

CITY OF SONOMA

ORDINANCE NO. 03 – 2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY ESTABLISHING ZONING REGULATIONS PERTAINING TO FORMULA BUSINESSES

The City Council of the City of Sonoma does ordain as follows:

Section 1. Amendments to “Zones and Allowable Uses” (Title 19, Division II) of the Sonoma Municipal Code.

A. Section 19.10.030.C.4 (/P Plaza Retail District) is hereby amended as follows:

4. /P (Plaza Retail) District. The /P overlay district is intended to preserve the vitality of Sonoma’s historic downtown area as a predominantly retail center.

a. Applicability. The /P overlay district is applied to sites and areas as identified on the zoning map.

b. Permit Requirements for Office Uses. Use permit approval is required for the establishment or expansion of any office use, where not already allowed by use permit, within any new or existing ground-floor tenant space having frontage along a public street or a major pedestrian arcade (defined as the Mercato, the Place des Pyrenees, and the El Paso).

c. Findings for Office Uses. In order to approve a use permit as required under subsection (C)(4)(b) of this section, the planning commission must find, in addition to the basic use permit findings set forth in SMC 19.54.040(E), that the proposed use due to specific circumstances related to its size, nature or location, will not detract from the retail and pedestrian character of its immediate environs or the plaza generally, or that the office use is necessary for the economic viability of the site or its surroundings.

d. Prohibition on Formula Restaurants, Large. Formula Restaurants, Large are prohibited within the Plaza Retail District.

B. Table 2-2 (Commercial Uses and Permit Requirements) is amended to add “Formula Business, Small” and “Formula Business, Large”, as follows:

Allowed Uses and Permit Requirements for Commercial Zoning Districts	Permit Required by District		P	Use Permitted
	C	CG	UP	Use Permit required
Land Use	C	CG	L	License required
			—	Use not allowed
SPECIAL CIRCUMSTANCES COMMERCIAL DEVELOPMENT				
Commercial Development, Large	UP	UP		SMC 5.34

<i>Development Adjacent to a Residential Zone (3)</i>	<i>UP</i>	<i>UP</i>	
<i>Formula Business, Small</i>	<i>P/UP (4)</i>	<i>P</i>	<i>19.50.035</i>
<i>Formula Business, Large</i>	<i>UP</i>	<i>UP</i>	<i>19.50.035</i>
<i>Formula Restaurant, Large</i>	<i>UP/— (5)</i>	<i>UP</i>	<i>19.50.035</i>
<i>Shopping Center, Reconfiguration</i>	<i>UP</i>	<i>UP</i>	
<p>Notes:</p> <p>1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses.</p> <p>2. New residential developments subject to the city's growth management ordinance (Chapter 19.94 SMC).</p> <p>3. Defined as new commercial construction or an addition to an existing commercial building, having an area of 1,000 square feet or greater.</p> <p>4. Use permit required within Historic Overlay zone.</p> <p>5. Prohibited in /P Plaza Retail District. See 19.50.035.</p>			

C. Table 2-3 (Mixed Uses and Permit Requirements) is amended to add "Formula Business, Small" and "Formula Business, Large", as follows:

<i>Allowed Uses and Permit Requirements for Commercial Zoning Districts</i>	<i>Permit Required by District</i>	<i>P</i>	<i>Use Permitted</i>
		<i>UP</i>	<i>Use Permit required</i>
		<i>L</i>	<i>License required</i>
		<i>—</i>	<i>Use not allowed</i>
<i>Land Use</i>	<i>MX</i>		<i>Specific Use Regulations</i>
<i>SPECIAL CIRCUMSTANCES COMMERCIAL DEVELOPMENT</i>			
<i>Formula Business, Small</i>	<i>UP</i>		<i>19.50.035</i>
<i>Formula Business, Large</i>	<i>UP</i>		<i>19.50.035</i>
<i>Formula Restaurant, Large</i>	<i>UP</i>		<i>19.50.035</i>

Section 2. Amendments to "Special Use Standards" (Title 19, Division IV) of the Sonoma Municipal Code.

A. Section 19.50.010.B.1 (Applicability) is hereby amended to read as follows:

All zoning districts. Except as otherwise specified, the standards of this Chapter apply to all zoning districts (e.g., residential, commercial, manufacturing, etc.), and therefore, are combined in this Chapter.

B. Section 19.50.035 (Formula Businesses) is hereby added to read as follows:

19.50.035 Formula Businesses

A. Historic District. The establishment or expansion of a Formula Business within the Historic District shall require the approval of a use permit in compliance with SMC 19.54.040.

B. Formula Business, Large. The establishment or expansion of a Formula Business, Large shall require the approval of a use permit in compliance with SMC 19.54.040.

C. Additional Use Permit Findings Required. When use permit review is required, the planning commission shall approve, with or without conditions, the establishment or expansion of a Formula Business only if all of the following findings can be made, in addition to those identified in SMC 19.54.040, Use permits:

1. The Formula Business establishment will promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;

2. The proposed use, together with its design and improvements, is consistent with the unique and historic character of Sonoma, and will preserve the distinctive visual appearance and shopping/dining experience of Sonoma for its residents and visitors.

The following additional finding is required for the granting of a use permit for Formula Businesses on sites located within the /P (Plaza Retail) District:

3. The Formula Business establishment will be compatible with existing uses in the zone and will promote the zone's economic vitality as the commercial, cultural, and civic center of the community.

D. Prohibition on Formula Restaurants, Large. Formula Restaurants, Large are prohibited within the Plaza Retail Overlay Zone.

E. Exemptions. The provisions of this section shall not apply to Formula Businesses located or proposed to be located in the following shopping centers: (i) Sonoma Valley Center; (ii) the Marketplace; (iii) Maxwell Village; and (iv) Fifth Street West Plaza.

Section 3. Amendments to "Definitions" (Title 19, Division VIII) of the Sonoma Municipal Code.

Section 19.92.020 (Definitions of Specialized Terms and Phrases) is hereby amended to include the following definitions:

Formula Business. Formula Business is hereby defined as Auto Parts Sales, Building Material Stores, Furniture, Furnishings and Equipment Stores, General Retail uses, Grocery Stores, Personal Services, or Restaurants as defined in section 19.92.020 of the Sonoma Municipal Code, which is required by contractual or other arrangement or affiliation to maintain a standardized ("Formula") array of services and/or merchandise, menu, employee uniforms, décor, facade design, signage, color scheme, trademark or service mark, name, or similar standardized features; and which causes it to be substantially identical to ten or more other businesses in the United States regardless of ownership or location at the time that the application is deemed complete.

(1) "Standardized array of services" shall be defined as a common menu or set of services priced and performed in a consistent manner.

(2) "Standardized array of merchandise" shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(3) "Trademark" shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods of one party from those of others.

(4) "Servicemark" shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service of one party from those of others.

(5) "Décor" shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wallcoverings or permanent fixtures.

(6) "Color scheme" shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the façade.

(7) "Façade" shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

(8) "Uniform apparel" shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.

(9) "Signage" shall be defined as a sign pursuant to Titles 18 and 19 of the Sonoma Municipal Code.

Formula Business, Large. A Formula Business which occupies or is proposed to occupy a tenant space having an area of 10,000 square feet or greater.

Formula Business, Small. A Formula Business which occupies or is proposed to occupy a tenant space having an area of less than 10,000 square feet.

Formula Restaurant, Large. A Formula Restaurant substantially identical to 250 or more other restaurants in the United States regardless of ownership or location at the time that the application is deemed complete.

Section 4. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that establishing more restrictive regulations on formula businesses, as defined, may have a significant effect on the environment.

Section 5. Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this 18th day of June 2012.


Joanne Sanders, Mayor

ATTEST:


Gay Johann, City Clerk

State of California)
County of Sonoma)
City of Sonoma)

I, Gay Johann, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on June 18, 2012 by the following vote:

AYES:	Barbose, Brown, Gallian
NOES:	Rouse, Sanders
ABSTAIN:	None
ABSENT:	None


Gay Johann, City Clerk