

ORDINANCE NO. 1257

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UKIAH ADDING A NEW SECTION 9269 AND A NEW ARTICLE 23 TO DIVISION 9, CHAPTER 2 OF THE CITY CODE TO ESTABLISH PROCEDURES AND PERFORMANCE STANDARDS FOR THE ISSUANCE OF ADMINISTRATIVE USE PERMITS.

The City Council of the City of Ukiah hereby ordains as follows:

SECTION ONE. FINDINGS

1. It is a goal of the City to provide a streamlined process for administrative review and determination on requests for uses and activities that have little to no impact on adjacent sites and surroundings.
2. Administrative Use Permits (AUPs) provide a discretionary review process for uses requiring case-by-case evaluation beyond ministerial permits but not rising to the threshold of a public hearing. This process allows the City to impose conditions and ensure compatibility with surrounding land uses while streamlining review to avoid unnecessary delays or complexity.
3. The establishment of clear performance standards and permit procedures for select uses is necessary in maintaining consistency with the intent of zoning regulations and the Ukiah 2040 General Plan. These standards provide an objective framework for reviewing proposed deviations, allowing the City to impose conditions that ensure neighborhood compatibility, protect public health and safety, and mitigate potential impacts on adjacent properties.
4. Pursuant to the Ukiah 2040 General Plan, and specifically Agriculture Implementation Program E, it is the policy of the City to reduce regulation for local agriculture by revising the Zoning Code to allow low-intensity agricultural activities on residential parcels, including but not limited to backyard beehives, chickens, and gardens. The revision includes objective use, development, and environmental standards, along with minimal permit fee requirements.
5. Pursuant to the Ukiah 2040 General Plan, and specifically Agriculture Implementation Program C, it is the policy of the City to adopt terminology and land use definitions consistent with those utilized by adjacent jurisdictions within the Ukiah Valley to support regional planning and potential future annexations.
6. Pursuant to the Ukiah 2040 General Plan, and specifically its Agriculture Implementation Program I, it is further the policy of the City to facilitate and streamline the permitting process for the establishment of community gardens within the City.

SECTION TWO.

Division 5, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *”):

§ 4200 KEEPING LIVESTOCK INSIDE CITY LIMITS PROHIBITED WITHOUT PERMIT

A. It shall be unlawful for any person, firm, or corporation to keep, harbor or maintain, or cause, permit or suffer to be kept, harbored or maintained, within the corporate limits of the City any cow, bull, calf, horse, mule, jennie, jack, burro, sheep, goat, swine or any other livestock without then and there having a valid permit in writing issued by the Zoning Administrator of the City under the provisions of this chapter.

B. The provisions of this Chapter apply to the commercial keeping of livestock, including for sale, breeding, production, or other business purposes. This Chapter does not apply to noncommercial or personal animal keeping regulated under Section 9381 of this Code.

* * *

SECTION THREE.

Section 9016 of Division 9, Chapter 2, Article 3 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *”):

§ 9016 ALLOWED USES

The following uses are allowed in the Low Density Residential (R-1) District, pursuant to the development and operational standards of Article 20 if applicable:

* * *

Animal Raising - Personal

Beekeeping and Apiaries

* * *

Community Gardens

* * *

§ 9017 PERMITTED USES

The following uses may be permitted with the securing of an appropriate use permit pursuant to the provisions contained in Article 20 of this Chapter:

* * *

SECTION FOUR.

Section 9031 of Division 9, Chapter 2, Article 4 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *”):

§ 9031 ALLOWED USES

The following uses are allowed in Medium Density Residential (R-2) Districts, pursuant to the development and operational standards of Article 20 if applicable:

* * *

Animal Raising - Personal

Beekeeping and Apiaries

* * *

Community Gardens

* * *

§ 9032 PERMITTED USES

The following uses may be permitted in Medium Density Residential (R-2) Zoning Districts subject to first securing an appropriate use permit pursuant to the provisions contained in Article 20 of this Chapter:

* * *

SECTION FIVE.

Section 9046 of Division 9, Chapter 2, Article 5 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *”):

§ 9046 ALLOWED USES

The following uses are allowed in High Density Residential (R-3) Districts, pursuant to the development and operational standards of Article 20 if applicable:

* * *

Animal Raising - Personal

Beekeeping and Apiaries

* * *

Community Gardens

* * *

§ 9047 PERMITTED USES

The following uses may be permitted in High Density Residential (R-3) Districts subject to first securing an appropriate use permit pursuant to provisions contained in Article 20 of this Chapter:

* * *

Outdoor Sales and Display Projects

* * *

SECTION SIX.

Division 9, Chapter 2, Article 6 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *”):

§ 9061 USES ALLOWED

The following uses are allowed in Neighborhood Commercial Zoning Districts, pursuant to the development and operational standards of Article 20 if applicable:

* * *

Animal Raising - Personal

Beekeeping and Apiaries

Community Gardens

* * *

Outdoor Dining

Outdoor Sales and Display Projects

* * *

Sidewalk Cafe

* * *

Specialty food and beverage sales with tastings

* * *

§ 9062 USES PERMITTED WITH SECURING OF A USE PERMIT

The following uses may be permitted in Neighborhood Commercial (C-N) Districts, subject to first securing an appropriate use permit pursuant to provisions contained in Article 20 of this Chapter:

* * *

SECTION SEVEN.

Division 9, Chapter 2, Article 7 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *”):

§ 9081 ALLOWED USES

The following uses are allowed in the Community Commercial (C-1) Zoning District, pursuant to the development and operational standards of Article 20 if applicable:

* * *

Animal Raising - Personal

Beekeeping and Apiaries

* * *

Community Gardens

* * *

Live Entertainment

* * *

Outdoor Dining

Outdoor Sales and Display Projects

* * *

Sidewalk Cafe

* * *

Specialty food and beverage sales with tastings

* * *

§ 9082 PERMITTED USES

The following uses require approval of an appropriate use permit pursuant to the provisions contained in Article 20 of this Chapter:

* * *

* * *

SECTION EIGHT.

Division 9, Chapter 2, Article 8 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *)”:

§ 9096 ALLOWED USES

The following uses are allowed in the Heavy Commercial (C-2) Zoning District, pursuant to the development and operational standards of Article 20 if applicable:

* * *

Animal Raising - Personal

Beekeeping and Apiaries

* * *

Community Gardens

* * *

Outdoor Dining

Outdoor Sales and Display Projects

* * *

Sidewalk Cafe

Specialty food and beverage sales with tastings

* * *

§ 9097 PERMITTED USES

The following uses require approval of an appropriate use permit pursuant to the provisions contained in Article 20 of this Chapter:

* * *

* * *

SECTION NINE.

Division 9, Chapter 2, Article 9 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *)”:

§ 9111 USES ALLOWED

The following uses are allowed in Manufacturing (M) Districts, pursuant to the development and operational standards of Article 20 if applicable:

* * *

C. Animal Raising – Personal

D. Beekeeping and Apiaries

E. Community Gardens

F. Outdoor Sales and Display Projects

§ 9112 USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT

The following uses may be permitted in Manufacturing (M) Districts subject to first securing an appropriate use permit, as provided in Article 20 of this Chapter, in each case:

* * *

SECTION TEN.

Section 9160 of Division 9, Chapter 2, Article 13 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *)”:

§ 9160 AGRICULTURAL EXCLUSIVE OR A-E DISTRICT

* * *

B. The following specific regulations, in addition to the general regulations set forth in Chapter 2, Article 16 and Article 20 of this Division, shall apply in all A-E Districts.

C. Uses Allowed:

2. Agricultural Uses:

j. Beekeeping and Apiaries

3. Civic Uses:

- a. Community Gardens
- b. Day care facilities/small schools.
- c. Safety services.
- d. Utility service minor.

SECTION ELEVEN.

Division 9, Chapter 2, Article 15 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *”):

§ 9070.1 ALLOWED USES

The following uses are allowed in the Public Facilities (PF) Zoning District, pursuant to the development and operational standards of Article 20 if applicable:

Animal Raising - Personal

Beekeeping and Apiaries

Community Gardens

Live Entertainment

Specialty food and beverage sales with tastings

* * *

§ 9070.2 PERMITTED USES

The following uses are permitted in the Public Facilities (PF) Zoning District subject to first securing an appropriate use permit pursuant to the provisions contained in Article 20 of this Chapter:

* * *

SECTION TWELVE.

Section 9266 in Division 9, Chapter 2, Article 20 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *):

§ 9266 APPEALS

* * *

An appeal of the decision of the Zoning Administrator shall go to the City Council for a final decision. Such an appeal must be made in writing stating the reasons for the appeal, must include the appeal fee, if any, established from time to time by City Council resolution, and must be filed with the City Clerk within ten (10) days of the date the decision was made. The City Council shall conduct a duly noticed public hearing on the appeal in accordance to the applicable procedures as set forth in this Article. At the close of the public hearing, the City Council may affirm, reverse, revise or modify the appealed decision of the Zoning Administrator. All City Council decisions on appeals of the Zoning Administrator's action are final for the City.

* * *

SECTION THIRTEEN.

A new Section 9269 is hereby added to Division 9, Chapter 2, Article 20 of the Ukiah City Code and shall read as follows:

§ 9269 ADMINISTRATIVE USE PERMITS

Administrative Use Permit application and processing procedures and standards shall be as follows:

A. Purpose. Administrative Use Permits allow specific uses to be established within designated zoning districts when deviations are requested from the criteria and performance standards set forth in Article 23 of this Chapter, entitled "Performance Standards," as well as from other applicable standards found elsewhere in this Article. These permits provide a discretionary review pathway for select uses seeking relief from established standards, while preserving consistency with the overarching intent of the zoning regulations and limiting the need for more extensive public hearing procedures. The standards in Article 23 serve as a framework for evaluating such requests, ensuring proposed deviations may be modified or conditioned to maintain compatibility with surrounding development and mitigate potential impacts on adjacent properties.

B. Applicability. The requirements, procedures, and standards set forth in this Section shall be applicable to the uses listed in Division 9, Chapter 2, Article 23 of this Code, subject to any exceptions or additional requirements and standards as set forth in that Article.

This Section shall not apply to facilities or uses governed by Division 2, Chapter 2, Article 10 (entitled "Broadband Deployment") of the Ukiah City Code, which are subject to separate review procedures and standards.

C. Approval Authority. The Community Development Director may approve, conditionally approve, or deny an Administrative Use Permit application, unless otherwise restricted by state law. Development must comply with all of the required standards in Article 23 of this Chapter and with all other requirements of this Section unless specifically exempted in Article 23 of this Chapter.

D. Application. Applications for Administrative Use Permits shall be initiated by submitting the following information to the Planning Division of the Community Development Department: a completed application form, signed by the property owner or authorized agent, accompanied by the required fee, and any other information, plans or maps prescribed by the Community Development Director. Application procedures and processing timeframes shall be in accordance with state law and procedural guidelines established by the Community Development Director.

E. Public notice and hearing. Public notice and/or hearing are not required for issuance of an Administrative Use Permit.

F. Conditions of approval. The Community Development Director may apply reasonable conditions of approval to bring the development into conformity with requisite performance standards.

G. Findings. The Community Development Director may issue an administrative use permit if the following findings can be made:

1. The proposed use is listed in this Chapter as a use permitted pursuant to an administrative use permit and subject to performance standards;
2. The proposed use as conditioned conforms to the performance standards for the proposed use as outlined in the Performance Standards set forth in Article 23 of this Chapter;
3. The site is physically suited for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints, and can be conditioned to meet all related performance criteria and development standards.
4. Any other findings required under Article 23 of this Chapter for the specific use;
5. The use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city;

H. Notice of decision. The Community Development Director shall prepare a written decision which shall contain the findings of fact upon which such decision is based and conditions of approval, if any. The decision shall be mailed and/or emailed to the applicant.

I. Appeals. Appeals of decisions on Administrative Use Permits shall be filed within five (10) working days of the issuance of the permit. Appeals shall be filed and processed in accordance with the procedure for appeal of a determination regarding a minor discretionary planning permit as set forth in Section 9266 of this Chapter.

J. Effective date of permit. An administrative use permit shall become effective at the end of the appeal period set forth in Section 9266 of this Chapter, unless appealed.

K. Approval to run with the land. Any administrative use permit approval shall run with the land and shall continue to be valid whether or not there is a change of ownership of the site or structure to which it applies.

L. Amendments—New application. Requests for changes in the conditions of approval of an administrative use permit, or a change to site plans or operation that would affect a condition of permit approval, shall be treated as an administrative use permit amendment. The procedures for filing and processing an application for an administrative use permit amendment shall be the same as those established for an initial or new administrative use permit application.

M. Revocation. An administrative use permit that is exercised in violation of a condition of approval or a provision of this title may be revoked, as provided in the revocation procedures set forth in Section 9262.H of this Chapter.

N. New applications following denial or revocation. If an application for an administrative use permit is denied or revoked, no new application for the same, or substantially the same, administrative use permit shall be filed within one year of the date of denial or revocation of the initial application, unless the denial is made without prejudice.

P. Expiration. The following provisions detail the expiration process of administration use permits.

1. Expiration Criteria: An approved administrative use permit shall expire under the following conditions:

a. If any project for which an Administrative Use Permit has been granted is not established within two (2) years of the permit's effective date; or

b. If the established land use for which the permit was granted has ceased or has remained inactive for twenty-four (24) consecutive months.

2. New Application: Nothing herein shall prohibit the holder of an expired administrative use permit under subsection P1a or P1b of this Section from applying for a new permit in accordance with the procedure for new applications under subsection D of this Section.

SECTION FOURTEEN.

Article 21 in Division 9, Chapter 2 of the Ukiah City Code is hereby amended to read as follows (unchanged text is omitted and shown by “* * *”):

§ 9278 DEFINITIONS

* * *

KENNEL: Any lot, building, structure, or premises whereon or wherein five (5) or more dogs or five (5) or more cats, over the age of four (4) months are kept or maintained for commercial purpose, including but not limited to boarding, breeding, training, grooming, or sale. This definition shall not apply to the personal, non-commercial keeping of domestic pets by the occupant(s) of a dwelling unit. This definition also does not apply to a duly licensed veterinary hospital or public animal shelter.

* * *

SECTION FIFTEEN.

A new Article 23, entitled “Performance Standards for Administrative Use Permits and for Specific Allowed Uses” is hereby added to Division 9, Chapter 2 of the Ukiah City Code and shall read as follows:

§ 9380 PURPOSE AND INTENT

Performance standards provide the criteria for evaluating requests submitted through the Administrative Use Permit process (see Section 9269 of this Code), certain other use permits, and specific allowed uses that require minimal discretion and review. The performance standards listed in this Article are intended to explicitly describe the required location, configuration, design, amenities and operation of specified uses. The performance standards also mitigate potential adverse impacts on the neighborhood and maintain harmonious uses in the area. The performance standards are consistent with the goals and policies of the City's General Plan.

§ 9381 ANIMALS WITHIN THE CITY

A. Purpose and Applicability. The provisions of this Section establish performance standards for the noncommercial keeping of certain animals within the City of Ukiah. The intent is to protect the public health, safety, and welfare while supporting personal food production, educational programs (e.g., 4-H/FFA), and compatibility with residential neighborhoods.

All other animals commonly kept as pets or for personal enjoyment (e.g., fish, dogs, cats, potbellied pigs, reptiles, birds, hamsters) are exempt from these standards unless separately regulated by the Ukiah Municipal Code or determined by the Community Development Director to pose a nuisance or health risk.

This Section does not apply to commercial livestock operations, which are governed by Division 5, Chapter 2 of the Ukiah City Code.

Furthermore, roosters, turkeys, ducks, geese, and swine, are prohibited in all zoning districts within the City except for the Agricultural Exclusive (AE) and Combining Agricultural (-A) zoning districts, in which this use is subject to the permitting requirements set forth in Article 10 or Article 13 of this Chapter as appropriate.

B. Animal Raising – Personal. Animal Raising – Personal, as defined in Section 9278 of this Code and as may be amended, shall be allowed in any zoning district provided that all standards set forth in the definition in Section 9278 apply.

An application for an Administrative Use Permit allowing exceptions to the standards in Section 9278 may be authorized under Section 9269 of this Chapter. Issuance of an Administrative Use Permit in that

instance will require the following findings:

1. Compliance with Applicable Laws. The keeping of the animal(s) will not violate any provision of the Ukiah City Code or any other applicable provision of law.
2. Humane Treatment of Animals. The keeping of the animal as proposed will not result in an animal receiving inhumane treatment.
3. Odors. The keeping of the animal will not result in obnoxious odors at nearby properties adversely affecting the enjoyment of such property.
4. Flies. The keeping of the animal(s) will not cause or result in flies or other insects adversely affecting the enjoyment of nearby property.
5. Noise. The keeping of the animal(s) will not result in noises which adversely affect the enjoyment of nearby property.
6. Nuisances. The keeping of the animal(s) will not result in other public or private nuisances.
7. Public Health, Sanitation, Safety, Welfare. The keeping of the animal(s) will not result in an adverse effect on the health, sanitation, safety or welfare of an occupant of the premises or other nearby residents.
8. Procreation. The keeping of the animal(s) will not result in procreation which adversely affects nearby properties or the natural habitat.

C. Beekeeping and Apiaries.

1. The keeping of bees in four beehives or less shall be allowed, provided they comply with the following standards and requirements:
 - a. Colony density
 - i. The minimum lot size required for an apiary shall be 4,000 square feet.
 - ii. The maximum number of hives allowed in an apiary shall be determined based on lot sizes as follows:
 1. 4,000 square feet to 10,000 square feet: 2 hives
 2. 10,001 square feet to 43,560 square feet: 4 hives
 3. On any lot of 10,001 square feet in size or larger, more than four beehives may be kept, provided there is an additional lot area of 2,500 square feet for each hive. If a skep, barrel, log gum, or other container are used instead of boxes for a hive, the dimensions of the hive shall not exceed the limits of this subsection.
 - b. Care and Maintenance

- i. Hives should not be kept or maintained within any required front yard area. Hives located within the side and rear yard areas of a lot should maintain a minimum of a 10-foot setback from side and rear property lines to the hives.
- ii. Hives and apiaries shall be kept in a manner that facilitates inspection and shall be maintained in a sound and usable condition.
- iii. In all instances, there shall be one adequate and accessible water source provided on site and located within 20 feet of the beehive(s). The water source shall be maintained so as not to become stagnant.
- iv. A flyway barrier at least six feet in height but no greater than seven feet in height shall be erected parallel to the lot line between the hive opening and any lot line located within 25 feet. The flyway barrier shall consist of a wall, solid fence, dense vegetation, or a combination thereof extending five feet beyond the hive in each direction. A flyway barrier of dense vegetation shall not be limited to seven feet in height provided that the initial planting is four feet in height and the vegetation normally reaches six feet in height or higher. Barriers shall be maintained in good condition so that all bees are forced to fly at an elevation of at least six feet above ground level.

2. All beekeepers are required to register their bee colonies with the Mendocino County Agriculture Commissioner and adhere to all state laws related to the keeping of bees, including California Food and Agricultural Code, Division 13, Chapter 1, as may be amended from time to time. Beekeepers must also notify the Agriculture Commissioner upon relocation of bee colonies.

3. An application for an Administrative Use Permit allowing exceptions to the above standards may be authorized under Section 9269 of this Chapter.

D. Nonconforming Animal Keeping, Declaration of Public Nuisance. The City Council declares to be a public nuisance any lot where animal keeping is operating in a manner that is not in conformance with this Section.

E. Other Applicable Laws. Nothing in this Section shall exempt any property from enforcement under applicable nuisance, animal control, or public health laws. The Community Development Director may require an administrative use permit if the number, condition, or management of noncommercial animal keeping poses a risk to health, safety, or welfare.

§ 9382 OUTDOOR SALES AND DISPLAY PROJECTS

Outdoor sales establishments are allowed in all Commercial (C-N, C-1, C-2), and Manufacturing Zoning Districts provided that they occur for no more than thirty (30) days within a twelve (12) month period, in accordance with the below standards. Outdoor sales establishments that exceed thirty (30) days within a twelve (12) month period, that are located in Residential (R-1, R-2, or R-3) Zoning Districts or that do not meet the following performance standards may be permitted through an Administrative Use Permit, as regulated by Section 9269 of this Chapter.

A. Parking: Parking shall be designated for a minimum of three (3) automobiles, located off the public right-of-way with no automobile maneuvering permitted in the public right-of-way.

B. Signage: A maximum of twenty-five percent (25%) of the largest side of the vehicle or structure used

in the sales operation. In addition, one sandwich board or A-frame sign pursuant to the standards set forth in Subsection 3227.A.5 of this Code.

C. Utilities: The need for sanitary sewer, water, and electrical services shall be determined through the Administrative Use Permit process, and all connections shall comply with this Code.

D. Business License: Business license must be prominently displayed at all times, and the operator shall have proof of Board of Equalization sales permit.

§ 9383 COMMUNITY GARDENS

Community gardens may be allowed in any zoning district and shall comply with the following standards and requirements:

A. Days and Hours of Operation: Seven (7) days a week from seven o'clock (7:00) A.M. until dusk.

B. Fencing: Fencing is discouraged. When fencing is required to prevent vandalism or theft, trespassing, and/or encroachment by animals, fencing shall comply with the following:

1. Open Fencing: Open fencing (such as chain link, wrought iron, deer) up to seven feet (7') in height, measured from the grade adjacent to the fence to the top of the fence, is allowed at the property line or set back from the property line. This type of fencing allows the garden to be protected and maximizes the size of the garden while creating an open, pedestrian-oriented use consistent with the purposes of this code.

2. Solid Fencing: Solid fencing (such as wood, masonry) is prohibited since this closes off the site to the public realm, presents a solid unbroken surface which is not pedestrian-oriented, and reduces the size of the garden.

C. Herbicides and Pesticides: All pest and weed control shall be accomplished through organic means using the least toxic methods available. If unsure how to combat pests, weeds, and diseases organically, contact the garden team leader or other qualified professionals or organizations for guidance and resources.

D. Motorized Equipment: Use of motorized equipment (such as weed eaters, leaf blowers, rototillers) shall be limited to weekdays from eight o'clock (8:00) A.M. to seven o'clock (7:00) P.M. and weekends and holidays recognized by the City of Ukiah from ten o'clock (10:00) A.M. to five o'clock (5:00) P.M.

E. Noise: Compliance with the City of Ukiah noise regulations and restrictions set forth in Division 7, Chapter 1, Article 6 of this Code is required, except as indicated in Subsection D of this Section, Motorized Equipment, which may be more restrictive.

F. Parking: A minimum of one parking space along the street frontage of the community garden shall be provided. Vehicle use by members of the community garden should be limited to taking supplies to and from the garden, rainy or poor weather, or assisting gardeners with disabilities. Users of the garden shall be encouraged to walk or bike to the site in order to reduce the need for parking and parking impacts on neighboring uses.

G. Signs: Signs are limited to identification, informational, and directional signs in conformance with the

sign regulations set forth in Division 3, Chapter 7 of this Code.

H. Structures – Accessory: The following accessory structures are allowed: tool sheds, greenhouses, cold-frames, hoop houses, compost bins, rain barrel systems, picnic tables, benches, bike racks, garden art, and fences subject to the development standards of the zoning district in which the community garden is located and the requirements of this Section. Commercially maintained portable bathrooms are allowed as accessory structures; provided, that they comply with accessibility standards and comply with the development standards of the zoning district in which the community garden is located.

I. Water Use: Every effort shall be made to reduce water usage. Drip irrigation is required where feasible. Mulch and compost shall be used in order to reduce the amount of water needed for garden plots.

J. Prohibitions: Smoking, drinking alcoholic beverages, using illegal drugs, and gambling are prohibited. Weapons, pets and other animals (except service animals) are also prohibited.

Community gardens that do not meet the above performance standards may be permitted through an Administrative Use Permit, as regulated by Section 9269 of this Chapter.

§ 9384 LIVE ENTERTAINMENT

A. Live entertainment uses may occur in the C-1, C-2, and P-F zoning districts provided they comply with the following standards and requirements:

1. Live entertainment shall commence no earlier than ten o'clock (10:00) A.M. and shall end at eleven o'clock (11:00) P.M. and is limited to two (2) times a week.
2. Live entertainment shall not violate the noise regulations and restrictions set forth in Division 7, Chapter 1, Article 6 of this Code.
3. The number of people within a building where live entertainment is performing shall not exceed the occupancy standards contained in the California Building Code or Ukiah City Code.
4. Businesses desiring to have live entertainment shall provide adequate security during and after live entertainment events.
5. Parking shall generally comply with the Ukiah City Code, although on-street parking within commercial zoning districts may be included in the number of parking spaces provided for the live entertainment.
6. Any building proposed for live entertainment shall comply with all Fire Code requirements and shall be reviewed and approved by the Ukiah Fire Marshal.

B. Management Plan Submittal: As a part of the application for the conducting of live entertainment, the applicant shall submit a management plan addressing the items listed below, which will be distributed by the Planning Division to the Ukiah Police Department and Ukiah Valley Fire Authority for review and comments. The management plan shall, at a minimum, include the following:

1. Potential for loitering and how the business will preclude loitering.

2. Adequacy of lighting for security and safety purposes.
3. Adequacy of parking.
4. Compatibility and suitability with the existing and allowed uses in the area and/or character of the area, including, but not limited to, proximity to sensitive land uses such as residences, schools, parks, daycare facilities, and churches.
5. Details regarding how security will be provided during and after live entertainment events.
6. Likelihood the use would facilitate the vitality, economic viability, and/or provide recreational or entertainment opportunities in an existing commercial area without presenting a significant impact on health and safety.
7. Hours of operation for the business and hours of proposed live entertainment.
8. Other information deemed necessary on a case-by-case basis.

C. Relief from any of the standards or requirements may be sought through the pursuit of an Administrative Use Permit, as regulated within Section 9269 of this Chapter. The determination shall be based, in part, on how much relief is being sought and the location of the proposed live entertainment and its potential to impact the area.

§ 9385 OUTDOOR DINING

On-site outdoor dining may be allowed in the C-N, C-1 and C-2 zoning districts, provided it is incidental to and part of the operation of a restaurant located on the same parcel, and it complies with the standards and requirements listed below:

- A. Purpose: The provisions of this Section are intended to allow outdoor dining in association with a restaurant located on the same parcel as the outdoor dining, where the outdoor dining is clearly incidental to the adjacent restaurant use and will not negatively impact the operations and function of the existing restaurant, including parking facilities, pedestrian access and circulation, and disabled access facilities.
- B. Location of Outside Dining: Outdoor dining shall be located on the same site as the restaurant which the outdoor dining will serve. Outdoor dining facilities, such as tables, chairs, umbrellas, etc., shall not be located in pedestrian walkways, required parking spaces, or disabled access facilities (such as parking spaces, walkways, entries, etc.). Outdoor dining areas may be located in landscaped areas if located in such a manner as to not damage the landscaping.
- C. Hours of Operation: Days and hours of operation for the outdoor dining shall not extend beyond the hours of operation for the restaurant which it serves. Tables, chairs, and all other furniture used in the operation of outdoor dining shall be removed from any pedestrian walkways and stored indoors at night and whenever the cafe is not in operation.
- D. Live Entertainment: Outdoor dining shall not be used for live entertainment unless in compliance with Section 9384 of this Code.

E. Tables, Chairs, Furniture, Signage:

1. In order to provide adequate and safe ingress/egress, a minimum unobstructed pedestrian walkway width of forty-eight inches (48") or the width of the doors, whichever is greater, shall be maintained. The required width of the unobstructed pedestrian walkway shall extend from the front of the door(s) to the public sidewalk. A reduced width may be approved by the Building Official in compliance with the building code.
2. A minimum of sixty inches (60") of unobstructed space shall be maintained between exits and any furniture or fixtures related to outdoor dining, or as required by the building code, whichever is greater.
3. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable.
4. Umbrellas shall be secured with a minimum base of not less than sixty (60) pounds and shall leave a vertical clearance of seven feet (7') from the sidewalk surface.
5. Outdoor heaters are allowed subject to fire and building code compliance. Non-live music and/or speakers may be used provided the music does not violate the noise regulations and restrictions set forth in Division 7, Chapter 1, Article 6 of this Code.
6. No signage shall be allowed in the outdoor dining area except for the name of the establishment on an awning or umbrella fringe and in compliance with this Section and the signage regulations set forth in Division 3, Chapter 7 of this Code.

F. Maintenance: The property and/or business owner are responsible for maintaining all outdoor dining furnishings and the outdoor dining area in good condition, including, but not limited to, the following:

1. All outdoor dining furnishings and all exterior surfaces within the outdoor dining area shall be easily cleanable and kept clean and free of debris.
2. The outdoor dining area and adjacent areas kept in a clean and safe condition.

G. Food and Beverages: Outdoor dining areas may only serve food and nonalcoholic beverages prepared or stocked for sale at the adjoining indoor restaurant; provided, however, that the service of beer or wine or both, solely for on-premises consumption by customers within the outdoor dining area, may be authorized by the Community Development Director and Police Department if each of the following requirements are met:

1. The outdoor dining operation is duly licensed, or prior to the service of any beer or wine, will be duly licensed by State authorities to sell beer or wine for consumption within the outdoor dining area.
2. The authorized outdoor dining area is identified in a manner which will clearly separate and delineate it from the areas of the sidewalk that will remain open to pedestrian traffic.
3. One or more signs, as approved as part of the encroachment permit, are posted during all times

the sidewalk cafe is in operation, which shall give notice to the cafe's customers that the drinking of beer or wine or the carrying of any open container which contains beer or wine is prohibited and unlawful outside the delineated outdoor dining area.

Outdoor dining areas authorized by the Community Development Department and Police Department and in compliance with the requirements of this section are exempt from section 6000 of this Code.

H. Service Requirements:

1. Service areas (such as busing and service stations) may be located within the outdoor dining area. Service areas shall comply with subsection B of this Section (Location of Outside Dining). Outdoor food preparation in the outdoor dining area is prohibited.

2. Restrooms for the outdoor dining area shall be provided in the adjoining indoor restaurant. Seating for the outdoor dining may be counted in determining the restroom requirements for the indoor restaurant at the discretion of the Building Official.

I. Revocation: The outdoor dining may be revoked by the City upon finding that one or more of the requirements of this section have been violated or that the outdoor dining is being operated in a manner that constitutes a nuisance.

J. Relief from any of the standards or requirements may be sought through the pursuit of an Administrative Use Permit, as regulated within Section 9269 of this Chapter.

§ 9386 SIDEWALK CAFE

A. A sidewalk cafe may be allowed in the C-N, C-1, and C-2 zoning districts, provided it is incidental to and part of the operation of a restaurant and it complies with the standards and requirements listed below.

B. Purpose: The provisions of this section are intended to allow a sidewalk cafe to operate in association with an allowed restaurant use, where the sidewalk cafe is clearly incidental to the restaurant use and will not negatively impact the right-of-way.

C. Permit Requirements: A sidewalk cafe shall require the approval of an encroachment permit from the Department of Public Works and Planning and Community Development Department.

D. Limitations and Requirements: A sidewalk cafe may be allowed only where allowed by section 9385 of this Code and only when the sidewalk cafe is incidental to and part of the operation of an adjacent restaurant and when in compliance with the following requirements of this section:

1. Where Permissible: A sidewalk cafe may be located on a public sidewalk immediately adjacent to and abutting the indoor restaurant which operates the cafe; provided, that the area in which the sidewalk cafe extends is no farther along the sidewalk frontage than the operating indoor restaurant.

2. Location of Sidewalk Cafes: Each cafe shall be confined to a defined location on the sidewalk immediately adjacent to the restaurant which operates the cafe.

3. Hours of Operation: Sidewalk cafes may operate on days whenever fair weather would enhance outdoor dining. The hours of operation shall not exceed eight o'clock (8:00) A.M. to nine o'clock (9:00) P.M. Tables, chairs, and all other furniture used in the operation of a sidewalk cafe shall be removed from the sidewalk and stored indoors at night and whenever the cafe is not in operation. Additional hours may be authorized contingent up on the approval of an Administrative Use Permit.

4. Sidewalk Clearances: A sidewalk cafe may be allowed only where the sidewalk is wide enough to adequately accommodate the usual pedestrian traffic in the area, to comply with California State accessibility standards and federal ADA requirements, and the operation of the proposed cafe.

5. Live Entertainment: A sidewalk cafe shall not be used for live entertainment. Live entertainment at sidewalk cafes may be authorized in compliance with Section 9384 of this Code.

E. Tables, Chairs, Furniture, Signage:

1. All tables and chairs comprising a sidewalk cafe shall be situated in a safe fashion and away from any sidewalk or street barrier including a bollard, and shall not be within eight feet (8') of any designated bus stop.

2. The dining area shall not impede the use of public furnishings such as lighting, benches, etc.

3. In order to provide adequate and safe ingress/egress, a minimum unobstructed public sidewalk width of forty-eight inches (48") shall be maintained for the entire length of the sidewalk cafe. The required width shall extend from the front of the door(s) to the end of the sidewalk cafe.

4. A minimum of sixty inches (60") of unobstructed space shall be maintained between exits and any furniture or fixtures related to the sidewalk cafe, or as required by the building code, whichever is greater.

5. All sidewalk cafe furniture, including tables, chairs, umbrellas, and planters, shall be movable.

6. Umbrellas shall be secured with a minimum base of not less than sixty (60) pounds and shall leave a vertical clearance of seven feet (7') from the sidewalk surface.

7. Outdoor heaters are allowed subject to fire and building code compliance. Music and/or speakers may be authorized contingent up on the approval of an Administrative Use Permit.

8. No signage shall be allowed at the sidewalk cafe except for the name of the establishment on an awning or umbrella fringe and in compliance with this section and the signage regulations set forth in Division 3, Chapter 7 of this Code.

9. All furnishings and other items associated with the sidewalk cafe shall be removed from the sidewalk during nonoperation hours of the cafe. Storage of these items outside may be authorized contingent up on the approval of an Administrative Use Permit.

10. Any proposed seating in the vicinity of street trees shall comply with the City's Management Guidelines adopted December 1, 2010.

F. Maintenance: The permittee is responsible for maintaining all outdoor dining furnishings and the sidewalk cafe area in good condition, including, but not limited to, the following:

1. All outdoor dining furnishings and all exterior surfaces within the sidewalk cafe area shall be easily cleanable and kept clean and free of debris.
2. The sidewalk cafe area and adjacent areas shall be kept in a clean and safe condition.

G. Food and Beverages: A sidewalk cafe may serve only food and nonalcoholic beverages prepared or stocked for sale at the adjoining indoor restaurant; provided, however, that the service of beer or wine or both solely for on-premises consumption by customers within the areas of the sidewalk cafe may be authorized by the Community Development Department and Police Department as part of the required encroachment permit if each of the following requirements are met:

1. The sidewalk cafe operation is duly licensed, or prior to the service of any beer or wine will be duly licensed by State authorities to sell beer or wine for consumption within the area of the sidewalk cafe.
2. The area in which the sidewalk cafe is authorized is identified in a manner, as part of the encroachment permit, which will clearly separate and delineate it from the areas of the sidewalk that will remain open to pedestrian traffic.
3. One or more signs, as approved as part of the encroachment permit, are posted during all times the sidewalk cafe is in operation, which shall give notice to the cafe's customers that the drinking of beer or wine or the carrying of any open container which contains beer or wine is prohibited and unlawful outside the delineated area of the sidewalk cafe. Sidewalk cafes authorized by the Community Development Department and Police Department as part of the required encroachment permit and in compliance with the requirements of this section are exempt from section 6000 of this code.

H. Service Requirements:

1. The outdoor preparation of food and busing and service stations are prohibited at the sidewalk cafe. Outdoor service station may be authorized contingent up on the approval of an Administrative Use Permit.
2. Restrooms for the sidewalk cafe shall be provided in the adjoining indoor restaurant. Seating for the sidewalk cafe may be counted in determining the restroom requirements for the indoor restaurant at the discretion of the Building Official.
3. Trash and refuse receptacles for the sidewalk cafe shall not be permitted within the area designated for the sidewalk cafe or on adjacent sidewalk areas and the permittee shall remove trash and litter as they accumulate. Trash and/or refuse containers may be authorized within the outdoor dining area or adjacent sidewalk areas contingent on the approval of an Administrative Use Permit.

I. **Power to Prohibit Operation of the Sidewalk Cafe:** Any encroachment permit issued for a sidewalk cafe shall provide that the City shall have the right and power, acting through the City Manager or designee, to prohibit the operation of a sidewalk cafe at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. Such problems may arise from, but are not limited to, scheduled festivals and similar events, or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the sidewalk cafe will be prohibited by the City, but any failure to give prior written notice shall not affect the right and power of the City to prohibit the cafe's operation at any particular time.

J. **Conditions:** In connection with granting the encroachment permit for a sidewalk cafe, conditions may be imposed in granting approval as deemed necessary for the proposed operation to meet the operating requirements of this section.

K. **Modifications:** In the event the City determines during the operation of an approved sidewalk cafe that additional or revised conditions are necessary in order for the sidewalk cafe to comply with the requirements of this section, the City shall have the ability to add additional conditions to the approved encroachment permit.

L. **Revocation:** The encroachment permit to operate a sidewalk cafe may be revoked by the City upon finding that one or more conditions of the permit or this section have been violated or that the sidewalk cafe is being operated in a manner that constitutes a nuisance, or that the operation of the sidewalk cafe unduly impedes the movement of pedestrians past the sidewalk cafe. Revocations may be appealed per the process outlined in Section 5613 of this Code.

M. **Relief from any of the standards or requirements** may be sought through the pursuit of an Administrative Use Permit, as regulated within Section 9269 of this Chapter.

§ 9387 SPECIALTY FOOD AND BEVERAGE SALES WITH TASTINGS

Specialty food and beverage sales with tastings may be allowed in the C-N, C-1, C-2, and P-F zoning districts provided they comply with the following standards and requirements:

A. **Days and Hours of Operation:** Days and hours of operation shall be limited to daily from ten o'clock (10:00) A.M. to ten o'clock (10:00) P.M. Additional hours may be authorized with approval of an administrative use permit.

B. **Live Entertainment:** Live entertainment is allowed in compliance with Section 9384 of this code and may perform until eight o'clock (8:00) P.M. Other arrangements for live entertainment may be authorized with approval of an administrative use permit.

C. **Outdoor Seating:** Outdoor seating is allowed in compliance with the applicable requirements for Outdoor Dining included in Section 9385 of this Code or Sidewalk Cafes in Section 9386 of this Code.

D. **Administrative Use Permit:** An application for an Administrative Use Permit to allow additional operating hours and/or live entertainment in a manner that exceeds the operating characteristics required in this Section may be authorized as set forth in Section 9269 of this Chapter, and shall incorporate

findings that address the following considerations:

1. Potential for loitering and how the business will preclude loitering.
2. Adequacy of lighting for security and safety purposes.
3. Adequacy of parking.
4. Compatibility and suitability with the existing and allowed uses in the area and/or character of the area, including but not limited to proximity to sensitive land uses such as residences, schools, parks, daycare facilities, and churches.
5. Likelihood the use would facilitate the vitality, economic viability, and/or provide recreational or entertainment opportunities in an existing commercial area without presenting a significant impact on health and safety.
6. Details regarding how security will be provided during and after live entertainment events.
7. Other information deemed necessary on a case-by-case basis.

SECTION SIXTEEN

The following sections of the Ukiah City Code shall be repealed:

1. Article 15.6 in Division 9, Chapter 2.
2. Section 9182
2. Section 9184

SECTION SEVENTEEN.


1. **Publication:** Within fifteen (15) days after its adoption, this Ordinance shall be published once in a newspaper of general circulation in the City of Ukiah. In lieu of publishing the full text of the Ordinance, the City may publish a summary of the Ordinance once 5 days prior to its adoption and again within fifteen (15) days after its adoption.
2. **Effective Date:** The ordinance shall become effective thirty (30) days after its adoption.
3. **Severability:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Ukiah hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Introduced by title only on August 20, 2025, by the following roll call vote:

AYES: Councilmembers Rodin, Criss, Orozco, Sher, and Mayor Crane.
NOES: None.
ABSENT: None.
ABSTAIN: None.

Adopted on September 3, 2025, by the following roll call vote:

AYES: Councilmembers Rodin, Orozco, Sher, and Mayor Crane.
NOES: None.
ABSENT: Councilmember Criss.
ABSTAIN: None.



Douglas B. Crane, Mayor

ATTEST:



Araceli Sandoval, Deputy City Clerk