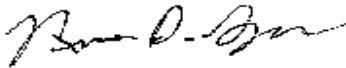


City of Calistoga

Staff Report

TO Honorable Mayor and City Council
FROM Lynn Goldberg, Planning and Building Director
DATE September 1, 2015
SUBJECT Second Reading of Ordinance No. 714

APPROVAL FOR FORWARDING:



Richard D. Spitler, City Manager

ISSUE: Municipal Code Amendments to the commercial zoning districts and definitions chapters of the Zoning Code (ZOA 2015-2)

RECOMMENDATION: Adopt Ordinance No. 714 as submitted

BACKGROUND: On August 18, 2015, following a public hearing, the City Council introduced and waived the first reading of the attached ordinance.

ATTACHMENT

1. Ordinance No. 714

ORDINANCE NO. 2015-714

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)

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

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

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

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

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

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

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

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

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

SECTION ONE

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

SECTION TWO

CMC Chapter 17.22 Commercial Land Use Districts is hereby rescinded.

SECTION THREE

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

SECTION FOUR

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

SECTION FIVE

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

SECTION SIX

CMC Chapter 17.04 Definitions is hereby amended as follows:

1. The following sections are deleted:

17.04.320 Group care facility
17.04.490 Major medical facility
17.04.597 Resident-serving use
17.04.610 Resocialization facility

2. The following sections are added:

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

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

17.04.397 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 of more occupants of the unit.

3. Section 17.04.380 is replaced with the following wording:

“Inn” shall mean a facility of up to five units that offers transient lodging accommodations located in attached or detached structures for 30 days or less to the general public.

SECTION SEVEN

CMC Section 17.58.060(B)(2)(a) is replaced with the following wording:

To qualify for an additional business identification sign or additional sign area, unusual circumstances shall be determined by the Planning Commission to exist that include, but are not limited to, a business with more than one entrance on two different public rights-of-way, or a storefront that exceeds the typical length of other storefronts in the applicable zoning district.

SECTION EIGHT

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

SECTION NINE

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

SECTION TEN

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

THIS ORDINANCE was introduced with the first reading waived at the City of Calistoga City of Council meeting of the **18th day of August, 2015**, and was passed and adopted at a regular meeting of the Calistoga City Council **on the 1st day of September 2015**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Chris Canning, Mayor

ATTEST:

Kathy Flamson, City Clerk

Exhibit A

Chapter 17.21

DC DOWNTOWN COMMERCIAL DISTRICT

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

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

17.21.030 Conditionally-permitted uses

- A. The following uses require a use permit in the DC District, pursuant to CMC Chapter 17.40:
1. Wine shops, including tasting facilities
 2. Wine, beer and liquor sales
 3. Winery tasting rooms, provided that 75 percent of the wines poured for tasting in the winery tasting room without charge comply with one of the following:
 - a. Are labeled Napa County, Napa Valley or other legally-recognized American Viticultural Area within the County of Napa; or
 - b. Are made with at least 75 percent fruit grown within the 94515 zip code area.

A combination of wines meeting the criteria stated in the subsections above may be allowed if collectively the combination represents at least 75 percent of the wines being poured for tasting in the winery tasting room.
 4. Sale of used or secondhand goods, excluding books and magazines
 5. Firearm and ammunition sales

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

17.21.040 Accessory uses

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

17.21.050 Prohibited uses

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

17.21.060 Development standards

The following development standards shall apply in the DC District.

A. Minimum Setbacks

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

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

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

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

17.21.070 Other development standards

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

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

Chapter 17.22

CC COMMUNITY COMMERCIAL DISTRICT

Sections:

- 17.22.010 Purpose and intent
- 17.22.020 Permitted primary uses
- 17.22.030 Conditionally-permitted uses
- 17.21.040 Accessory uses
- 17.22.050 Prohibited uses
- 17.22.060 Development standards
- 17.22.070 General regulations

17.22.010 Purpose and intent

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

The CC District is also intended to provide a transition between the more-intense activities in the DC District and the less-intense activities in the residential districts adjacent to commercial areas. Therefore, mixed residential-commercial uses are appropriate in the CC District. 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, development in the CC 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.

17.22.020 Permitted primary uses

- A. The following primary uses are permitted in the CC 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. 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
 4. Personal service establishments, such as spas, beauty salons, and barbershops
 5. Dance studios and schools
 6. Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, and financial advisors
 7. Medical and dental clinics
 8. Banks and financial institutions without drive-up facilities
 9. Veterinary clinics without boarding facilities
 10. Emergency shelters as defined in CMC Chapter 17.04, subject to the following development standards:
 - a. A maximum of 20 beds shall be permitted.
 - b. Temporary shelter may be made available to residents for no more than 180 days in any 12-month period.
 - c. A client intake/waiting area shall be provided at a minimum of 10 square feet per bed provided at the facility, with a minimum of 100 square feet. Said intake/waiting area shall be in a location not adjacent to the public right-of-way. If located at the exterior of a building, the intake/waiting area shall be visually separated from public view by a minimum of 6-foot-tall landscape screen or a minimum six-foot-tall decorative wall, and shall provide consideration for shade/rain provisions.
 - d. Adequate external lighting shall be provided for security purposes.
 - e. Security personnel shall be provided during the hours that the emergency shelter is in operation.

- f. At least one facility manager shall be on site at all hours that the facility is open. Additional support staff shall be provided, as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate.
11. Uses determined by the Planning Commission to be similar in nature, as provided for according to the procedures in CMC Chapter 17.02.

17.22.030 Conditionally-permitted uses

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

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

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

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

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

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

17.22.040 Accessory uses

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

17.22.050 Prohibited uses

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

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

17.22.060 Development standards

The following development standards shall apply in the CC District.

A. Minimum Setbacks

1. Principal buildings shall comply with the following setbacks from a property line:
 - a. Front: 10 feet, unless directly across the street from a residential district, in which case the front setback shall be 20 feet;
 - b. Interior side: 0 feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be 5 feet;
 - c. Street side: 10 feet, unless across the street from a residential district, in which case the street side setback shall be 20 feet;
 - d. Rear: 0 feet, unless abutting or adjacent to a residential district, in which case the rear setback shall be 10 feet.
2. Accessory buildings and structures shall comply with the following setbacks from a property line:
 - a. Front: Setback equal to or greater than the principal structure on the lot;
 - b. Interior side: 0 feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be 5 feet;
 - c. Street side: Setback equal to or greater than the principal structure on the lot;
 - d. Rear: 0 feet, unless abutting or adjacent to a residential district, in which case the rear setback shall be 5 feet.

B. Minimum Lot Area and Lot Width.

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

C. Maximum Lot Coverage.

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

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

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

F. Maximum Height, Number of Stories.

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

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

17.22.070 Other development standards

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

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