Chapter 5  Overlay Zones

5.010 - Purpose
The requirements of this Chapter regulate development and new land uses in the overlay zones established by Section 2.020 (Zoning Map and Zones). This Chapter provides standards that apply to proposed development in addition to the requirements of the primary zone, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

5.020 - Applicability of Overlay Zones
The requirements of this Chapter apply to proposed development and new land uses in addition to all other applicable requirements of this Zoning Ordinance. Any perceived conflict between a requirement of this Chapter and any other requirement of this Zoning Ordinance shall be resolved in compliance with Section 1.050 (Rules of Interpretation).

A. Mapping of Overlay Zones. The applicability of an overlay zone to a specific site is shown by the overlay Zoning Map symbol established by Section 2.020 (Zoning Map and Zones) appended as a suffix to the symbol for the primary zone on the Zoning Map. Overlay zones are applied to property through the rezoning process (Chapter 25).

B. Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Chapter for a specific overlay zone:

1. Any land use normally allowed in the primary zone by Chapter 4 may be allowed within an overlay zone, subject to any additional requirements of the overlay zone;

2. Development and new land uses within an overlay zone shall obtain the planning permit approvals required by Chapter 4 for the primary zone; and

3. Development and new land uses within an overlay zone shall comply with all applicable development standards of the primary zone, all other applicable requirements of this Zoning Code, and the City’s Design Guidelines to the extent determined by the review authority and/or specific provisions of the Design Guidelines.

5.030 - Flood Plain Overlay Zone
Refer to Zoning Map and Chapter 6 (Floodway and Flood Plain Combining District).

5.040 - Historic District Overlay Zone
Refer to Zoning Map, Chapter 15 (Preservation of the Cultural and Historic Environment), and the applicable Historic District Guidelines.

5.050 – Theater District Overlay Zone

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

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

C. Movie Theater Uses Prohibited in Other Designated Zones. Notwithstanding any other provisions of this Zoning Ordinance, movie theaters as defined in Section 5.050(A), above, shall not be permitted or conditionally permitted in any zoning district of the City of Petaluma outside of the established boundaries of the Theater Combining District. This limitation shall also apply to the zoning districts established for the Central Petaluma Specific Plan, if said property lies within the boundaries of the Specific Plan, but outside the boundaries of the Theater Combining District.
D. **Sunset Provision.** Unless otherwise rescinded by a majority vote of the City Council, this ordinance shall expire on (i) November 1, 2005 if construction of a first run movie theater in the Theater Combining District containing at least eight screens has not commenced by such date, or (ii) November 1, 2006 if a first run movie in the Theater Combining District containing at least eight screens has not opened for business to the public by such date, or, in any event, August 4, 2023. The expiration dates in subsections (i) and (ii) shall be extended one day for each day of delay in the commencement of construction or opening for business caused by Acts of God, riots, litigation challenges, or other circumstances beyond a developer’s reasonable control, as determined by the City Manager.