.110, Temporary Use Permit

This section has been added to the Land Use Code to establish standards for the granting of Temporary Use Permits for certain nonrecurring, specific duration activities not otherwise permitted by the Land Use Code. A Temporary Use Permit would allow for the temporary utilization of a privately owned property for a special, unique or limited duration use that may not comply with the normal development or use standards of the applicable zoning district.

Title 20, Land Use Code, Section 20.28.075, Reviewing entities

This section has been amended to include Temporary Use Permits – Major, and Temporary Use Permits – Minor, to be consistent with added Land Use Code section 20.20.110 and determine the reviewing entities for each permit type.

This section has been amended to further clarify the final decision making body.

Title 20, Land Use Code, Section 20.28.080, Public Notice requirements

This section has been amended to include Temporary Use Permits in Table 23 (Notification requirements) to provide a standard for public noticing for the added Land Use Code section 20.20.110.

APPLICABLE GENERAL PLAN AND LAND USE CODE INFORMATION:

General Plan Consistency

The Land Use Code Amendments are consistent with the General Plan Guiding Principle to Support local businesses and industries, while recognizing that there are limits on how the General Plan can impact a free market economic system, the City will support locally-owned businesses and industries that will keep wages and profits in the community and contribute to the local identity.

ENVIRONMENTAL ANALYSIS:

The proposed amendments to the Municipal Code are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that the proposed amendments will not allow for or encourage

any more development than is already anticipated under the City's existing General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment.

FISCAL INFORMATION:

The recommended action related to Healdsburg Municipal Code amendments will not result in a direct fiscal impact to the City.

ATTACHMENTS:

1. Draft Resolution with Exhibit A: Draft City Council Ordinance with Strikeout Draft Amendments

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEALDSBURG RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE MAKING CLARIFYING UPDATES TO THE HEALDSBURG MUNICIPAL CODE BY AMENDING TITLE 17, PROPERTY AND DEVELOPMENT SECTIONS 17.08.190, 17.08.070, 17.08.330, AND ADDING SECTION 17.04.305; AND AMENDING TITLE 20, LAND USE CODE SECTIONS 20.28.130, 20.08.100 TABLE 8, 20.08.050, 20.08.070, 20.08.150 TABLE 11, 20.08.145 TABLE 10, 20.08.310, 20.20.055, 20.16.045, 20.16.055, 20.08.075, 20.28.080 AND ADDING SECTION 20.20.110.

WHEREAS, the City of Healdsburg Municipal Code (“HMC”) Chapter 17 Property Development regulates property development standards within the City; and

WHEREAS, the City of Healdsburg Municipal Code (HMC) Chapter 20 Land Use Code (“LUC”) regulates allowable uses and development standards within the City; and

WHEREAS, amendments (“Amendments”) to the HMC are necessary to provide greater clarity to Title 17, Property and Development, and Title 20, Land Use Code as shown in Exhibit A attached hereto and incorporated herein by this reference; and

WHEREAS, the City of Healdsburg Planning Commission held a duly noticed public hearing on April 11, 2023, at which time it reviewed the proposed Amendments and considered all relevant public comments and documents.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the City of Healdsburg Planning Commission does hereby make the following findings pursuant to HMC Section 20.28.280:

- A. The Amendments are consistent with the Healdsburg 2030 General Plan including the goals, and policies, in that no conflicts with any Goals, Policies, Programs or measures of the Healdsburg General Plan 2030 have been identified.
- B. The Amendments are consistent with the objectives of the Land Use Code contained in Section 20.04.010 given that: a) adoption of the proposed Amendments will continue to protect and promote the public health, safety and general welfare of the community by providing clarifying updated standards; and b) the Amendments will implement the goals, policies, and programs contained in the Healdsburg 2030 General Plan.

- C. The Planning Commission has conducted a public hearing on the draft Amendments with hearing notices provided as prescribed in Land Use Code Section 20.28.080, including newspaper publication at least 10 days prior to the hearing date.
- D. The Amendments are exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines (the “common sense exemption”) because it can be seen with certainty that there is no possibility that the Amendments will have a significant effect on the environment. The proposed Amendments will not allow for, nor encourage, any more development than is already anticipated under the City’s General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, there is not a possibility that the proposed Amendments may have a significant effect on the environment.

In addition, the proposed Amendments are exempt from CEQA pursuant to Section 15304 of the CEQA Guidelines (“minor alterations to land”) because any new uses permitted by the Amendments, such as temporary use permits, are temporary in nature having negligible or no permanent effects on the environment, and will not involve the removal of any healthy, mature scenic trees as required by the statute.

Moreover, none of the CEQA exceptions apply. The Amendments will not impact any environmental resources of hazardous or critical concern. The Amendments are primarily procedural in nature, and any new uses are minor and temporary, with no impacts to critical resources. The Amendments will also not contribute to cumulative impacts or have a significant effect due to unusual circumstances. The Amendments make clarifying procedural changes to the municipal code, and any new uses such as temporary use permits are minor and transient in nature and would not arise to the level of an unusual circumstance or contribute to cumulative impacts. Lastly, the Amendments will not impact scenic highways, will not involve hazardous waste sites, and will not impact historical resources. Any new uses would be minor and temporary and cannot not be approved if there are environmental impacts to sensitive species, wetlands, or adjacent uses, buildings or other structures.

BE IT FURTHER RESOLVED that based on the above findings, the City of Healdsburg Planning Commission does hereby recommend that the City Council adopt an ordinance amending Healdsburg Municipal Code Title 17, Sections 17.08.190, 17.08.070, 17.08.330, and adding Section 17.04.305; and amending Title 20, Sections 20.28.130, 20.08.100 Table 8, 20.08.050 Table 4, 20.08.070 Table 6, 20.08.150 Table 11, 20.08.145 Table 10, 20.08.310, 20.16.045, 20.16.055, 20.20.055 20.28.075, 20.28.080, and adding 20.28.110 all as provided in Exhibit A, attached hereto.

DULY AND REGULARLY ADOPTED by the Healdsburg Planning Commission on the 11th day of April, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Attest:

Chair

Secretary

CITY OF HEALDSBURG

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG MAKING CLARIFYING UPDATES TO THE HEALDSBURG MUNICIPAL CODE BY AMENDING TITLE 17, PROPERTY AND DEVELOPMENT SECTIONS 17.08.190, 17.08.070, 17.08.330, AND ADDING SECTION 17.04.305; AND AMENDING TITLE 20, LAND USE CODE, SECTIONS 20.28.130, 20.08.100 TABLE 8, 20.08.050 TABLE 4, 20.08.070 TABLE 6, 20.08.150 TABLE 11, 20.08.145 TABLE 10, 20.08.310, 20.16.045, 20.16.055, 20.20.055, 20.08.075, 20.28.080 AND ADDING SECTION 20.20.110.

WHEREAS, the City of Healdsburg Municipal Code (“HMC”) Chapter 17 Property Development regulates property development standards within the City; and

WHEREAS, the City of Healdsburg Municipal Code (HMC) Chapter 20 Land Use Code (LUC) regulates allowable and development standards within the City; and

WHEREAS, HMC amendments (“Amendments”) are proposed to provide greater clarity to Title 17, Property and Development, and Title 20, Land Use Code, all as provided herein; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 11, 2023, at which time it reviewed the proposed Amendments and considered all public comments, written and oral, on the revisions and the related CEQA exemption; and

WHEREAS, the Planning Commission made the following affirmative findings pursuant to HMC Section 20.28.280 in support of the proposed Amendments and recommended the City Council adopt an ordinance approving them:

- A. The Amendments are consistent with the Healdsburg 2030 General Plan including the goals, and policies, in that no conflicts with any Goals, Policies, Programs or measures of the Healdsburg General Plan 2030 have been identified.
- B. The Amendments are consistent with the objectives of the Land Use Code contained in Section 20.04.010 given that: a) adoption of the proposed Amendments will continue to protect and promote the public health, safety and general welfare of the community by providing updated standards; and b) the Amendments will implement the goals, policies, and programs contained in the Healdsburg 2030 General Plan.

- C. The Planning Commission has conducted a public hearing on the draft Amendments with hearing notices provided as prescribed in Land Use Code Section 20.28.080, including newspaper publication at least 10 days prior to the hearing date.
- D. The Amendments are exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines (the “common sense exemption”) because it can be seen with certainty that there is no possibility that the Amendments will have a significant effect on the environment. The proposed Amendments are clarifying changes to the Municipal Code and will not allow for, nor encourage, any more development than is already anticipated under the City’s General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, there is not a possibility that the proposed Amendments may have a significant effect on the environment.

In addition, the proposed Amendments are exempt from CEQA pursuant to Section 15304 of the CEQA Guidelines (“minor alterations to land”) because any new uses permitted by the Amendments, such as temporary use permits, are temporary in nature having negligible or no permanent effects on the environment, and will not involve the removal of any healthy, mature scenic trees as required by the statute.

Moreover, none of the CEQA exceptions apply. The Amendments will not impact any environmental resources of hazardous or critical concern. The Amendments are primarily procedural in nature, and any new uses are minor and temporary, with no impacts to critical resources. The Amendments will also not contribute to cumulative impacts or have a significant effect due to unusual circumstances. The Amendments make clarifying procedural changes to the municipal code, and any new uses such as temporary use permits are minor and transient in nature and would not arise to the level of an unusual circumstance or contribute to cumulative impacts. Lastly, the Amendments will not impact scenic highways, will not involve hazardous waste sites, and will not impact historical resources. Any new uses would be minor and temporary and cannot not be approved if there are environmental impacts to sensitive species, wetlands, or adjacent uses, buildings, or other structures.

WHEREAS, based upon the Planning Commission’s findings and recommendation, the City Council finds that the Amendments are consistent with the General Plan including the Goals, Policies, and Implementation Measures of the Housing, Land Use, and Economic Development Elements of the adopted General Plan, and that the Amendments are internally consistent with all other provisions of the Municipal Code.

NOW, THEREFORE, the City Council of the City of Healdsburg does ordain as follows:

Section 1. Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Healdsburg.

Section 2. Title 17, Section 17.08.190 Off-site easements and rights-of-way shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

Where acquisition of an easement or right-of-way by the City is necessary to extend public facilities to the developer's property, the developer shall advance all of the cost of acquisition; provided, however, the City may advance a portion of the cost of acquiring the easement or right-of-way if the City deems the acquisition of the same is sufficiently beneficial to the permanent City system. The costs advanced by the developer may be reimbursable in accordance with HMC 17.08.120 through 17.08.160 unless otherwise provided in the development agreement. The City Manager, or designee, is authorized to and may accept any dedications of easements and rights of way donated to the City of Healdsburg or as required as part of a private development.

Section 3. Title 17, Section 17.08.070 Acceptance date shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

All utilities and public service facilities which may be the subject of the development agreement specified in HMC 17.08.050 will be accepted for maintenance and operation by the City not later than 30 days after acceptance by the City Council, providing that all conditions of such agreements are fulfilled. The repair and correction of any defects or deficiencies due to workmanship or materials which are discovered within one year from the date of acceptance by the City shall be the responsibility of the developer. Security, in an amount specified in the agreement, shall be deposited with the City for the purpose of guaranteeing that such repairs and corrections will be made upon notification to the developer of such deficiencies.

The City Engineer may permit occupancy of a portion of a subdivision or other development project not to exceed 80% of the total number of units in a subdivision or other development project if the improvements serving the units to be occupied are substantially complete, upon such terms and conditions as the City Engineer shall designate, including at a minimum, all project requirements, engineering and construction standard specifications and details, and subsections A-F of Healdsburg Municipal Code section 17.04.510.

Section 4. Title 17, Section 17.08.330 Improvements required for certain dwellings shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

- A. No building permit shall be issued for the construction of homes and other structures intended for human occupancy of a value of \$2,000 or more, unless provision is made in the building plans or otherwise for the construction, installation and dedication of public sidewalk, curb and gutter, including the removal and replacement of any sections of broken, displaced, cracked, etc. sidewalk, curb, gutter, pedestrian ramps and/or driveway

approaches 1/2-inch or greater per city standards, and any reasonably necessary storm drainage facilities, along the frontage of the building site abutting upon the public streets. Such improvements shall be built to the standards required under Chapter 17.04 HMC and this chapter, and shall be completed before an occupancy permit may be issued for the structure.

B. The following are exempt from the provisions of this section:

1. Development of Accessory Dwelling Units and Junior Accessory Dwelling Units pursuant to Zoning Ordinance §20.20.010, where a primary structure exists.

2. Permits for accessory structures such as gazebos, pools, decks, awnings, patio covers and similar accessory non-habitable structures.

3. Expansions to the floor area of existing non-residential structures of twenty-five (25%) percent or less. Expansions shall be considered cumulatively. Once expansions exceed twenty-five (25%) percent of the floor area, the requirements of this section shall apply.

Section 5. Title 17, Section 17.04.305 – Approval of final parcel maps shall be added and shall read as follows (additions underlined, deletions ~~strikethrough~~):

The City Engineer is authorized to approve, conditionally approve, or disapprove final parcel maps (four lots or fewer).

The City Manager, or designee, may accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the parcel map. Rejected offers of dedication may nevertheless be accepted at a later date.

Section 6. Title 20, Section 20.28.130 Effective date and term of approval shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

The following shall govern the date and term of design review approval.

- A. Within five days following the date of a planning commission decision on a major design review permit application, the Secretary shall transmit to the City Council written notice of the decision. Approval of a major design review permit application shall become effective 10 days following the date on which the design review permit was granted by the planning commission or on the day following the next meeting of the Council, whichever is later, unless the decision has been appealed to the Council.
- B. Approval of a minor design review application becomes effective 10 days from the date of action by the planning and building director, unless the decision has been appealed to the planning commission.
- C. Design review approval is granted for 24 ~~12~~ months. If within 24 ~~12~~ months after the effective date, a building permit has not been issued for the design review project or, where a building permit is not required, construction of the improvement(s) has not commenced, the approval will automatically expire.

- D. A maximum of ~~two~~ one 12-month extensions ~~of time~~ may be granted by ~~either~~ the planning and building department director, ~~or the planning commission, whichever served as the acting authority on the initial design review application, upon the written request of a responsible party prior to the expiration of the initial term of the approval or the previous extension.~~ If no application for an extension of time is filed prior to the expiration date of the initial term of the approval or the previous extension, the design review approval shall lapse as of the expiration date.

In order to grant an extension, it must be found by the acting authority that there has been no change of circumstances that could prevent any of the required findings of approval to be made.

- E. The term of design review approval may be made to be concurrent with the term of an associated tentative subdivision map, conditional use permit or variance at the discretion of the planning commission.

Section 7. Title 20, Section 20.08.100, Table 8, Permitted and conditionally permitted uses in ORM and MP Districts shall be amended as follows (additions underlined, deletions ~~strikethrough~~):

20.08.100 Permitted and conditionally permitted uses in ORM and MP Districts

The following permitted and conditionally permitted uses may be allowed in the ORM and MP Districts. Chapter 20.28 HMC, Article V describes the procedures for obtaining a conditional use permit.

Table 8 Permitted and conditionally permitted uses: ORM and MP Districts

Permitted (P) and Conditionally Permitted (C) Uses	ORM	MP
Any residential use permitted in <u>Chapter 20.08</u> Article III <u>V</u> , RM District, subject to the regulations of the RM District. Residential uses may be combined with nonresidential uses on the same site.	P	--
Churches, convents, monasteries, parish houses, parsonages, and other religious institutions	C	--
Employee housing for six or fewer employees in accordance with Cal. Health & Safety Code § 17000, et seq.	P	P
Golf courses and driving ranges	C	--
Home occupations, subject to HMC 20.20.005	P	--
Hospitals	--	P
<u>Library and Museums</u>	<u>C</u>	<u>--</u>
Medical and dental laboratories	C	P
Offices - chiropractic care	P	P
Offices - professional, administrative and business ¹	P	P

Permitted (P) and Conditionally Permitted (C) Uses	ORM	MP
Offices - professional and administrative, restricted to the provision of medical, dental, and other health care services	C	P
Parking lots	P	P
Pharmacies that do not carry general merchandise or dispense goods or merchandise unrelated to health care	C	P
Private noncommercial clubs and lodges	C	--
Private recreation parks and swim clubs	C	--
Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges	C	--
Psychologist, psychiatrist, counseling and therapist offices	P	P
Public utility and public service pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks, and transmission lines found by the planning commission to be necessary for the public health, safety and welfare	P	--
Residential visitor lodging	--	--
Sanitariums and nursing homes, not including mental, drug addict, or liquor addict patients	P	P
Spa, day	C	--
Vacation rental homes	--	--
Vacation timeshares	--	--
Veterinarian offices, clinics and animal hospitals	--	C

Section 8. Title 20, Section 20.08.050, Table 4, Permitted and conditionally permitted uses in the RM District shall be amended as follows (additions underlined, deletions ~~strikethrough~~):

20.08.050 Permitted and conditionally permitted uses

The following uses may be permitted and conditionally permitted in the RM District. Chapter 20.28 HMC, Article V, describes the procedures for obtaining a conditional use permit.

Table 4 Permitted (P) and conditionally permitted (C) uses: RM District

Permitted (P) and Conditionally Permitted (C) Uses	RM	Specific Use Regulations
Accessory dwelling unit	P	HMC 20.20.010

Permitted (P) and Conditionally Permitted (C) Uses	RM	Specific Use Regulations
Accessory structures and uses located on the same site as a conditional use	P	
Boarding houses	C	
Churches, convents, monasteries, parish homes, rectories, parsonages and other religious institutions	C	
Commercial nursery growing grounds	C	
Day care, general and large family	PE	
Day care, limited and small family	P	
Golf courses and driving ranges	C	
Hostels affiliated with American Youth Hostels or an equivalent organization approved by the planning director	C	
Mobile home parks	C	HMC 20.20.020
Multifamily dwellings	P	
Neighborhood convenience retail stores	C	HMC 20.20.070
Private recreation parks and swim clubs	C	
Private schools and colleges, including elementary, junior high and high schools, but not including art, craft, music, dancing, business, professional, or trade schools and colleges	C	
Private stables and raising of poultry (except roosters), rabbits, chinchillas and other small animals	C	HMC 20.08.025
Public utility and public service pumping stations, power stations, equipment buildings, installations, service yards, drainage ways and structures, storage tanks, reservoirs, and transmission lines found by the planning commission to be necessary for the public health, safety and welfare	C	
Residential care, general	C	
Residential care, limited	P	
Residential visitor lodging operations	C	HMC 20.20.060
Supportive housing	P	
Transitional housing	P	
Vacation rental homes	--	
Vacation timeshares	--	

Section 9. Title 20, Section 20.08.070, Table 6, Permitted and conditionally permitted uses in the DR District shall be amended as follows (additions underlined, deletions ~~strikethrough~~):

20.08.070 Permitted and conditionally permitted uses

The following uses may be permitted and conditionally permitted in the DR District. Chapter 20.28 HMC, Article V describes the procedures for obtaining a conditional use permit.

Table 6 Permitted (P) and conditionally permitted (C) uses: DR District

Accessory dwelling unit and junior accessory dwelling unit, subject to HMC 20.20.010	P
Accessory structures and uses located on the same site as a permitted or conditional use	P
Boarding houses	C
Churches, convents, monasteries, parish homes, rectories, parsonages and other religious institutions	C
Day care, general and large family	<u>PE</u>
Day care, limited and small family	P
Duplex dwelling, one per lot of record	C
Employee housing as defined in Cal. Health & Safety Code § 17008 for six or fewer employees in accordance with Cal. Health & Safety Code § 17000, et seq.	P
Home occupations, subject to HMC 20.20.005	P
Multifamily dwellings	<u>PE</u>
Neighborhood convenience retail stores, subject to HMC 20.20.070	C
Private schools and colleges, not including art, craft, music, dancing, business, professional, or trade schools and colleges	C
Public utility and public service pumping stations, power stations, equipment buildings, installations, service yards, drainage ways and structures, storage tanks, reservoirs, and transmission lines found by the planning commission to be necessary for the public health, safety and welfare	C
Residential care, general	C
Residential care, limited	P
Residential visitor lodging operations, subject to HMC 20.20.060	C
Single-family dwellings, detached, up to two per lot	P
Supportive housing	P

Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be in a required front yard or less than five feet from a property line	P
Transitional housing	P
Vacation homes	--
Vacation timeshares	--

Section 10. Title 20, Section 20.08.150, Table 11, Permitted and conditionally permitted uses in the GMU District shall be amended as follows (additions underlined, deletions ~~strikethrough~~):

20.08.150 Permitted and conditionally permitted uses: GMU District

Table 11 identifies the permitted and conditionally permitted uses for the Grove Street Mixed Use District. This table is to be used in conjunction with the definitions contained in Chapter 20.28 HMC, Article IX. Chapter 20.28 HMC, Article V describes the procedures for obtaining a conditional use permit.

Table 11 Permitted and conditionally permitted uses: GMU District

Permitted (P) and Conditionally Permitted (C) Uses		Specific Use Regulations
Residential Uses		
Accessory dwelling unit and junior accessory dwelling unit	P	HMC 20.20.010
Boarding house	C	
Day care, large family	P C	
Day care, small family	P	
Duplex dwelling, one building per lot of record	P	
Employee housing for six or fewer employees in accordance with Cal. Health & Safety Code § 17000, et seq.	P	
Employee housing agriculture, seven to 12 agricultural employees	C	
Residential care, general	C	
Residential care, limited	P	
Single-family dwelling, detached	P	

Permitted (P) and Conditionally Permitted (C) Uses		Specific Use Regulations
Supportive housing	P	
Transitional housing	P	
Vacation rental home	--	
Retail Trade and Services		
Antique store	C	
Art gallery and picture framing with art sales	P	
Art and drafting supply store	C	
Arts, crafts and hobby stores, including instructional classes as an accessory use	C	
Barber shop/beauty shop	P	
Bicycle sales and repair, including rentals	C	
Florist (including outdoor sales)	C	
Neighborhood retail store	C	HMC 20.20.070
Nursery, garden supply store	C	
Photography/photo supply store, photography studio	P	
Professional, administrative and business offices, including insurance, real estate and financial offices, but excluding medical and dental offices	P	
Professional and administrative offices related to health services	C	
Psychologist, psychiatrist, counseling and therapy offices	P	
Residential visitor lodging	C	
Spa, day use or overnight stay	C	
Vacation home	--	
Vacation timeshare	--	
Recreation, Education and Public Assembly		

Permitted (P) and Conditionally Permitted (C) Uses		Specific Use Regulations
Arts and crafts school	C	
Church, convent, monastery, other religious institution	C	
Golf course, driving range	C	
Private club, fraternal lodge and meeting hall	C	
Private museum	C	
Private recreational parks and swim clubs	P	
Private schools and colleges, not including dancing, music, business, professional or trade schools and colleges	C	
Utilities		
Public utility and service uses	P	
Accessory Uses		
Accessory structures located on the same site with a permitted or conditionally permitted use, including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, noncommercial greenhouses, recreation rooms, and hobby areas within an enclosed structure	P	
Private stables or areas for the keeping of one horse, cow, llama, goat or similar large farm or hobby animal on a site not less than two acres in net area; provided, that one additional large animal may be kept for each additional acre of area of the site; and provided, that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling unit on the	P	

Permitted (P) and Conditionally Permitted (C) Uses	Specific Use Regulations
site, or closer than 100 feet to any other dwelling on surrounding properties	
Raising of fruit and nut trees, vegetables, and horticultural specialties (no on-site sales)	P
Raising of poultry (except roosters and crowing fowl), rabbits, chinchillas, potbellied pigs and other small animals for commercial purposes on a site at least 20,000 square feet in net size; provided, that there shall be at least 1,000 square feet of site area for each fowl or animal; and provided, that no structure housing poultry or small animals shall be closer than 50 feet to any property line or closer than 25 feet to a dwelling on the site	C
Raising or keeping of poultry (except roosters and crowing fowl), rabbits, chinchillas, guinea pigs or similar small animals for educational, hobby or non-commercial purposes limited to a total of 10 animals. This shall not include dogs or cats. Animal pens or cages shall not be located in a required front yard or within a street side corner yard and shall be kept a minimum of 20 feet from a property line	P
Temporary subdivision sales offices	P HMC 20.20.025

Section 11. Title 20, Section 20.08.145, Table 10, Permitted and conditionally permitted uses in the PR, CD and CS Districts shall be amended as follows (additions underlined, deletions ~~strikethrough~~):

20.08.145 Permitted and conditionally permitted uses: PR, CD, and CS Districts

The following permitted and conditionally permitted uses may be allowed in the PR, CD and CS Districts. Chapter 20.28 HMC, Article V describes the procedures for obtaining a conditional use permit.

Table 10 Permitted and conditionally permitted uses: PR, CD and CS Districts

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS	Specific Use Regulations
Residential Uses				
Accessory dwelling unit	P	P	P	HMC 20.20.010
Day care, general	--	C	C	
Day care, limited	--	P	P	
Homeless shelters	--	--	P	
Multifamily dwellings located on the same site as a commercial use – above ground floor	C	P	P	
Multifamily dwellings located on the same site as a commercial use – any floor	--	P	P	
Residential care, general	--	C	C	
Residential care, limited	--	P	P	
Single-room occupancy dwellings located on the same site as a commercial use – above ground floor	C	P	P	
Single-room occupancy dwellings located on the same site as a commercial use – any floor	--	P	P	
Supportive housing	P	P	P	
Transitional housing	P	P	P	
Vacation rental	--	C	--	
Retail Trade and Services				
Ambulance service	--	--	P	
Antique car display and sales	--	C	P	
Antique sales – above ground floor	P	P	C	
Antique sales – ground floor	C	P	C	
Art galleries and picture framing with art sales	P	P	P	
Arts and crafts schools	--	P	P	
Arts, crafts and hobby stores, including instructional classes as an accessory use	P	P	P	

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS	Specific Use Regulations
Automobile rentals	--	--	P	
Automobile washing (self-service)	--	--	P	
Automotive repair	--	--	C	
Automotive sales and service, new and used, with auto service	--	--	P	
Automotive service stations, including smog testing, minor repair (tune-ups and brake repair only), towing services, vehicle storage and mini-markets	--	--	C	
Automotive supply stores	--	P	P	
Automotive upholstery shops	--	--	C	
Bakeries, retail	P	P	P	
Banks, savings and loans, thrift and loans, credit unions, including automated teller machines and drive-through facilities	--	C	C	
Banks, savings and loans, thrift and loans, credit unions, including automated teller machines (no drive-through)	C	P	P	
Barber shops/beauty shops – above ground floor	P	P	P	
Barber shops/beauty shops – ground floor	--	P	P	
Bars and cocktail lounges	C	C	C	HMC 20.20.075
Beer and wine sales (off-premises consumption), ancillary to mini-market retail sales contained within a service station	--	--	C	HMC 20.20.075
Bicycle sales and repair shops, including rentals	--	P	P	
Blueprint and photo reproduction shops	--	P	P	
Boat sales and service	--	--	P	
Bookstores and newsstands – above ground floor	P	P	P	
Bookstores and newsstands – ground floor	C	P	P	
Bowling alleys	--	--	P	
Building material sales	--	--	C	
Bus depots	C	C	C	
Cabinet shops	--	--	C	
Card and stationers' stores	P	P	P	

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS	Specific Use Regulations
Carnivals and circuses, temporary	--	--	C	
Catering shops (food to go only)	--	P	P	
Christmas tree sales lots, temporary	P	P	P	
Clothing and shoe establishments, including clothing sales (new merchandise only), tailor shops, and dressmaking establishments	P	P	P	
Computer retail sales	--	P	--	
Consignment sales with incidental sales of used goods and clothing	--	P	P	
Contractors' equipment rental yards & equipment rental yards	--	--	C	
Contractors' shops with no outdoor storage of heavy equipment	--	--	P	
Delicatessens and gourmet food sales with incidental catering	P	P	C	
Dental labs	--	P	P	
Department stores	--	P	P	
Dry cleaners and laundries	--	P	P	
Electronic games centers (4 or more games)	--	C	C	
Fabric shops	P	P	P	
Farmers markets	C	C	C	
Firearm dealers	--	--	C	HMC 20.20.105
Floor covering and drapery sales	--	C	P	
Florists, including outdoor sales	P	P	P	
Food and cold storage lockers	--	C	P	
Food stores over 3,500 square feet in retail sales	--	P	P	
Food stores up to 3,500 square feet in retail sales	C	P	P	
Furniture repair	--	P	P	
Furniture stores, retail	P	P	P	
Gift shops	P	P	P	
Glass shops (glaziers)	--	--	P	
Hardware, paint and wallpaper stores, with no firearm	--	P	P	

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS	Specific Use Regulations
sales				
Hardware, paint and wallpaper stores with firearm sales	--	--	C	HMC 20.20.105
Health clubs, gymnasiums and dance studios	--	C	P	
Home electronics and household appliance stores, including television, stereo, radio, telephone, computer and related sales (includes repair and installation services)	--	P	P	
Hotels, extended stay hotels and motels	C	C	--	HMC 20.20.090
Ice cream parlors, soda fountains and candy stores	P	P	P	
Interior furnishing and accessory shops	P	P	P	
Jewelry sales and repair, including watch and clock repair	P	P	P	
Kennels	--	--	C	
Kitchenware shops	P	P	P	
Laboratories	--	C	P	
Laundries – self-service	--	P	P	
Linen supply services	--	--	P	
Liquor, beer and wine sales – off-premises consumption	C	C	C	HMC 20.20.075
Live-work facilities	--	P	P	
Locksmiths	--	P	P	
Machinery sales, service, rental	--	--	P	
Manufacturing/processing – light; provided, that all of the conditions prescribed by Chapter 20.24 HMC, Article I, are met, and that no motor power other than electrically operated motors shall be used. The horsepower of any single motor shall not exceed five horsepower and the total horsepower of all such motors on the site shall not exceed 25 total horsepower. This does not include air conditioning equipment.	--	C	C	
Massage establishments – above ground floor	P	P	P	
Massage establishments – any floor	--	P	P	

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS	Specific Use Regulations
Medical and dental clinics	--	--	P	
Mortuaries	--	C	C	
Motorcycle sales and service	--	C	P	
Music and dance entertainment clubs	--	P	C	
Musical instrument sales, repair and lessons; and recorded music sales – above ground floor	P	P	P	
Musical instrument sales, repair and lessons; and recorded music sales – ground floor	C	P	P	
Nightclubs	C	C	C	HMC 20.20.075
Nurseries and garden supply stores	--	C	P	
Office equipment sales and service	--	P	P	
Offices – professional, administrative and business, including chiropractor, insurance, real estate and financial offices, but excluding medical and dental offices – any floor	--	P	P	
Offices – professional, administrative and business, including chiropractor, insurance, real estate and financial offices, but excluding medical and dental offices – above ground floor	P	--	--	
Offices – psychologist, psychiatrist, counseling and therapy	--	P	P	
Optician and optometrist shops	--	P	P	
Outdoor vendors on private property	C	C	--	
Parking lots and parking garages	C	P	P	
Patio and garden furniture and accessories shops	--	P	P	
Pet shops, including pet grooming	--	P	P	
Pharmacies and drugstores	C	P	P	
Photography shops, studios and photo supply stores	C	P	P	
Picture framing shops	--	P	P	
Plumbing supply shops	--	C	P	
Pool and billiards halls	--	C	P	
Pool and spa sales and service	--	--	P	
Post office and private mail services	--	C	P	

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS	Specific Use Regulations
Pottery and woodworking shops	--	--	P	
Printing, lithography and engraving	--	C	P	
Public information centers – indoor	P	P	P	
Public utility installations, including public service pumping stations, power stations and substations, equipment buildings and installations	--	C	C	
Radio and television broadcast and recording studios	--	C	C	
Radio, television and stereo sales and service	--	P	P	
Recreational equipment rental	--	--	P	
Recreational vehicle sales, services, repair and storage	--	--	P	
Residential visitor lodging	--	C	C	
Restaurants, cafes and eating establishments, indoor and outdoor eating, including sale of alcoholic beverages as an ancillary use and indoor music with no sound amplification. <u>Amplified sound requires a Conditional Use Permit.</u>	P	P	P	
• Amplified music	C	C	C	
Restaurants, drive-in, walk-up and drive-through	--	--	C	
Retail warehouses over 6,000 square feet of floor area	--	--	C	
Retail warehouses under 6,000 square feet of floor area	--	--	P	
Secondhand stores and pawn shops	--	C	C	
Shoe repair	--	P	--	
Sign painting	--	C	P	
Skating rinks (within building)	--	--	P	
Spa, day	--	P	P	
• Above ground floor	C	P	P	
• <u>ground floor</u>	--	P	P	
• Any floor	--	P	--	
Spa, overnight	P	P	--	
Sporting goods sales, with rental as an accessory use, with no firearm sales	--	P	P	

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS	Specific Use Regulations
Sporting goods sales, with rental as an accessory use, with firearm sales	--	--	C	HMC 20.20.105
Supermarkets (over 3,500 square feet of retail sales area)	--	P	P	
Tasting room	C	C	--	HMC 20.20.075
Theaters and auditoriums within buildings	C	P	C	
Tire sales, not including tire recapping	--	--	P	
Tobacco and pipe shops	P	P	P	
Toy stores	P	P	--	
Travel agencies – above ground floor	P	P	P	
Travel agencies – ground floor	C	P	P	
Upholstery shops	--	C	C	
Vacation timeshares	--	--	--	
Variety stores and dry goods	--	P	P	
Vending machine service	--	--	P	
Veterinarian offices and small animal hospitals	--	--	C	
Recreation, Education and Public Assembly				
Churches and other religious institutions	--	C	C	
Private clubs, fraternal lodges and meeting halls	C	C	C	
Private museums	P	C	--	
Accessory Uses				
Accessory structures and uses located on the same site as a permitted or conditional use	P	P	P	

-- = not permitted

Section 12. Title 20, Section 20.08.310, Definitions shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

Live/work facilities. An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with the City building code and working space reserved for and regularly used by one orf more occupants of the unit.

Amplified Sound. Any sound that is made larger through a human-made device (i.e. sound systems, speakers, drums, bullhorns)

Libraries and Museums. Public or Quasi-Public facilities including arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries and museums which are generally non-commercial in nature.

Section 13. Title 20 Land Use Code, Section 20.16.045 maximum height of fences and walls shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

20.16.045 Maximum height of fences and walls

A. The maximum height of fences and walls allowed within required yards shall not exceed the following:

1. Required front yard within all zoning districts except R-1-20,000 and R-1-40,000 Districts: Four feet, except as further restricted for vision clearance per HMC 20.16.005(E). For corridor (i.e., flag) lots, this subsection shall apply to the portion of the access corridor (a.k.a. “flag”) that adjoins the required front yard of the adjoining lot(s).

2. Required front yard in R-1-20,000 and R-1-40,000 Districts: Six feet, except as restricted for vision clearance under HMC 20.16.005(E); and provided further, that the location and design of the fence complies with all of the following requirements:

- a. The street frontage of the lot is not developed with a sidewalk nor is it designated by the General Plan for sidewalk development.
- b. The fence is located 10 feet or more behind the property line fronting the street or the edge of the road, whichever is closer.
- c. The fence is transparent, as defined in Chapter 20.28 HMC, Article IX.

Otherwise, walls or fences with opaque siding material (e.g., solid boards) exceeding four feet in height are not allowed within a required yard fronting a street.

3. Required rear yard and interior side yard: Six feet plus two feet of additional 50% open lattice.

4. Required side yard fronting a street: Six feet if located 15 feet or more behind the front wall of the main building. Otherwise, the maximum height of a fence or wall located within a side yard fronting a street shall not exceed four feet, except as further restricted for vision clearance under HMC 20.16.005(E).

B. The maximum height of fences and walls allowed outside of required yards shall not exceed 12 feet. (Ord. 1090 § 4 (Exh. B § 1825), 2009; Ord. 1012 § 2 (Exh. B § 1), 2004; Ord. 950 § 2 (Exh. A § 1825), 1998.)

Section 14. Title 20 Land Use Code, Section 20.16.055 Fences Walls and hedges exceeding the allowed height shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

20.16.055 Fences, walls and hedges exceeding allowed height

Fences, walls, hedges and other screening vegetation may exceed the maximum height allowed by HMC 20.16.045 and 20.16.050 under the following circumstances:

- A. The planning and building director determines that a grade separation exists such that a property owner is denied private use of a lot, or
- B. ~~The Planning and Building Director approves a minor conditional use permit, subject to Chapter 20.28 Article V.~~ A Building Permit is required for fences exceeding seven feet in height.

Section 15. Title 20 Land Use Code, Section 20.20.055 Large Family Day care Facilities shall be deleted as follows (additions underlined, deletions ~~strikethrough~~):

~~**20.20.055 Large family day care facilities**~~

~~The following standards shall apply to large family day care facilities:~~

- ~~A. A large family day care facility shall be permitted only on lots zoned for residential uses.~~
- ~~B. No large family day care shall be located within 500 feet of an existing small family day care, and limited or general day care facility, as measured from exterior lot lines.~~
- ~~C. The driveway of a large day care facility may be used to provide required off-street parking, if such parking will not obstruct any required drop-off and pick-up areas or block any sidewalks or other public access.~~
- ~~D. A City business license shall be required and no building permit shall be issued until all state permits and licenses have been obtained by the applicant and copies forwarded to the building official.~~
- ~~E. The premises shall be inspected by the Healdsburg Fire Department for compliance with applicable fire codes prior to issuance of a City business license. (Ord. 950 § 2 (Exh. A § 1850), 1998.)~~

Section 16. Title 20, Land Use Code, Section 20.20.110 Temporary Use Permit (TUP) shall be added and shall read as follows (additions underlined, deletions ~~strikethrough~~):

20.20.110 Temporary Use Permits (TUP)

- A. Purpose. This section establishes procedures for the granting of Minor and Major Temporary Use Permits for certain nonrecurring, specific duration activities not otherwise permitted by the Land Use Code. A Minor or Major Temporary Use Permit may allow for the temporary utilization of a privately owned property for a special, unique, or limited duration of use that may not comply with the normal development or use standards of the applicable zoning district but may otherwise be acceptable because of their temporary nature. The issuance of a Minor or Major Temporary Use Permit does not confer any land use entitlement or property right to the holder of the permit. Minor or Major Temporary Use Permits are not

subject to Section 20.28.105-Design Review Compliance. This section does not supersede existing regulations pertaining to specific temporary uses included in other code sections.

B. Minor Temporary Use Permits may only be issued if the proposed use meets the following requirements:

1. The use has a time limit not to exceed 12 months, with the possibility of one (1) 12-month extension;
2. The temporary use is located on the same parcel as or a contiguous parcel to the primary use;
3. The temporary use site is zoned CS, I, MP, or MU;
4. The use does not include the construction or establishment of permanent structures, pavement, or other features;
5. Sensitive environmental resources such as oak trees, wetlands, and endangered species will not be impacted;
6. The use is accessory to an existing primary use (or approved primary use) within the Healdsburg city limit;
7. The use is not in conflict with conditions or other limitations of existing discretionary approvals that apply to the site; and
8. The use shall be sensitive to the health, safety and general welfare of persons residing and working in the community and shall be conducted so as not to have detrimental effects on the surrounding properties or the community.
 - a. A Major Temporary Use Permit may only be issued if the temporary use meets all the requirements of a Minor Temporary Use Permit, except:
 1. The temporary use has a time limit greater than 12 months but not to exceed 36 months, with the possibility of one (1) 12-month extension; and/or
 2. The temporary use is off-site on a non-contiguous parcel from the primary use.

C. Allowed temporary activities. The following temporary uses may be allowed within the specified time limits, subject to the issuance of a Minor or Major Temporary Use Permit. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the land use permit requirements and development standards that otherwise apply to the property.

1. Temporary Construction yards—Off-site. Off-site contractors' construction yards, including a work trailer in conjunction with an approved construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, or the expiration of the Minor or Major Temporary Use Permit, whichever first occurs.
 2. Temporary unpaved parking lots.
 3. Temporary outside storage of equipment and product.
 4. Modular/portable buildings used for classrooms or offices.
 5. Other temporary uses of a similar nature as determined by the planning and building director.
- D. Approval process. Minor Temporary Use Permits are subject to review and approval by the Zoning Administrator after a public hearing. Major Temporary Use Permits are subject to review and approval by the Planning Commission after a public hearing. The approving authority may grant up to one (1) 12-month extension after a public hearing.
- E. Conditions of Approval. In granting a Minor or Major Temporary Use Permit, the reviewing authority may prescribe appropriate conditions and safeguards in conformity with this section. The reviewing authority may prescribe a time limit within which the action for which the temporary use permit shall be started, completed, or both. Conditions of approval for the temporary use may include, but are not limited to:
1. Regulation of hours and days of operation;
 2. Requirement of bonds or other guarantees for cleanup or removal of any structures or equipment and/or the return of temporary use site to its original state within a specified period of time;
 3. Regulation of permit duration except for as specified herein;
 4. Regulation of signs and advertising;
 5. Regulation of lighting and fencing;
 6. Regulation of public-address or sound system;
 7. Regulation of gas, dust, smoke, noise, fumes, vibrations or other nuisances;

8. Regulation of design features including, but not limited to, size, colors, material, architectural details and landscaping;
 9. Provisions for adequate traffic access/circulation, off-street parking and pedestrian safety, to be maintained during the operation of the use as necessary; and
 10. Such other conditions as are deemed necessary to protect the health, safety and welfare of the community and to assure compliance with the intent and purpose of this section.
- F. Application requirements. An application for a Major or Minor Temporary Use Permit shall be filed on forms prescribed for this purpose and accompanied by the required application fee. The application shall provide any other information, prescribed by the planning and building director, including plans and/or maps as may be necessary for adequate review of the application. The applicant may also be required to submit environmental reports as determined by the Director in order to demonstrate that no environmental resources will be impacted.
- G. Findings. The reviewing authority shall make the following findings in granting a Minor or Major Temporary Use Permit:
1. The Minor or Major Temporary Use Permit complies with the various provisions of this chapter;
 2. The temporary use will not impede the reasonable use of land, or the orderly development of land in the immediate vicinity;
 3. The temporary use will not adversely affect sensitive species, or wetlands, or adjacent uses, buildings or other structures;
 4. The temporary use will not endanger the public health, safety or general welfare; and
 5. That the granting of the temporary use permit is made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.
- H. Revocation. This permit may be revoked for any reason in the sole and absolute discretion of the planning and building director or their designee upon 30 days' written notice, or immediately upon written notice in the event that the permittee, as determined by the planning and building director or their designee, is in violation of any law such that the activity endangers the public health, safety, or general welfare.

Section 17. Title 20 Land Use Code, Section 20.28.075 Reviewing Entities shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

C. Zoning Administrator. A zoning administrator may be appointed to perform certain duties as described in this title and as authorized by the State Planning And Zoning Law. The City Manager shall appoint the zoning administrator and determine qualifications for the office.

1. The zoning administrator provides a method by which minor adjustments from ordinance requirements can be made without the delays resultant to the setting of such matters for public hearing before the planning commission and to relieve the planning commission from certain minor and routine matters.
2. The zoning administrator shall have the authority to grant or conditionally grant minor use permits, minor temporary use permits, minor variances, and determinations of unspecified uses as set forth elsewhere in this title.
3. The zoning administrator shall adopt rules and regulations to govern the procedures at public meetings and to set times for required meetings. All meetings shall be open to the public.

D. Table 22 summarizes the various reviewing and approval bodies for applications made pursuant to this title.

Table 22 Permit approval matrix

Application Type	Recommending Authority	Approval Authority	Appeal	<u>Final Decision-Making Body Approval for Appeals</u>
Building relocation	None	Building official and planning director	Planning commission	City Council
Conditional use permit - major	Staff	Planning commission	City Council	City Council
Conditional use permit - minor	Staff	Zoning administrator	Planning commission	City Council
Design review - major	Staff	Planning commission	City Council	City Council
Design review - minor	Staff	Planning and building director	Planning commission	City Council
Determination of use	Staff	Zoning administrator	Planning commission	City Council
General Plan amendment (map)	Planning commission	City Council	None	<u>None-City Council</u>

Application Type and/or text)	Recommending Authority	Approval Authority	Appeal	<u>Final Decision-Making Body Approval for Appeals</u>
Variance - major	Staff	Planning commission	City Council	City Council
<u>Temporary use permit - major</u>	<u>Staff</u>	<u>Planning commission</u>	<u>City Council</u>	<u>City Council</u>
<u>Temporary use permit - minor</u>	<u>Staff</u>	<u>Zoning administrator</u>	<u>Planning commission</u>	None <u>City Council</u>
Variance - minor	Staff	Zoning administrator	Planning commission	City Council
Zone change	Planning commission	City Council	None	<u>City Council</u>
Zoning ordinance amendment (rezone and prezone)	Planning commission	City Council	None	None <u>City Council</u>

Staff: The professional staff of the planning and building department

~~*The City Council is the appeal body if the planning commission denies the rezone.~~

(Ord. 1187 § 6, 2019; Ord. 1012 § 2 (Exh. A § 10), 2004; Ord. 950 § 2 (Exh. A § 2505), 1998.

Section 18. Title 20 Land Use Code, Section 20.28.080 Public Notice Requirements, shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

A. Notice shall be given in accordance with state law and as set forth in Table 23. In addition, the City may give notice of hearings in any other manner deemed necessary or desirable so long as compliance with state law is assured.

Table 23 Notification requirements

Type of Procedure, Permit or Hearing	Surrounding Properties	Publication	On-Site Posting	On-Site Sign
Appeal	(1)	(1)	(1)	(1)
Conditional use permit - major	yes	yes	no	yes
Conditional use permit - minor	yes	no	yes	no
Determination of use	no	no	no	no

Type of Procedure, Permit or Hearing	Surrounding Properties	Publication	On-Site Posting	On-Site Sign
General Plan amendment (map designation)	(2)	yes	no	yes
General Plan amendment (text)	no	yes	no	no
Design review - major	yes	yes	no	yes
Design review - minor	no	no	no	no
Variance - major	yes	yes	no	yes
Variance - minor	yes	no	yes	no
<u>Temporary use permit - minor</u>	<u>yes</u>	<u>no</u>	<u>yes</u>	<u>no</u>
<u>Temporary use permit - major</u>	<u>yes</u>	<u>yes</u>	<u>no</u>	<u>yes</u>
Subdivision - major	yes	yes	no	yes

Section 19. Environmental Compliance.

The City Council finds that the proposed ordinance Amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (the “common sense exemption”) because it can be seen with certainty that there is no possibility that the municipal code Amendments will have a significant effect on the environment. The proposed Amendments make clarifying changes to the Municipal Code and will not allow for, nor encourage, any more development than is already anticipated under the City’s General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, it can be seen with certainty that there is not a possibility that the proposed Amendments may have a significant impact on the environment.

In addition, the proposed Amendments are exempt from CEQA pursuant to Section 15304 of the CEQA Guidelines (“minor alterations to land”) because any new uses permitted by the Amendments, such as temporary use permits, are temporary in nature having negligible or no permanent effects on the environment, and will not involve the removal of any healthy, mature scenic trees as required by the statute.

Moreover, none of the CEQA exceptions apply. The Amendments will not impact any environmental resources of hazardous or critical concern. The Amendments are primarily procedural in nature, and any new uses are minor and temporary, with no impacts to critical resources. The Amendments will also not contribute to cumulative impacts, or have a significant effect due to unusual circumstances. The Amendments make clarifying procedural changes to the municipal code, and any new uses such as temporary use permits are minor and transient in nature and would not arise to the level of an unusual circumstance or contribute to cumulative impacts. Lastly, the Amendments will not impact scenic highways, will not involve hazardous waste sites, and will not impact historical resources.

Any new uses would be minor and temporary, and cannot not be approved if there are environmental impacts to sensitive species, wetlands, or adjacent uses, buildings or other structures.

Section 20. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 21. Effective Date and Publication.

This Ordinance of the City of Healdsburg shall be effective thirty (30) days after the date of its passage. Before expiration of fifteen (15) days after its passage, this Ordinance or a summary thereof as provided for in Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the City Council members voting for and against its passage.

INTRODUCED by the City Council of the City of Healdsburg on the ___ day of ____, 2023, and PASSED and APPROVED at a regular meeting of the City Council on the ____ day of ____, 2023, by the following vote:

AYES: Councilmembers: ()

NOES: Councilmembers: ()

ABSENT: Councilmembers: ()

ABSTAIN: Councilmembers: ()

SO ORDERED

Ariel Kelley, Mayor

Raina Allan, City Clerk

Dated: _____