

ORDINANCE NO. 2015-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING THE CALISTOGA MUNICIPAL CODE TO RESCIND CHAPTER 17.22 COMMERCIAL LAND USE DISTRICTS AND CHAPTER 17.28 DESIGN DISTRICT; ADOPT CHAPTER 17.21, DC DOWNTOWN COMMERCIAL DISTRICT AND CHAPTER 17.22, CC COMMUNITY COMMERCIAL DISTRICT; AND AMEND CHAPTER 17.04 DEFINITIONS (ZOA 2015-2)

1 **WHEREAS**, the Downtown Commercial and Community Commercial Zoning
2 Districts are currently included in a single Zoning Code chapter, which is cumbersome
3 to use, and separating the districts into individual chapters would facilitate their use and
4 conform to the approach used throughout the Code; and

5 **WHEREAS**, purpose and intent statements are needed for each district as well
6 as references to the applicability of relevant policies of the General Plan's Community
7 Identity Element and the Character Areas, Gateways and Entry Corridors of the Land
8 Use Element; and

9 **WHEREAS**, there is a need to revise the districts to bring them into conformity
10 with amendments that have been made to several General Plan elements since the
11 districts' original adoption; and

12 **WHEREAS**, the use permit requirement for modifications to existing structures
13 that result in an increase in the number of leasable spaces is an impediment to the
14 addition of new businesses and there is no clear justification for this requirement; and

15 **WHEREAS**, the DD Design District should be deleted because it is duplicative of
16 provisions included in the two zoning districts as well as existing design review
17 requirements, and

18 **WHEREAS**, the Planning Commission reviewed the proposed Code
19 amendments at a public hearing on June 10, 2015, and after considering the public
20 record, including the staff report and findings, adopted PC Resolution 2015-16
21 forwarding a recommendation that the City Council approve the proposed Code
22 amendments; and

23 **WHEREAS**, the proposed amendments are not subject to the California
24 Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines
25 because it can be seen with certainty that there is no possibility that they may have a
26 significant effect on the environment.

27 **WHEREAS**, the City Council of the City of Calistoga reviewed and considered
28 this ordinance at a public hearing on July 22, 2015, noticed in accordance with state
29 and local law, and which included the written and oral staff report, the Planning
30 Commission's recommendation and comments received from the general public and
31 interested agencies and parties.

32 **NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY**
33 **ORDAIN AS FOLLOWS:**

35 **SECTION ONE**

36 Findings. The above recitals are incorporated herein as if set forth herein in full
37 and each is relied upon independently by the City Council for its adoption of this
38 ordinance.

39 **SECTION TWO**

40 CMC Chapter 17.22 Commercial Land Use Districts is hereby rescinded.

41 **SECTION THREE**

42 CMC Chapter 17.28 Design District is hereby rescinded and deleted from the
43 Zoning Map for the City of Calistoga, California.

44 **SECTION FOUR**

45 CMC Chapter 17.21, DC Downtown Commercial District and Chapter 17.22, CC
46 Community Commercial District are adopted as shown in Exhibit A hereto.

47 **SECTION FIVE**

48 CMC Chapter 17.21 Home Occupations is hereby renumbered to Chapter 17.43.

49 **SECTION SIX**

50 CMC Chapter 17.04 Definitions is hereby amended as follows:

51 1. The following sections are deleted:

52 17.04.320 Group care facility

53 17.04.490 Major medical facility

54 17.04.597 Resident-serving use

55 17.04.610 Resocialization facility

56 2. The following sections are added:

57 ***17.04.599 Residential care facility for the elderly, large*** A long-term
58 *residential facility for more than 12 seniors who may require limited*
59 *medical care, and that allows residents to live independently in their*
60 *own unit; provides meals, housekeeping and transportation services;*
61 *has a scheduled calendar of events for residents; offers assistance*
62 *with dressing, personal hygiene and medications; and has a resident*
63 *doctor and/or registered nurse on staff.*

64 ***17.04.632.5 Skilled nursing facility*** A licensed health-care institution
65 *for persons who need nursing care, but do not require hospitalization.*
66 *Services generally include the supervision of the care of every patient*
67 *by a physician, the employment full-time of at least one registered*
68 *nurse, the availability of nursing care 24 hours a day, the availability of*
69 *a physician on an emergency basis and the presence of facilities for*
70 *storing and dispensing drugs.*

71 ***17.04.397 Live/work facilities.*** *An integrated housing unit and working*
72 *space, occupied and utilized by a single household in a structure that*

73 *has been designed or structurally modified to accommodate joint*
74 *residential occupancy and work activity, and which includes complete*
75 *kitchen space and sanitary facilities in compliance with the City*
76 *building code and working space reserved for and regularly used by*
77 *one of more occupants of the unit.*

78 3. Section 17.04.380 is replaced with the following wording:
79 *“Inn” shall mean a facility of up to five units that offers transient lodging*
80 *accommodations located in attached or detached structures for 30*
81 *days or less to the general public.*

82 **SECTION SEVEN**

83 CMC Section 17.58.060(B)(2)(a) is replaced with the following wording:
84 *To qualify for an additional business identification sign or additional sign*
85 *area, unusual circumstances shall be determined by the Planning*
86 *Commission to exist that include, but are not limited to, a business with*
87 *more than one entrance on two different public rights-of-way, or a*
88 *storefront that exceeds the typical length of other storefronts in the*
89 *applicable zoning district.*

90 **SECTION EIGHT**

91 Environmental Review. This action has been reviewed in accordance with the
92 California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the
93 “general rule” exemption. The City has determined that because it can be seen with
94 certainty that there is no possibility that the proposed amendments will have an impact
95 on the environment, this ordinance is therefore exempt from CEQA under the general
96 rule.

97 **SECTION NINE**

98 Severability. If any section, subsection, subdivision, paragraph, sentence,
99 clause, or phrase in this ordinance or any part thereof is for any reason held to be
100 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
101 decision shall not affect the validity or effectiveness of the remaining portions of this
102 ordinance or any part thereof. The City Council hereby declares that it would have
103 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase
104 thereof irrespective of the fact that any one or more subsections, subdivisions,
105 paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or
106 ineffective.

107 **SECTION TEN**

108 Effective Date. This Ordinance shall take effect thirty (30) days after its passage
109 and before the expiration of fifteen (15) days after its passage, shall be published in
110 accordance with law, in a newspaper of general circulation published and circulated in
111 the City of Calistoga.

Exhibit A

Chapter 17.21

DC DOWNTOWN COMMERCIAL DISTRICT

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- Sections:
- 17.21.010 Purpose and intent
 - 17.21.020 Permitted primary uses
 - 17.21.030 Conditionally-permitted uses
 - 17.21.040 Accessory uses
 - 17.21.050 Prohibited uses
 - 17.21.060 Development standards
 - 17.21.070 General regulations

17.21.010 Purpose and intent

The Downtown Commercial (DC) District is intended to implement the Downtown Commercial Land Use Designation of the General Plan. It provides an area for a broad range of uses that generate high pedestrian traffic.

Mixed residential-commercial uses are an important component of the DC District to ensure an economically- and socially-vibrant downtown that is intended for, and enjoyed by, residents and visitors alike. Except for visitor accommodations and live-work units, all newly-constructed floor area located above a first floor is encouraged to be for resident-serving commercial uses and/or residential.

In order to maintain and enhance Calistoga's small-town character and the urban design quality of the downtown, development in the DC District shall be guided by relevant policies of the General Plan's Community Identity Element and the Character Areas, Gateways and Entry Corridors of the Land Use Element.

17.21.020 Permitted primary uses

- A. The following primary uses are permitted in the DC District, except that an administrative use permit pursuant to CMC Chapter 17.40 is required when the use is located within an Entry Corridor designated in the General Plan.
1. Retail uses, including, but not limited to: grocery stores; fruit and vegetable markets; pharmacies; bicycle sales; furniture sales; audio-video stores; florists; frame shops; bookstores; clothing and apparel shops; gift shops; sales of household goods and appliances; and hobby and craft shops
 2. Art galleries
 3. Antique stores
 4. Service uses, including, but not limited to: dry cleaning, not including processing plants; laundromats; tailors; shoe repair; bicycle repair; repair of household goods and appliances
 5. Personal service establishments, such as spas, health clubs, beauty salons, and barbershops

- 164 6. Business and professional offices, such as for accountants, lawyers, architects,
165 engineers, realtors, and financial advisors
- 166 7. Medical and dental clinics
- 167 8. Banks and financial institutions without drive-up or walk-up facilities
- 168 9. Restaurants, bakeries, cafés and similar uses, with or without outdoor seating,
169 pursuant to the following:
- 170 a. The proposed establishment meets all of the following criteria:
- 171 i. No live entertainment or dancing is proposed
- 172 ii. No outdoor seating is proposed in a public right-of-way
- 173 iii. The establishment is not a formula business or formula restaurant.
- 174 b. Administrative review and approval by the Planning and Building Director,
175 subject to the following:
- 176 i. The proposed establishment meets the requirements of all applicable
177 code regulations.
- 178 ii. Written notice of the proposed establishment is mailed to all property
179 owners within 300 feet of the subject property. Such notice shall be given
180 not less than 10 days before the date the application is scheduled for a
181 decision by the Planning and Building Director.
- 182 iii. No substantial concerns are raised by surrounding property owners or are
183 identified by the Planning and Building Director. If substantial concerns are
184 identified, the proposed establishment shall be referred to the Planning
185 Commission for review and approval pursuant to CMC Chapter 17.40.
- 186 10. Uses determined by the Planning Commission to be similar in nature, as
187 provided for according to the procedures in CMC Chapter 17.02.

188 **17.21.030 Conditionally-permitted uses**

- 189 A. The following uses require a use permit in the DC District, pursuant to CMC Chapter
190 17.40:
- 191 1. Wine shops, including tasting facilities
- 192 2. Wine, beer and liquor sales
- 193 3. Winery tasting rooms, provided that 75 percent of the wines poured for tasting
194 in the winery tasting room without charge comply with one of the following:
- 195 a. Are labeled Napa County, Napa Valley or other legally-recognized
196 American Viticultural Area within the County of Napa; or
- 197 b. Are made with at least 75 percent fruit grown within the 94515 zip code
198 area.
- 199 A combination of wines meeting the criteria stated in the subsections above
200 may be allowed if collectively the combination represents at least 75 percent of
201 the wines being poured for tasting in the winery tasting room.
- 202 4. Sale of used or secondhand goods, excluding books and magazines
- 203 5. Firearm and ammunition sales

- 204 6. Souvenir shops
- 205 7. Walkaway businesses
- 206 8. Outdoor sales establishments, such as plant nurseries and garden supplies,
207 and storage associated with a primary use, such as hardware and home
208 improvement stores
- 209 9. Sexually-oriented retail businesses
- 210 10. Cottage industries, such as carpenters, when ancillary to retail sales of
211 products or merchandise made on the premises
- 212 11. Gasoline service stations, excluding automobile repair and car washes
- 213 12. Bars
- 214 13. Restaurants, bakeries, cafes and other similar uses, with or without outdoor
215 seating, not meeting the criteria set forth in CMC Subsection 17.21.020(A)(9)(a)
- 216 14. Formula businesses otherwise allowed in CMC Section 17.21.020, but not
217 including formula restaurants or formula visitor accommodations
- 218 15. Banks and financial institutions with drive-up or walk-up facilities
- 219 16. Hotels, hotel-condominiums, motels, resorts and inns
- 220 17. Commercial amusements, such as arcades and fortune tellers
- 221 18. Live entertainment and/or dancing
- 222 19. Theaters and places of public assembly, such as halls, lodges, fraternal
223 organizations and clubs
- 224 20. Dance studios and schools
- 225 21. Off-site parking for businesses
- 226 22. Live-work units and resident caretaker and manager quarters, provided that the
227 following requirements have been met:
 - 228 a. The required off-street parking for the exclusive use of dwelling units is
229 provided pursuant to CMC Chapter 17.36
 - 230 b. The commercial use shall be compatible with the health and safety of
231 persons residing on the property (lighting, noise, fumes and hours of
232 operation, etc.).
- 233 23. Multi-family dwellings above the first floor
- 234 24. Storage when associated with a resident-serving business located on an
235 adjacent parcel
- 236 25. Religious institutions, such as churches and mosques
- 237 26. Public and private schools
- 238 27. Public utility substations
- 239 28. Geothermal uses
- 240 29. Uses determined by the Planning Commission to be similar in nature, as
241 provided for in CMC Chapter 17.02.

243 **17.21.040 Accessory uses**

- 244 A. Accessory uses that are an allowed or conditionally-permitted use within the DC
245 District are permitted in conjunction with a primary use.
- 246 B. Accessory uses shall be compatible with the primary use. Determinations of
247 compatibility shall be made by the Planning and Building Director for those uses
248 allowed with only a business license and by the Planning Commission for those uses
249 requiring a conditional use permit.

250 **17.21.050 Prohibited uses**

- 251 A. The following uses are prohibited in the DC District:
- 252 1. Uses not specified in CMC Sections 17.21.020 through 17.21.040
 - 253 2. Formula restaurants
 - 254 3. Formula visitor accommodations
 - 255 4. Drive-up facilities associated with a food service establishment
 - 256 5. Timeshare projects, programs or occupancies
 - 257 6. Manufacturers' outlet stores
 - 258 7. Establishments serving customers food and/or beverages within their
259 automobiles on the premises or preparing food and/or beverages intended for
260 consumption within their automobiles on the premises
 - 261 8. Objectionable and hazardous uses, such as businesses that present noxious
262 odors or fumes, noise, vibration, glare, dust, and materials which have a
263 potential for hazard and explosion.
 - 264 9. The conversion or demolition of existing dwelling units, except under one of the
265 following circumstances:
 - 266 a. Replacement housing will be provided. A housing agreement shall be
267 required to ensure compliance with the conditions of a permit authorizing
268 the demolition or conversion.
 - 269 b. A fee will be paid subject to the provisions contained in CMC Chapter
270 17.08, to be used by the City to provide replacement housing.

271 **17.21.060 Development standards**

272 The following development standards shall apply in the DC District.

273 A. Minimum Setbacks

- 274 1. Principal buildings shall comply with the following setbacks from a property line:
- 275 a. Front: 0 feet, unless directly across the street from a residential district, in
276 which case the front setback shall be 20 feet;
 - 277 b. Interior side: 0 feet, unless abutting or adjacent to a residential district, in
278 which case the interior side setback shall be 5 feet;
 - 279 c. Street side: 0 feet, unless across the street from a residential district, in
280 which case the street side setback shall be 15 feet;
 - 281 d. Rear: 0 feet, unless abutting or adjacent to a residential district, in which
282 case the rear setback shall be 10 feet.

- 283 2. Accessory buildings and structures shall comply with the following setbacks from
284 a property line:
- 285 a. Front: Setback equal to or greater than the principal structure on the lot;
- 286 b. Interior side: 0 feet, unless abutting or adjacent to a residential district, in
287 which case the interior side setback shall be 5 feet;
- 288 c. Street side: Setback equal to or greater than the principal structure on the lot;
- 289 d. Rear: 0 feet, unless abutting or adjacent to a residential district, in which case
290 the rear setback shall be 5 feet.
- 291 B. Minimum Lot Area and Lot Width.
- 292 1. The minimum lot area is 5,000 square feet.
- 293 2. The minimum lot width is 30 feet.
- 294 C. Maximum Lot Coverage.
- 295 1. The maximum lot coverage is 80 percent.
- 296 2. Additional lot coverage may be authorized by the Planning Commission by a use
297 permit pursuant to CMC Chapter 17.40.
- 298 D. Maximum Floor Area Ratio. The maximum floor area for non-residential uses is 200
299 percent. Floor area devoted to residential uses shall be excluded from this
300 calculation.
- 301 E. Minimum Landscaping of Open Space. A minimum of 40 percent of open space on a
302 lot shall be landscaped. Walks, pools, patios and other similar areas may be
303 considered as part of the open space requirement. Parking areas shall not be
304 counted unless special paving or other design features are incorporated.
- 305 F. Maximum Height, Number of Stories.
- 306 1. Maximum height
- 307 a. Principal Buildings. The maximum height of a principal building is 30 feet, with
308 the following exceptions:
- 309 i. Where a commercial building abuts or adjoins a parcel in a residential
310 district, the maximum height is 25 feet.
- 311 ii. Taller structures may be approved pursuant to CMC 17.38.030.
- 312 b. Accessory Buildings. The maximum height of an accessory building is 15 feet
313 above grade.
- 314 2. Maximum number of stories for principal buildings
- 315 a. Up to two stories are allowed for principal buildings.
- 316 b. Three stories may be authorized by the Planning Commission by a use permit
317 pursuant to CMC Chapter 17.40.
- 318 G. Parking and Access.
- 319 1. Parking within the front setback or street side setback is prohibited.
- 320 2. New driveways over any portion of the public sidewalk fronting on Lincoln
321 Avenue between Foothill Boulevard and Fair Way shall require authorization by

322 the Planning Commission through the approval of a use permit pursuant to CMC
323 Chapter 17.40.

324 H. Fixed Place of Business. All retail sales and service establishments shall be
325 conducted within a fixed place of business.

326 **17.21.070 Other development standards**

327 Additional requirements that apply to development in the DC District include, but are not
328 limited to, the following:

329 Affordable housing, per CMC Chapter 17.08

330 Sidewalk dining within the public right-of-way, per CMC Chapter 17.33

331 Off-street parking and loading, per CMC Chapter 17.36

332 General provisions and exceptions, per CMC Chapter 17.38

333 Use permits, per CMC Chapter 17.40.

334 Design review, per CMC Chapter 17.41

335 Fences, hedges or walls, per CMC Chapter 17.52

336 Signs and advertising regulations, per CMC Chapter 17.58

337 Special events, per CMC Chapter 5.18

338 **Chapter 17.22**

339 **CC COMMUNITY COMMERCIAL DISTRICT**

340 Sections:

341 17.22.010 Purpose and intent

342 17.22.020 Permitted primary uses

343 17.22.030 Conditionally-permitted uses

344 17.21.040 Accessory uses

345 17.22.050 Prohibited uses

346 17.22.060 Development standards

347 17.22.070 General regulations

348 **17.22.010 Purpose and intent**

349 The Community Commercial (CC) District is intended to implement the Community
350 Commercial Land Use Designation of the General Plan. It provides areas at the edge of
351 the downtown commercial core and at several intersections for activities that are similar
352 to those in the Downtown Commercial District, but because of their size or relatively low
353 pedestrian traffic generation are appropriate for the CC District. These uses
354 predominantly provide for the day-to-day needs of residents, and because of their
355 operational characteristics and space needs (storage, size, parking, etc.) are
356 considered appropriate for the CC District.

357 The CC District is also intended to provide a transition between the more-intense
358 activities in the DC District and the less-intense activities in the residential districts
359 adjacent to commercial areas. Therefore, mixed residential-commercial uses are
360 appropriate in the CC District. Except for visitor accommodations and live-work units, all

361 newly-constructed floor area located above a first floor is encouraged to be for resident-
362 serving commercial uses and/or residential.

363 In order to maintain and enhance Calistoga's small-town character, development in the
364 CC District shall be guided by relevant policies of the General Plan's Community
365 Identity Element and the Character Areas, Gateways and Entry Corridors of the Land
366 Use Element.

367 **17.22.020 Permitted primary uses**

368 A. The following primary uses are permitted in the CC District, except that an
369 administrative use permit pursuant to CMC Chapter 17.40 is required when the use
370 is located within an Entry Corridor designated in the General Plan.

- 371 1. Retail uses including, but not limited to: grocery stores; fruit and vegetable
372 markets; pharmacies; bicycle sales; furniture sales; audio-video stores; florists;
373 frame shops; bookstores; clothing and apparel shops; gift shops; sales of
374 household goods and appliances; and hobby and craft shops
- 375 2. Art galleries
- 376 3. Service uses, including, but not limited to: dry cleaning, not including
377 processing plants; laundromats; tailors; shoe repair; bicycle repair; repair of
378 household goods and appliances
- 379 4. Personal service establishments, such as spas, beauty salons, and
380 barbershops
- 381 5. Dance studios and schools
- 382 6. Business and professional offices, such as for accountants, lawyers, architects,
383 engineers, realtors, and financial advisors
- 384 7. Medical and dental clinics
- 385 8. Banks and financial institutions without drive-up facilities
- 386 9. Veterinary clinics without boarding facilities
- 387 10. Emergency shelters as defined in CMC Chapter 17.04, subject to the following
388 development standards:
 - 389 a. A maximum of 20 beds shall be permitted.
 - 390 b. Temporary shelter may be made available to residents for no more than
391 180 days in any 12-month period.
 - 392 c. A client intake/waiting area shall be provided at a minimum of 10 square
393 feet per bed provided at the facility, with a minimum of 100 square feet.
394 Said intake/waiting area shall be in a location not adjacent to the public
395 right-of-way. If located at the exterior of a building, the intake/waiting area
396 shall be visually separated from public view by a minimum of 6-foot-tall
397 landscape screen or a minimum six-foot-tall decorative wall, and shall
398 provide consideration for shade/rain provisions.
 - 399 d. Adequate external lighting shall be provided for security purposes.
 - 400 e. Security personnel shall be provided during the hours that the emergency
401 shelter is in operation.

402 f. At least one facility manager shall be on site at all hours that the facility is
403 open. Additional support staff shall be provided, as necessary, to ensure
404 that at least one staff member is provided in all segregated sleeping
405 areas, as appropriate.

406 11. Uses determined by the Planning Commission to be similar in nature, as
407 provided for according to the procedures in CMC Chapter 17.02.

408 **17.22.030 Conditionally-permitted uses**

409 A. The following uses require a conditional use permit in the CC District, pursuant to
410 CMC Chapter 17.40:

- 411 1. Wine shops, including tasting facilities
- 412 2. Wine, beer and liquor sales
- 413 3. Winery tasting rooms, provided that 75 percent of the wines poured for tasting
414 in the winery tasting room without charge comply with one of the following:
 - 415 a. Are labeled Napa County, Napa Valley or other legally-recognized
416 American Viticultural Area within the County of Napa; or
 - 417 b. Are made with at least 75 percent fruit grown within the 94515 zip code
418 area.

419 A combination of wines meeting the criteria stated in the subsections above
420 may be allowed if collectively the combination represents at least 75 percent of
421 the wines being poured for tasting in the winery tasting room.

- 422 4. Antique stores
- 423 5. Sale of used or secondhand goods, excluding books and magazines
- 424 6. Thrift and discount stores, not including manufacturers' outlet stores
- 425 7. Firearm and ammunition sales
- 426 8. Walkaway businesses
- 427 9. Outdoor sales establishments, such as plant nurseries and garden supplies,
428 and storage associated with a primary use, such as hardware and home
429 improvement stores
- 430 10. Sexually-oriented retail businesses
- 431 11. Automobile, boat, recreational vehicle and agricultural equipment sales, rentals
432 and repair
- 433 12. Cottage industries, such as carpenters, when ancillary to retail sales of
434 products or merchandise made on the premises
- 435 13. Gasoline service stations, including carwash facilities
- 436 14. Banks and financial institutions with drive-up facilities
- 437 15. Veterinarian clinics with boarding facilities, subject to the provisions of CMC
438 17.14.020(B)(3)
- 439 16. Restaurants, bakeries, bars, cafes, and similar uses, with or without outdoor
440 dining

- 441 17. Formula businesses otherwise allowed in CMC Section 17.22.020, but not
442 including formula restaurants or formula visitor accommodations
- 443 18. Hotels, hotel-condominiums, motels, resorts and inns. New visitor
444 accommodations shall generally be allowed where they are part of a mixed-use
445 project that provides tangible benefits to the community.
- 446 19. Live entertainment and/or dancing
- 447 20. Theaters and places of public assembly such as halls, lodges, fraternal
448 organizations and clubs
- 449 21. Stand-alone parking lots
- 450 22. Off-site parking for businesses
- 451 23. Wineries, including public tours and tastings, winery events and private wine
452 marketing events
- 453 24. Temporary storage or warehousing of nontoxic/nonhazardous material
454 substances, subject to the following requirements:
- 455 a. The use shall be entirely enclosed within an existing structure as of the
456 effective date of the ordinance codified herein. New structures or
457 expansion of more than 10 percent of an existing structure shall be
458 prohibited for such uses.
- 459 b. The use shall primarily serve the permanent resident population of
460 Calistoga.
- 461 c. The use shall be allowed for up to two years. The use may only be
462 extended upon the review and approval of the Planning Commission
463 provided that a needs assessment is prepared indicating a demand for the
464 use.
- 465 d. The use is prohibited within an entry corridor designated in the General
466 Plan.
- 467 e. Public storage uses are prohibited.
- 468 f. Warehousing or storage of products for regional distribution are prohibited
- 469 g. Outdoor storage of goods and materials are prohibited.
- 470 25. Live-work units and caretaker's quarters, provided that the following guidelines
471 have been considered:
- 472 a. The required off-street parking for the exclusive use of dwelling units is
473 provided pursuant to CMC Chapter 17.36
- 474 b. A screened yard area of not less than 300 square feet is provided per
475 dwelling unit, except in cases where due to the location of existing
476 structures there is no land available for said yard
- 477 c. In the case of shared residential and commercial uses, the commercial
478 use is compatible with the health and safety of persons residing on the
479 property (lighting, noise, fumes and hours of operation, etc.).
- 480 26. Multi-family dwellings
- 481 27. Childcare facilities

- 482 28. Large residential care facilities for the elderly
- 483 29. Skilled nursing facilities
- 484 30. Religious institutions, such as churches and mosques
- 485 31. Public utility substations
- 486 32. Public and private schools
- 487 33. Geothermal uses
- 488 34. New structures, and additions to existing structures resulting in an increase in
- 489 floor area of 10 percent or more
- 490 35. Storage when associated with a resident-serving business located on an
- 491 adjacent parcel
- 492 36. Uses determined by the Planning Commission to be similar in nature, as
- 493 provided for in CMC Chapter 17.02

494 **17.22.040 Accessory uses**

- 495 A. Accessory uses that are an allowed or conditionally-permitted use within the CC
- 496 District are permitted in conjunction with a primary use.
- 497 B. Accessory uses shall be compatible with the primary use. Determinations of
- 498 compatibility shall be made by the Planning and Building Director for those uses
- 499 allowed with only a business license and by the Planning Commission for those uses
- 500 requiring a conditional use permit.

501 **17.22.050 Prohibited uses**

- 502 A. The following uses are prohibited in the CC District:
- 503 1. Uses not specified in CMC Sections 17.22.020 through 17.22.040
- 504 2. Formula restaurants
- 505 3. Formula visitor accommodations
- 506 4. Drive-up facilities when associated with a food service establishment
- 507 5. Timeshare projects, programs and occupancies
- 508 6. Manufacturers' outlet stores
- 509 7. Souvenir shops, unless associated with and ancillary to a visitor
- 510 accommodation
- 511 8. Establishments serving customers food and/or beverages within their
- 512 automobiles on the premises or preparing food and/or beverages intended for
- 513 consumption within their automobiles on the premises
- 514 9. Objectionable and hazardous businesses, such as uses which present odors,
- 515 fumes, noise, vibration, glare, dust, and materials which have a potential for
- 516 hazard and explosion
- 517 10. The conversion or demolition of existing dwelling units, except under one of the
- 518 following circumstances:
- 519 a. Replacement housing will be provided. A housing agreement shall be
- 520 required to ensure compliance with the conditions of a permit authorizing
- 521 the demolition or conversion.

- 522 b. A fee will be paid subject to the provisions contained in CMC Chapter
523 17.08, to be used by the City to provide replacement housing.

524 **17.22.060 Development standards**

525 The following development standards shall apply in the CC District.

526 A. Minimum Setbacks

- 527 1. Principal buildings shall comply with the following setbacks from a property line:
- 528 a. Front: 10 feet, unless directly across the street from a residential district, in
529 which case the front setback shall be 20 feet;
- 530 b. Interior side: 0 feet, unless abutting or adjacent to a residential district, in
531 which case the interior side setback shall be 5 feet;
- 532 c. Street side: 10 feet, unless across the street from a residential district, in
533 which case the street side setback shall be 20 feet;
- 534 d. Rear: 0 feet, unless abutting or adjacent to a residential district, in which
535 case the rear setback shall be 10 feet.
- 536 2. Accessory buildings and structures shall comply with the following setbacks from
537 a property line:
- 538 a. Front: Setback equal to or greater than the principal structure on the lot;
- 539 b. Interior side: 0 feet, unless abutting or adjacent to a residential district, in
540 which case the interior side setback shall be 5 feet;
- 541 c. Street side: Setback equal to or greater than the principal structure on the lot;
- 542 d. Rear: 0 feet, unless abutting or adjacent to a residential district, in which
543 case the rear setback shall be 5 feet.

544 B. Minimum Lot Area and Lot Width.

- 545 1. The minimum lot area is 5,000 square feet.
- 546 2. The minimum lot width is 50 feet.

547 C. Maximum Lot Coverage.

- 548 1. The maximum lot coverage is 60 percent.
- 549 2. Additional lot coverage may be authorized by the Planning Commission by a use
550 permit pursuant to CMC Chapter 17.40.

551 D. Maximum Floor Area Ratio. The maximum floor area for non-residential uses is 80
552 percent. Floor area devoted to residential uses shall be excluded from this
553 calculation.

554 E. Minimum Landscaping of Open Space. A minimum of 40 percent of open space on a
555 lot shall be landscaped. Walks, pools, patios and other similar areas may be
556 considered as part of the open space requirement. Parking areas shall not be
557 counted unless special paving or other design features are incorporated.

558 F. Maximum Height, Number of Stories.

- 559 1. Maximum height
- 560 a. Principal Buildings. The maximum height of a principal building is 30 feet, with
561 the following exceptions:

- 562 i. Where a commercial building abuts or adjoins a parcel in a residential
563 district, the maximum height is 25 feet.
- 564 ii. Taller structures may be approved pursuant to CMC 17.38.030.
- 565 b. Accessory Buildings. The maximum height of an accessory building is 15 feet
566 above grade.
- 567 2. Maximum number of stories for principal buildings
- 568 a. Up to two stories are allowed for principal buildings.
- 569 b. Three stories may be authorized by the Planning Commission by a use permit
570 pursuant to CMC Chapter 17.40.
- 571 G. Parking. Parking within the front setback or street side setback may be authorized by
572 the Planning Commission by a use permit pursuant to CMC Chapter 17.40.
- 573 H. Fixed Place of Business. All retail sales and service establishments shall be
574 conducted within a fixed place of business.

575 **17.22.070 Other development standards**

576 Additional requirements that apply to development in the CC District include, but are not
577 limited to, the following:

- 578 Affordable housing, per CMC Chapter 17.08
- 579 Sidewalk dining within the public right-of-way, per CMC Chapter 17.33
- 580 Off-street parking and loading, per CMC Chapter 17.36
- 581 General provisions and exceptions, per CMC Chapter 17.38
- 582 Use permits, per CMC Chapter 17.40
- 583 Design review, per CMC Chapter 17.41
- 584 Fences, hedges or walls, per CMC Chapter 17.52
- 585 Signs and advertising regulations, per CMC Chapter 17.58
- 586 Special events, per CMC Chapter 5.18