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City of Sebastopol Planning Commission

Meeting Date: March 14, 2017
Agenda Item: 8A
To: Planning Commission
From: Kenyon Webster, Planning Director
Subject: Phase 1 Zoning Ordinance Amendments, Revised Draft
Recommendation: Accept Any Public Comment, Provide Direction for any Additional Changes,
Adopt Resolution Forwarding Amendments to the City Council

The initial review of the first set of Zoning Ordinance modifications (previously transmitted) arising from the new General Plan began with a Public Hearing at the Commission's February 14, 2017 meeting and was completed at the February 28 meeting. At those meetings, the Commission conducted detailed review of proposed revisions, accepted public comment, and provided direction for revisions.

Staff has prepared 'Draft 2' of the amendment package (attached) for final Commission review, prior to its transmission to the City Council. This includes numerous specific changes directed by the Commission, new provisions developed by staff based on general Commission direction, and changes to promote internal consistency based on the directed revisions. For example, some definitions have been added or deleted based on review of the 'district' use allowance tables, and use allowances non-residential districts have been modified for consistency reasons (as well as other reasons).

The Commission touched on needed changes and reorganization to antenna-related provisions. Staff concurs that for both form and substance reasons, including changes in Federal and State law, the provisions need review. In addition, the General Plan calls for a general substantive review and update. The antenna ordinance will need its own comprehensive review and update in the future.

The Commission also noted various section numbering issues. Due to comprehensive renumbering that will result once changes are 'accepted', these will be addressed prior to final adoption by the City Council.

Noteworthy substantive changes made from 'Draft 1' are described below. The attached revised ordinance text also includes side notes on substantive revisions.

Definitions

- Chapter 17.04: The 'Prohibited uses' section was deleted, and the only use listed (drive-through's) was added to the 'use table' as a prohibited use.
- The Definitions section modifications include:
 - A duplicative automotive-related set of definitions was deleted.
 - A new definition of 'automotive gas or fueling station' was added.
 - In the definition of 'community non-assembly civic uses' art galleries were deleted, as these are considered retail uses and thus do not belong in this definition.
 - Reference to cooking facilities was dropped from the definition of 'dwelling' per Commission direction.
 - A duplicate definition of dwelling was eliminated.
 - The definition of 'emergency shelter' was deleted, as there already was a definition of homeless shelter.
 - A definition of 'exercise facility' was added as it is a term used elsewhere in the ordinance.
 - A new definition of 'flood elevation, 100-year' was added as there are references to this concept elsewhere in the ordinance.
 - The 'floor area' definition was modified for extra-thick wall situations.
 - A new definition of 'household' was added.
 - A new definition of 'laboratory' was added as it is a term employed in the ordinance.
 - A new definition of 'mobile food vending unit' was deleted, as the Commission determined that this issue will be discussed in Phase 2 of the Zoning Ordinance update.
 - The definition of 'open space, useable' was modified to allow such areas to have up to a 15% slope instead of 10%.
 - The definitions of 'park, community' and 'park, sports' were modified to indicate that community parks are publically-owned, and sports parks are privately-owned.
 - A definition of 'plant nursery' was added.
 - A definition of 'research and development' was added as this use term is used in the ordinance.
 - The definition of 'retail sales, specialty' was deleted as unnecessary.
 - A definition of 'senior housing' was added.
 - A definition of 'shared parking' was added.
 - A definition of 'shopping center' was added.
 - The definition of 'transient uses' was modified to note that such uses (hotels, motels) may include accessory uses such as beauty shops, restaurants, and small shops.
 - The definition of 'wineries and breweries' was modified to add distilleries.

Districts

- The Districts section includes the following new modifications:
 - In the comprehensive residential standards table, the wording of the interior side yard and street side yard requirements in several districts was revised for consistency.
 - In the comprehensive residential standards table, the minimum and maximum density requirements was revised per the Commission's direction.

- Numerous revisions were made to the comprehensive non-residential standards table. These include: changing wording for clarity; eliminating unnecessary categories; improving consistency in use allowances among similar districts; changing whether some uses are permitted or conditionally-permitted use, based on both the nature of the use and the nature of the district; adding a new use (sports park) to the table; specifying districts where freestanding parking structures or parking lots would be allowed.
- Existing Section 17.20.040 would be deleted. It set forth special development standards in several Barlow portions of the M District that preceded development of the Barlow.
- Existing Chapter 17.40, PC District would be modified to clarify that it is used for residential projects.
- Existing Chapter 17.42, S District would be eliminated. It has never been utilized, and the Zoning Ordinance update consultant concurs it is unnecessary.
- Existing Chapter 17.44, Wetlands would be modified to include several additional referral organizations, and to modify references to the 100-year flood elevation.
- Existing Chapter 17.94, Affordable Housing would be deleted. It has never been used, as written has limited benefit, and the Zoning Ordinance update consultant concurs that there are other ways to address this issue in the Ordinance.

Regulations

- The hillside development section in existing Chapter 17.96 would be deleted. The Commission questioned the utility of this section, which has rarely been applicable.
- A new section on mobile food vending would be deleted from this Phase 1 package, and discussed in Phase 2 of the Zoning Ordinance update.
- Per Commission direction, all changes to existing Chapter 17.220 (Parking) were deleted. These will be discussed in Phase 2 of the Zoning Ordinance update.
- Several clarifying changes were made to the Cottage Food provisions.
- Per Commission direction, the proposed changes regarding multiple appeals in existing Chapter 320, Administrative Appeal were deleted.

Attachments:

Resolution for adoption
 Draft 2 of Definitions section
 Draft 2 of Districts section
 Draft 2 of Regulations section

Planning Commission Resolution

**Resolution Recommending City Council Adoption of
Zoning Ordinance Amendments**

1. Whereas, the City of Sebastopol completed a comprehensive General Plan update with adoption of a new General Plan on November 15, 2016; and
2. Whereas, the new General Plan includes policies and actions calling for numerous updates to the Zoning Ordinance and Zoning Map; and
3. Whereas, State law requires Zoning regulations to be consistent with the General Plan, and therefore updating the Zoning Ordinance and Zoning Map is required; and
4. Whereas, this first phase of the Zoning Ordinance update includes other clarifying and policy changes identified by the update consultant, Planning Department staff, the Commission, and City Council; and
5. Whereas, the Planning Commission conducted a duly-notice public hearing on proposed amendments at its February 14, 2017 meeting, and accepted public comment also at its February 28, and March 14, 2017 meetings; and
6. Whereas, in the course of said meetings, the Commission provided direction to Planning Department staff for revisions to the initial draft amendments; and
7. Whereas, the Commission finds that as revised, the amendments are compatible with the general objectives of the General Plan, in that a number of the amendments directly implement General Plan policies and standards, thereby enhancing consistency between the General Plan and Zoning Ordinance; and
8. Whereas, the Commission finds that the amendments will be in conformity with public convenience, general welfare, and good land use practice, in that the revisions are also intended to clarify the regulations and facilitate ease of use and understanding, as well as to establish appropriate standards and procedures; and
9. Whereas, the Commission finds that the amendments will not be detrimental to the public health, safety and general welfare, and will not adversely affect the orderly development of property, in that they will harmonize the General Plan and Zoning

Ordinance, better express the City's policies, and generally promote good land use planning and regulation.

Now, therefore, the Planning Commission does hereby adopt this Resolution recommending that the City Council adopt the comprehensive Zoning Ordinance amendments as recommended by the Commission.

Approved on March 14, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Certified: _____

Kenyon Webster, Planning Director