

ORDINANCE NO. 740

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA AMENDING CALISTOGA MUNICIPAL CODE TITLE 17, ZONING, TO CLARIFY THE APPLICABILITY OF LOT AREA AND DIMENSION REQUIREMENTS IN VARIOUS ZONING DISTRICTS, AND TO REFORMAT CERTAIN CHAPTERS TO IMPROVE THEIR USABILITY (ZOA 2018-3)

WHEREAS, certain language contained in multiple chapters of Title 17, Zoning, of the Calistoga Municipal Code (CMC) could be erroneously interpreted to mean that existing lots that were lawfully created prior to adoption of the relevant zoning district's regulations cannot be developed in accordance with Title 17 if they do not meet minimum lot area and/or lot dimensions; and

WHEREAS, to interpret the Code otherwise would preclude owners of a substantial number of lawfully-created lots in the city from any further development on their properties; and

WHEREAS, formatting all of the zoning districts' development standards in the same manner improves the Code's usability; and

WHEREAS, the Planning Commission reviewed the proposed amendments at a public hearing on September 26, 2018 and adopted PC Resolution 2018-17 recommending their approval to the City Council; and

WHEREAS, during its review, the City Council considered the public record, including the staff report, findings, and any written materials and testimony presented by the public during the hearing.

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

Title 17, Zoning, of the Calistoga Municipal Code is hereby amended as set forth in Exhibit A attached hereto.

SECTION THREE

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 exempt from CEQA under the general rule.

SECTION FOUR

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 FIVE

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 **20th day of November, 2018**, and was passed and adopted at a regular meeting of the Calistoga City Council on the **4th day of December, 2018**, by the following vote:

AYES: Councilmembers Barnes, Kraus and Lopez-Ortega, Vice Mayor
Dunsford and Mayor Canning
NOES: None
ABSENT: None
ABSTAIN: None



Chris Canning, Mayor

ATTEST:



Kathy Flamson, City Clerk

Exhibit A

Chapter 17.04 Definitions

1. Calistoga Municipal Code (“CMC”) Section 17.04.665 is hereby added as follows:

17.04.665 Yard, interior side

“Interior side yard” shall mean that area of a lot lying between a side lot line that is shared with another lot, and the building setback line.

2. Calistoga Municipal Code Section 17.04.690 is hereby added as follows:

17.04.690 Yard, street side

“Street side yard” shall mean that area of a lot lying between a side lot line that is adjacent to a street, and the building setback line.

Chapter 17.14 Rural Residential District

3. CMC Sections 17.14.030 and 17.14.040 are hereby amended to read in their entirety as follows:

17.14.030 Lot area and dimensions.

Minimum lot area and lot dimensions in the RR District are as follows.

A. Minimum lot area is as follows, except that the maximum allowable density shall be determined by the Rural Residential Land Use Designation of the Calistoga General Plan:

1. 80,000 square feet if both on-site water and wastewater disposal are proposed
2. 40,000 square feet if either on-site water or wastewater disposal is proposed
3. 20,000 square feet if city water and wastewater services are provided

B. Minimum lot width: 100 feet

C. Minimum lot depth: 200 feet

17.14.040 Development standards.

The following standards apply to development within the RR District.

A. Minimum setbacks for principal buildings are as follows.

1. Front yard: 20 feet
2. Interior side yard: 10 feet, except that 20 feet is required for nonresidential
3. Street side yard, corner lot: 15 feet
4. Street side yard, reverse corner lot: 20 feet
5. Rear yard: 20 feet

B. Minimum setbacks for accessory buildings and structures shall be maintained as provided by CMC 17.38.050.

C. Maximum lot coverage: 30 percent

D. Maximum height of buildings and structures: 25 feet

Chapter 17.16 R-1 and R-1-10 One-Family Residential Districts

4. CMC Sections 17.16.030 and 17.16.040 are amended to read in their entirety as follows:

17.16.030 Lot area and dimensions.

A. Minimum lot area and lot dimensions in the R-1 District are as follows.

1. Corner lots: 7,000 square feet
2. Interior lots: 6,000 square feet
3. Lot width
 - a. Interior: 60 feet
 - b. Corner: 70 feet
4. Lot depth: 100 feet

B. Minimum lot area and lot dimensions in the R-1-10 District are as follows.

1. Corner lots: 12,000 square feet
2. Interior lots: 10,000 square feet
3. Lot width
 - a. Interior: 100 feet
 - b. Corner: 120 feet
4. Lot depth: 100 feet

17.16.040 Development standards.

The following standards apply to development within the R-1 and R-1-10 Districts.

A. Minimum setbacks for principal buildings are as follows.

1. Front yard: 20 feet
2. Side yards shall be not less than one-half the height of the building; provided, that:
 - a. The interior side yard for a one-story building the height of which is less than 15 feet shall not be required to be more than 5 feet
 - b. An interior side yard shall be not less than 5 feet nor be required to be more than 15 feet
 - c. Street side yard, corner lot: 15 feet
 - d. Street side yard, reverse corner lot: 20 feet
3. Rear yard: 20 feet

B. Minimum setbacks for accessory buildings and structures are as follows.

1. Setbacks for accessory buildings and structures shall be maintained as provided by CMC 17.38.050.
2. Notwithstanding subsection (B)(1) of this section, for garages and carports opening onto a street, the minimum distance between the opening of such garage or carport and the lot line shall be 20 feet.

C. Maximum lot coverage: 30 percent, except as provided by CMC 17.38.050

D. Maximum building height: 25 feet

Chapter 17.18 R-2 Two-Family Residential District

5. CMC Sections 17.18.030 and 17.18.040 are amended to read in their entirety as follows:

17.18.030 Lot area and dimensions.

Minimum lot area and lot dimensions in the R-2 District are as follows.

- A. Corner lot area: 10,000 square feet
- B. Interior lot area: 9,000 square feet
- C. Lot width
 - 1. Interior: 90 feet
 - 2. Corner: 100 feet
- D. Lot depth: 100 feet

17.18.040 Development standards.

The following standards apply to development within the R-2 District.

- A. Minimum setbacks for principal buildings are as follows.
 - 1. Front yard: 20 feet
 - 2. Side yards shall be not less than one-half the height of the building; provided, that:
 - a. The interior side yard for a one-story building the height of which is less than 15 feet shall not be required to be more than 5 feet.
 - b. An interior side yard shall be not less than 5 feet nor be required to be more than 15 feet.
 - c. The street side yard for a corner lot shall be not less than 15 feet.
 - d. The street side yard for a reverse corner lot shall be not less than 20 feet.
 - 3. Rear yard: 20 feet
- B. Minimum setbacks for accessory buildings and structures are as follows.
 - 1. Setbacks for accessory buildings and structures from the property lines and other structures shall be maintained as provided by CMC 17.38.050.
 - 2. For garages and carports opening onto a street, the minimum distance between the opening of such garage or carport and the lot line shall be 20 feet.
- C. Maximum lot coverage: 40 percent
- D. Maximum height of buildings and structures: 25 feet.

Chapter 17.19 R-3 Multifamily Residential/Office District

6. CMC Sections 17.19.030 and 17.19.040 are amended to read in their entirety as follows:

17.19.030 Lot area and dimensions.

Minimum lot area and lot dimensions in the R-3 District are as follows.

- A. Minimum lot area
 - 1. Corner lots: 10,000 square feet
 - 2. Interior lots: 9,000 square feet
- B. Minimum lot width
 - 1. Corner lots: 100 feet
 - 2. Interior lots: 90 feet
- C. Minimum lot depth: 120 feet

17.19.040 Development standards.

The following standards apply to development within the R-3 District.

- A. Minimum setbacks for main buildings are as follows.
 - 1. Front yard: 15 feet
 - 2. Side yards shall be not less than one-half the height of the building; provided that:
 - a. The interior side yard for a one-story building the height of which is less than 15 feet shall not be required to be more than 5 feet.
 - b. An interior side yard shall be not less than 5 feet nor be required to be more than 15 feet.
 - c. The street side yard for a corner lot shall be not less than 15 feet.
 - d. The street side yard for a reverse corner lot shall be not less than 15 feet.
 - 3. Rear yard: 10 feet for one-story buildings, 15 feet for two-story buildings.
- B. Minimum setbacks for accessory buildings are as follows.
 - 1. Setbacks from property lines for accessory buildings and structures shall be as provided in CMC 17.38.050.
 - 2. For garages and carports opening onto a street, the minimum distance between the opening of such garage or carport and the lot line shall be 20 feet.
- C. Maximum lot coverage: 40 percent
- D. Maximum floor area ratio for office uses: 0.80
- E. Maximum height
 - 1. Primary buildings and structures: 25 feet
 - 2. Accessory structures: 15 feet
- F. A minimum of 300 square feet of usable open space shall be provided for each dwelling unit, subject to the following location and design criteria:
 - 1. Required open space may be group (common) and/or private open space.
 - 2. Each square foot of private open space shall be considered the equivalent of two square feet of group open space and may be so substituted.
 - 3. Private open space located at ground level shall have a minimum area of 150 square feet.

4. Private open space shall be adjacent to the dwelling unit being served.
5. The minimum dimension in any one direction for any group open space shall be 15 feet.
6. Up to 20 percent of the required open space may be a garden, balcony, deck, or similar usable open space feature located on the roof of a building other than an attached garage or carport.
7. Up to 50 percent of ground level open space may be covered by an overhang or balcony.
8. All required open space shall be planted or shall have a dust-free surface, such as concrete, landscape pavers or similar material.
9. No required open space shall be located in a parking area, driveway, service area or required front yard area.
10. No required open space shall have a slope greater than eight percent.

Chapter 17.21 DC Downtown Commercial District

7. CMC Section 17.21.055 is hereby added as follows:

17.21.055 Lot area and dimensions.

Minimum lot area and lot dimensions in the DC District are as follows.

- A. Minimum lot area: 5,000 square feet
- B. Minimum lot width: 30 feet

8. CMC Section 17.21.060 is hereby amended to read in its entirety as follows:

17.21.060 Development standards.

The following standards apply to development within the DC District.

A. Minimum setbacks

1. Principal buildings shall comply with the following setbacks.
 - a. Front yard: 0 feet, unless directly across the street from a residential district, in which case the setback shall be 20 feet
 - b. Interior side yard: 0 feet, unless abutting or adjacent to a residential district, in which case the setback shall be 5 feet
 - c. Street side yard: 0 feet, unless across the street from a residential district, in which case the setback shall be 15 feet
 - d. Rear yard: 0 feet, unless abutting or adjacent to a residential district, in which case the setback shall be 10 feet
2. Accessory buildings and structures shall comply with the following setbacks.
 - a. Front yard: Equal to or greater than the principal structure on the lot
 - b. Interior side yard: 0 feet, unless abutting or adjacent to a residential district, in which case the interior side setback shall be 5 feet
 - c. Street side yard: Equal to or greater than the principal structure on the lot

- d. Rear yard: 0 feet, unless abutting or adjacent to a residential district, in which case the rear setback shall be 5 feet
- B. Maximum lot coverage
 1. Maximum lot coverage: 80 percent
 2. Additional lot coverage may be authorized by a use permit pursuant to CMC Chapter 17.40.
- C. Maximum floor area ratio
 1. Maximum floor area for nonresidential uses: 200 percent
 2. Floor area devoted to residential uses shall be excluded from this calculation.
- D. Maximum height, number of stories
 1. Maximum height
 - a. Principal buildings: 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: 15 feet above grade
 2. Maximum number of stories for principal buildings: 2 stories, provided that 3 stories may be authorized by a use permit pursuant to CMC Chapter 17.40.
- 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. 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.
- G. Fixed place of business: All retail sales and service establishments shall be conducted within a fixed place of business.

Chapter 17.22 CC Commercial District

9. CMC Section 17.22.055 is hereby added as follows:

17.22.055 Lot area and dimensions.

Minimum lot area and lot dimensions in the CC District are as follows.

- A. Minimum lot area: 5,000 square feet
- B. Minimum lot width: 50 feet

10. CMC Section 17.22.060 is hereby amended to read in their entirety as follows:

17.22.060 Development standards.

The following standards apply to development within the CC District.

A. Minimum setbacks

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

B. Maximum lot coverage

1. Maximum lot coverage: 60 percent
2. Additional lot coverage may be authorized by a use permit pursuant to CMC Chapter 17.40.

C. Maximum floor area ratio

1. Maximum floor area for nonresidential uses: 80 percent.
2. Floor area devoted to residential uses shall be excluded from this calculation.

D. 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.

E. Maximum height, number of stories

1. Maximum height
 - a. Principal buildings: 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: 15 feet above grade
2. Maximum number of stories for principal buildings: 2 stories are allowed for principal buildings, provided that 3 stories may be authorized by a use permit pursuant to CMC Chapter 17.40.

- F. Parking within the front setback or street side setback may be authorized by a use permit pursuant to CMC Chapter 17.40.
- G. Fixed place of business: All retail sales and service establishments shall be conducted within a fixed place of business.

Chapter 17.23 P Public District

11. CMC Sections 17.23.030 and 17.23.040 are hereby amended to read in their entirety as follows:

17.23.030 Development standards.

The following standards apply to development in the P District.

- A. Setbacks for main buildings and accessory buildings shall be as follows.
 - 1. Front yard: 20 feet
 - 2. Side and rear yards: No requirement unless adjacent to a residential use or zoning district, wherein a 20-foot building setback is required
- B. Maximum floor area ratio: 0.80.
- C. Maximum height of buildings and structures: 30 feet, except that when P-zoned property directly abuts residentially-zoned property, all structures within 50 feet of the residential property line shall have a height not to exceed the maximum permitted in the adjacent residential district.

17.23.040 Other development standards.

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

- A. Off-street parking and loading, per CMC Chapter 17.36
- B. General provisions and exceptions, per CMC Chapter 17.38
- C. Use permits, per CMC Chapter 17.40
- D. Design review, per CMC Chapter 17.41
- E. Fences, hedges or walls, per CMC Chapter 17.52
- F. Signs and advertising regulations, per CMC Chapter 17.58

Chapter 17.26 I Light Industrial District

12. CMC Section 17.26.025 is hereby added as follows:

17.26.025 Lot area and dimensions

Minimum lot area and lot dimensions in the I District are as follows.

- A. Minimum lot area: 20,000 square feet unless otherwise specifically provided by a use permit
- B. Minimum lot width: 100 feet
- C. Minimum lot depth: 200 feet

13. CMC Sections 17.26.030 and 17.26.040 are hereby amended to read in their entirety as follows:

17.26.030 Development standards.

The following standards apply to development within the I District.

- A. Setbacks for buildings shall be as specified by use permit; provided that where the lot abuts a residential district, the setbacks shall in no case be less than is required under the setback requirements in the abutting residential district
- B. Maximum lot coverage: 40 percent
- C. Maximum height limit of buildings and structures: 30 feet; provided that where the lot abuts a residential district, all structures within 50 feet of the residential property line shall have a height not to exceed the maximum permitted in the adjacent residential district

17.26.040 Other development standards.

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

- A. Off-street parking and loading, per CMC Chapter 17.36
- B. General provisions and exceptions, per CMC Chapter 17.38
- C. Use permits, per CMC Chapter 17.40
- D. Design review, per CMC Chapter 17.41
- E. Fences, hedges or walls, per CMC Chapter 17.52
- F. Signs and advertising regulations, per CMC Chapter 17.58

Chapter 17.44 Nonconforming Uses

14. CMC Chapter 17.44 is hereby amended as follows:

Chapter 17.44 is retitled "Nonconforming Lots, Structures and Uses."

Section 17.44.060 is added as follows:

17.44.060 Nonconforming lots.

The minimum lot area and minimum lot dimensions prescribed for each zoning district apply to applications for new land subdivisions and lot line adjustments. They are not intended to prevent the development, subject to compliance with other provisions of Title 17, of a pre-existing lot which was legally created but does not meet the minimum required lot area or dimensions applicable to the zoning district for such lot.

