

EFFECTIVE DATE
OF ORDINANCE
SEP - 4 2003

ORDINANCE NO. 2158 N.C.S.

Introduced by:

Seconded by:

Council Member Healy

Council Member Torliatt

**AN ORDINANCE AMENDING ORDINANCE NO. 1072 N.C.S (the Zoning Ordinance)
ADDING ARTICLE 19.7 "T-C, THEATER COMBINING DISTRICT"**

WHEREAS, the City of Petaluma desires to foster a viable and vibrant downtown commercial district that is relevant and important to all Petaluma residents; and,

WHEREAS, a theater showing first-run, independent or foreign films located within a designated downtown commercial area is a key element to the success of a viable and vibrant downtown; and,

WHEREAS, the City Council of the City of Petaluma finds that to accomplish the goal of a viable and vibrant downtown commercial district that it is necessary to establish a combining district of the City's Zoning Ordinance within which movie theaters shall only be located, and,

WHEREAS, on July 14, 2003, the City Council of the City of Petaluma adopted a resolution approving a Mitigated Negative Declaration for the Petaluma Theater District Project, and,

WHEREAS, the project description for the Petaluma Theater District Project includes a Theater District Combining District Ordinance, and,

WHEREAS, the Theater District Combining District Ordinance is subject to that environmental determination, and,

WHEREAS, the City Council finds that the proposed Amendment to Zoning Ordinance No. 1072 N.C.S., for a Theater District Ordinance will result in a more desirable use of land and a better physical environment than would be possible under any single zoning district or combination of zoning districts, and,

WHEREAS, the City Council finds the public necessity, convenience and welfare clearly permit and will be furthered by the proposed Amendment to the Zoning Ordinance, by approving a Petaluma Theater District Ordinance, and,

WHEREAS, the City Council finds that the requirements of the California Environmental Quality Act (CEQA) have been satisfied through the preparation of an Initial

1 Study and the drafting of a Mitigated Negative Declaration to avoid or reduce to a level of
2 insignificance, potential impacts generated by the proposed Petaluma Theater District.

3
4 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PETALUMA**
5 **DOES HEREBY ORDAIN AS FOLLOWS:**

6
7 **Section 1.** Article 19.7, entitled “T-C, Theater Combining District” is hereby added to the City’s
8 Zoning Ordinance to read as follows:

9
10 **Article 19.7**
11 **T-C, Theater Combining District**

12
13 **Section 19.7.100, Purpose.** It is the intent of the Theater Combining District to promote the
14 development of movie theaters within the designated boundaries of the district. Said theaters
15 shall be so-called “first-run” movie theaters, but may also include limited, incidental showings of
16 independent and foreign films. The regulations established for this district shall not apply to
17 theaters whose principal function is for “live” performances.

18
19 **Section 19.7.200, District Boundaries.** The boundaries of the Theater Combining District shall
20 be as follows: Washington/East Washington Street (north), Weller Street (east), “D” Street
21 (south) and Sixth/Howard Street (west).

22
23 **Section 19.7.300, Movie Theater Uses Prohibited in Other Designated Zones.**
24 Notwithstanding any other provisions of this Zoning Ordinance, movie theaters as defined in
25 Section 19.7.100, above, shall not be permitted or conditionally permitted in any zoning district
26 of the City of Petaluma outside of the established boundaries of the Theater Combining District.
27 This limitation shall also apply to the zoning districts established for the Central Petaluma
28 Specific Plan, if said property lies within the boundaries of the Specific Plan, but outside the
29 boundaries of the Theater Combining District.

30
31 **Section 19.7.400, Sunset Provision.** Unless otherwise rescinded by a majority vote of the City
32 Council, this ordinance shall expire on (i) November 1, 2005 if construction of a first run movie
33 theater in the Theater Combining District containing at least eight screens has not commenced by
34 such date, or (ii) November 1, 2006 if a first run movie in the Theater Combining District
35 containing at least eight screens has not opened for business to the public by such date, or, in any
36 event, August 4, 2023. The expiration dates in subsections (i) and (ii) shall be extended one day
37 for each day of delay in the commencement of construction or opening for business caused by
38 Acts of God, riots, litigation challenges, or other circumstances beyond a developer’s reasonable
39 control, as determined by the City Manager

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41 **Section 2.** The City Clerk is hereby directed to post this Ordinance for the period and in the
42 manner required by the City Charter.

43
44 **Section 3.** If any section, subsection, sentence, clause or phrase or word of this Ordinance is for
45 any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent
46 jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

1 The City Council of the City of Petaluma hereby declares that it would have passed and adopted
2 this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of
3 said provisions be declared unconstitutional, unlawful or otherwise invalid.
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6 **INTRODUCED** and ordered posted/~~published~~ this 14th day of July, 2003
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8 **ADOPTED** this 4th day August, 2003 by the following vote:
9

10 **AYES:** Canevaro, Mayor Glass, Harris, Healy, Vice Mayor O'Brien,
11 Torliatt
12

13 **NOES:** None
14

15 **ABSENT:** None
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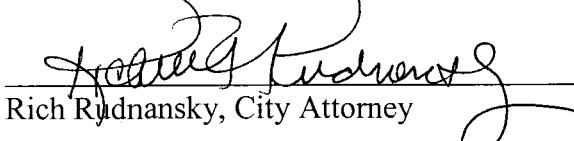
17 **RECUSED:** Moynihan
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22 _____
23 David Glass, Mayor
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28 ATTEST:

APPROVED AS TO FORM:

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31 _____
32 Gayle Petersen, City Clerk
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Rich Rudnansky, City Attorney