



City of Sonora

Community Development Department
94 N. Washington Street
Sonora, CA 95370
(209) 532-3508
(209) 532-3511 fax
www.sonoraca.com

DATE: July 1, 2019
TO: Honorable Mayor and City Council Members
FROM: Rachelle Kellogg, Community Development Director
SUBJECT: Ordinance 857 Commercial Uses Text Amendment

RECOMMENDATIONS:

City Staff recommends that the City Council approve the following:

- 1) Introduce by title Ordinance No. 857, Commercial Uses Text Amendment, and waive the first reading.

BACKGROUND:

Staff continues in its efforts to clean-up the language within the City's Zoning Ordinance, including discrepancies with the General Plan, while looking at existing uses and current development patterns within the City.

DISCUSSION:

The primary purpose of this proposed text amendment is to amend the commercial zoning districts to include similar uses that are not specifically listed in the current ordinance but should be included such as retail sales in the Tourist and Administrative Zone (CO). The text amendment also addresses various commercial uses that are currently allowed in the Commercial (C) district, but not the more intensive General Commercial (CG) district where you would typically find these type of uses. It also addresses conflicts between the uses permitted by right and those listed as requiring a use permit in Chapter 17.60. It also deletes some uses that currently require a use permit as they are included as permitted uses in the appropriate zoning districts or are not a use that would fit the purpose of the district.

Staff is also recommending including tow yards under a use permit in the General Commercial (CG) district on a case by case basis provided that the tow yards are more than five hundred feet from any residential zones. This would enable the Planning Commission to evaluate the facilities and their appropriateness for a given location. The attached Ordinance contains proposed changes shown with underline for proposed new wording and ~~strike-through~~ for proposed deletions.

At their June 10, 2019 Planning Commission Meeting, Commissioners reviewed the ordinance and approved Resolution No. 6-10-2019-A recommending to the Sonora City Council approval of an ordinance as described within the attached Resolution and included within Ordinance No. 857.

In the adoption of an ordinance by the City Council, the Sonora Municipal Code provides the Council the following options:

1. Adopt the Ordinance

2. Reject the Ordinance
3. Amend the Ordinance
4. Refer the Ordinance back the Planning Commission for further consideration

CEQA DETERMINATION:

The Text Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) - General Rule.

ORDINANCE NO. 857

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA Commercial Uses Text Amendment

Amending Chapter 17.22, CO - Tourist and Administrative Zone, Chapter 17.24, C - Commercial Zone, Chapter 17.26, CG - General Commercial Zone , and Chapter 17.60, Uses permitted by Use Permit.

The City Council of the City of Sonora does hereby ordain as follows:

SECTION ONE: Amend Chapter 17.22, CO - Tourist and Administrative Zone, as follows:

17.22.020 Uses allowed by right.

In the CO zone, uses allowed by right are as follows:

D. Offices, clubs and associations, churches ~~institutions~~, clinics, hospitals, banks and similar uses having compatible bulk, use nuisance value, and outward appearance, as determined by the Planning Commission;

H. Retail: New and used when fully enclosed in a building;

SECTION TWO: Amend Chapter 17.24, C – Commercial Zone, as follows:

17.24.020 Uses allowed by right.

In the C zone, uses allowed by right are as follows:

A. Professional or business office, studio, place of entertainment, and new and used retail sale when fully enclosed in a building; eating or drinking establishment; ~~parking~~, retail service, exclusive of automobile sale or service;

D. ~~School~~, park, playground, golf course;

F. Hospital, ~~sanitarium~~, dispensary, clinic, ~~mortuary~~;

SECTION THREE: Amend Chapter 17.26, CG – General Commercial Zone, as follows:

17.26.020 Uses allowed by right.

In the CG zone, uses allowed by right are as follows:

E. ~~Trade school~~ Church or other places used exclusively for religious worship;

G. Office, bank or retail sales;

K. Motel, hotel;

L. Clubs or associations, clinics, hospitals, dispensary;

M. Studio, place of entertainment, shopping center, theater;

SECTION FOUR: Amend Chapter 17.60, Uses Permitted by Use Permit, as follows:

17.60.030 Uses permitted in any zone with a Conditional Use Permit.

The following uses, if not specifically allowed by right, may be permitted in any zone upon granting of a use permit:

B. ~~Churches or other places used exclusively for religious worship;~~ section amended Ord. #857

E. Educational institutions, including trade schools, elementary schools, high schools and colleges;

F. ~~Hospitals;~~ section amended Ord. #857

G. ~~Institutions of a philanthropic nature;~~ section amended Ord. #857

N. ~~Nonprofit membership clubs, civic clubs, veterans' organizations;~~ section amended Ord. #857

17.60.040 Uses permitted in specific zones.

The following uses may be permitted in the zones indicated in this section upon granting of a use permit:

B. Mobile home park in the CO₅-C zones;

F. Place of entertainment, and new and used retail sale, when in the open or partially open, in the C and CG zone;

H. Excavation of earth or building materials, mining or drilling for minerals and petroleum, ~~garbage and rubbish fill and disposal, junk, and wrecking yards, and tow yards,~~ in the CG zone, provided such uses are more than five hundred feet from any residential zones;

T. Club or associations, churches or other places used exclusively for religious worship in all residential zones;

This Ordinance shall take effect thirty (30) days after its passage and shall be published within (15) days after its final passage as required by law.

Said Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on July 1, 2019, and passed and adopted as an Ordinance of said City at a regular meeting of said Council held on July 15, 2019, by the following vote:

AYES: _____

NOES: _____

ABSENT OR ABSTAIN: _____

James M. Garaventa, Mayor

ATTEST: _____
Colette Such, City Clerk Pro Tem

Approved as to Form:

Douglas L. White, City Attorney

Publish: The Union Democrat, Sonora
 _____, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Sonora City will conduct a public hearing at 5:00 PM, or shortly thereafter, on the 1st day of July, 2019, in the Sonora City Council Chambers, 94 North Washington Street, Sonora, CA for the purpose of considering the following:

- 1. Zoning Ordinance – Code Amendment.** An ordinance to amend Title 17, Zoning Ordinance of the Sonora Municipal Code, amending Chapter 17.22, Tourist and Administrative Zone (CO), Chapter 17.24, Commercial Zone (C), Chapter 17.26, General Commercial Zone (CG), and Chapter 17.60, Uses permitted by Use Permit.
- 2. Consideration of a Rezoning – The rezoning of the following properties:**

Assessor's Parcel Nos. 056-640- 26, 27, 28, & 29, from Limited Manufacturing (ML) to General Commercial (CG) and 056-650-16 from General Commercial (CG) to Limited Manufacturing (ML).

- 3. Consideration of Changing the General Land Use Designations for the following properties:**

APN	Current General Plan	Proposed General Plan
056-570-62	HC	LM
056-101-07	MDR	SFR
056-101-06	MDR	SFR
056-102-01	C	SFR
056-103-01	C	LM
056-102-04	MDR	LM
056-090-32	C	LM
056-150-11	SFR	HC

The above projects are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) – General Rule.

At its meeting of June 10, 2019, the City of Sonora Planning Commission held a public hearing on said projects. Subsequent to the hearing the Commission voted to recommend approval by the City Council.

At the above time and place, all persons interested in the above, either for or against, will be given the opportunity to be heard. Pursuant to State law, challenges in court to actions on the above proposal may be limited to issues raised at public hearings or meetings conducted on the matter, or in correspondence submitted at, or prior to, the hearing or meeting.

The project staff reports and all supporting documents are available for review at the City of Sonora Community Development Department, 94 North Washington Street, Sonora CA 95370 Monday through Friday, between the hours of 8:00 AM and 4:00 PM. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to insure accessibility to this meeting (28CFR35.102-35.104ADA Title II). Questions regarding the project may be directed to Community Development Director Rachelle Kellogg at (209) 532-3508.

Rachelle Kellogg
Community Development Director

-v-

Publication Date: June 21, 2019

The Union Democrat
Sonora, CA

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 6-10-2019-A

A RESOLUTION RECOMMENDING TO THE SONORA CITY COUNCIL

approval of an ordinance amending Title 17, Zoning Ordinance of the Sonora Municipal Code, Chapter 17.22, CO- Tourist and Administrative Zone, Chapter 17.24, C- Commercial Zone, Chapter 17.26 CG- General Commercial Zone, and Chapter 17.60, Uses Permitted by Use Permit

WHEREAS, the City of Sonora Planning Commission is officially formed by Chapter 2.32 of the Sonora Municipal Code (SMC); and,

WHEREAS, Section 2.32.010 of the SMC states that the purpose of the Planning Commission is to promote and insure the comprehensive and adequate planning of the City, and Section 2.32.080(B) of the SMC prescribes that the Planning Commission investigate and make recommendations to the City Council upon reasonable and practicable means for putting the general plan into effect, in order that it will serve as a pattern and guide for the orderly physical growth and development of the City; and

WHEREAS, zoning is one of the primary means for promoting the comprehensive and adequate planning of the City and for implementing the general plan; and

WHEREAS, at its regular meeting conducted on June 10, 2019, the Planning Commission conducted a public hearing to consider the Text Amendments to Title 17, Zoning Ordinance of the Sonora Municipal;

NOW, THEREFORE, BE IT RESOLVED THAT THE SONORA PLANNING COMMISSION HEREBY RECOMMENDS to the Sonora City Council adoption, by ordinance, Text Amendments to Title 17, Zoning Ordinance of the Sonora Municipal Code, Chapter 17.22, CO- Tourist and Administrative Zone, Chapter 17.24, C- Commercial Zone, Chapter 17.26 CG-General Commercial Zone, and Chapter 17.60, Uses Permitted by Use Permit contained in the Attached Ordinance based on the following findings:

The proposed text amendments:

- A. Are consistent with the objectives, policies, general land uses and programs specified in the General Plan;
- B. Are in conformity with public convenience, general welfare and good land use practice;
- C. Will not be detrimental to the health, safety and general welfare;
- D. Will not adversely affect the orderly development of property or the preservation of property values; and
- E. The project has been reviewed in compliance with CEQA and is exempt from further review pursuant to the California Environmental Quality Act.

PASSED AND ADOPTED as a resolution by the Sonora Planning Commission on this 10th day of June 2019, by the following vote:

Members of the Commission:

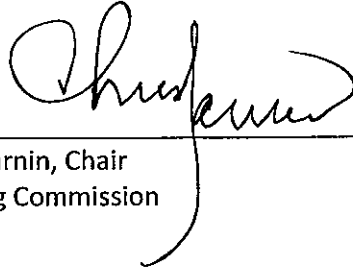
AYES: G. Anderson, Richardson, Garnin, K. Anderson, Jensen

NOES: _____

ABSENT: _____

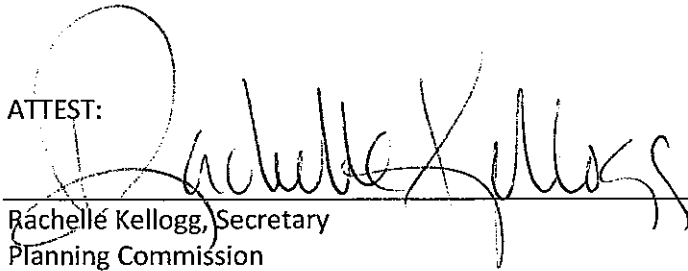
ABSTAIN: _____

SIGNED:



Chris Garnin, Chair
Planning Commission

ATTEST:



Rachelle Kellogg, Secretary
Planning Commission

ORDINANCE NO.

6.10.19 DRAFT

SECTION ONE: Amend Section 17.22 CO- Tourist and Administrative Zone as follows:

17.22 CO - Tourist and Administrative Zone.

17.22.020 Uses allowed by right.

In the CO zone, uses allowed by right are as follows:

D. Offices, clubs and associations, churches institutions, clinics, hospitals, banks and similar uses having compatible bulk, use nuisance value, and outward appearance, as determined by the Planning Commission.

H. Retail: New and used when fully enclosed in a building;

SECTION TWO: Amend Section 17.24 C – Commercial Zone as follows:

17.24.020 Uses allowed by right.

In the C zone, uses allowed by right are as follows:

A. Professional or business office, studio, place of entertainment, and new and used retail sale when fully enclosed in a building; eating or drinking establishment; ~~parking~~—retail service, exclusive of automobile sale or service;

D. ~~School~~, ~~p~~ark, playground, golf course;

F. Hospital, ~~sanitarium~~, dispensary, clinic, ~~mortuary~~;

SECTION THREE: Amend Section 17.26 CG – General Commercial Zone as follows:

17.26.020 Uses allowed by right.

In the CG zone, uses allowed by right are as follows:

E. ~~Trade school~~ Church or other places used exclusively for religious worship;

G. Office, bank or retail sales

K. Motel, hotel

L. Clubs or associations, clinics, hospitals, dispensary

M. Studio, place of entertainment, shopping center, theater

SECTION FOUR: Amend Section 17.60 Uses Permitted by Use Permit as follows:

17.60.030 Uses permitted in any zone with a Conditional Use Permit.

The following uses, if not specifically allowed by right, may be permitted in any zone upon granting of a use permit:

- B. ~~Churches or other places used exclusively for religious worship;~~ section amended Ord. #
- E. Educational institutions, including trade schools, elementary schools, high schools and colleges;
- F. ~~Hospitals;~~ section amended Ord. #
- G. ~~Institutions of a philanthropic nature;~~ section amended Ord. #
- N. ~~Nonprofit membership clubs, civic clubs, veterans' organizations;~~ section amended Ord. #

17.60.040 Uses permitted in specific zones.

The following uses may be permitted in the zones indicated in this section upon granting of a use permit:

- B. Mobile home park in the CO, ~~C~~ zones;
- F. Place of entertainment, and new and used retail sale, when in the open or partially open, in the C and CG zone;
- H. Excavation of earth or building materials, mining or drilling for minerals and petroleum, ~~garbage and rubbish fill and disposal, junk, and wrecking yards, and tow yards,~~ in the CG zone, provided such uses are more than five hundred feet from any residential zones;
- T. Club or associations, churches or other places used exclusively for religious worship in all residential zones.