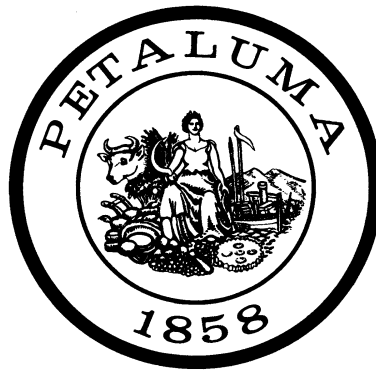


CITY OF PETALUMA
COMMUNITY DEVELOPMENT DEPARTMENT

IMPLEMENTING ZONING ORDINANCE



June 2008

Revision Date: November 19, 2018

IMPLEMENTING ZONING ORDINANCE REVISIONS

ORDINANCE NO. 2674 – ADOPTED NOVEMBER 19, 2018
ORDINANCE NO. 2663 – ADOPTED SEPTEMBER 17, 2018
ORDINANCE NO. 2662 – ADOPTED SEPTEMBER 10, 2018
ORDINANCE NO. 2655 – ADOPTED JUNE 4, 2018
ORDINANCE NO. 2643 – ADOPTED MARCH 19, 2018
ORDINANCE NO. 2622 – ADOPTED AUGUST 7, 2017
ORDINANCE NO. 2621 – ADOPTED AUGUST 7, 2017
ORDINANCE NO. 2597 – ADOPTED JANUARY 23, 2017
ORDINANCE NO. 2555 – ADOPTED OCTOBER 5, 2015
ORDINANCE NO. 2554 – ADOPTED OCTOBER 5, 2015
ORDINANCE NO. 2552 – ADOPTED OCTOBER 5, 2015
ORDINANCE NO. 2551 – ADOPTED OCTOBER 5, 2015
ORDINANCE NO. 2547 – ADOPTED SEPTEMBER 14, 2015
ORDINANCE NO. 2523 – ADOPTED DECEMBER 15, 2014
ORDINANCE NO. 2510 – ADOPTED OCTOBER 6, 2014
ORDINANCE NO. 2468 – ADOPTED JUNE 31, 2013
ORDINANCE NO. 2422 – ADOPTED DECEMBER 18, 2011
ORDINANCE NO. 2360 – ADOPTED DECEMBER 21, 2010
ORDINANCE NO. 2384 – ADOPTED OCTOBER 18, 2010
ORDINANCE NO. 2345 – ADOPTED SEPTEMBER 21, 2009
ORDINANCE NO. 2347 – ADOPTED SEPTEMBER 21, 2009

Chapter Number	Title/Contents	Page #
Chapter 1	<p><u>Purpose and Applicability of Development Code</u> 1.010 - Purposes of the Zoning Ordinance 1.020 - Authority for the Zoning Ordinance 1.030 - Responsibility for Administration 1.040 - Applicability of the Zoning Ordinance 1.050 - Rules of Interpretation</p>	1-1
Chapter 2	<p><u>Zoning Map and Zones</u> 2.010 - Purpose 2.020 - Zoning Map and Zones</p>	2-1
Chapter 3	<p><u>Development and Land Use Approval Requirements</u> 3.010 - Purpose 3.020 - General Requirements for Development and New Land Uses 3.030 - Allowable Land Uses and Planning Permit Requirements 3.040 – Inclusionary Housing</p>	3-1
Chapter 4	<p><u>Zone Districts</u> 4.010 - Purpose 4.020 - Purpose of Established Zones 4.030 - Allowable Land Uses and Permit Requirements 4.040 - Site Planning and Building Standards 4.050 - Dedication Required and Exceptions</p>	4-1
Chapter 5	<p><u>Overlay Zones</u> 5.010 - Purpose 5.020 - Applicability of Overlay Zones 5.030 - Flood Plain Overlay Zone 5.040 - Historic District Overlay Zone 5.050 - Hillside Protection Overlay Zone 5.060 - Theater District Overlay Zone</p>	5-1
Chapter 6	<p><u>Floodway and Flood Plain Districts</u> 6.010 - Purpose 6.020 - Flood Plain and Floodway Areas 6.030 - Definitions 6.040 - Flood Plain/Flood Prone Area – Combining District (FP-C) 6.050 - Floodway District (FW) 6.060 - Rezoning of Flood Hazard Lands 6.070 - General Provisions 6.080 - Duties and Responsibilities of the Community Development Department 6.090 - Warning and Disclaimer of Liability</p>	6-1
Chapter 7	<p><u>Standards for Specific Land Uses</u> 7.010 - Purpose 7.020 - Applicability 7.030 - Accessory Dwelling Units 7.035 - Junior Accessory Dwelling Units 7.040 - Dwelling Group</p>	7-1

Chapter Number	Title/Contents	Page #
	7.050 - Home Occupation Permit 7.060 - Large Family Child Day Care 7.070 - Short-Term Activities 7.080 - Swimming Pools, Hot Tubs, and Spas 7.090 - Telecommunication Facilities 7.100 - Bed and Breakfast Inns 7.110 - Short-Term Vacation Rentals	
Chapter 8	<u>Alcoholic Beverage Establishments</u> 8.010 - Purpose 8.020 - Definitions 8.030 - Zones for Alcoholic Beverage Establishments 8.035 - Tasting Rooms 8.040 - Alcoholic Beverage Establishment Conditional Use Permit Required 8.050 - Permit Application 8.060 - Grounds for Conditional Use Permit Denial/Revocation 8.062 - Conditional Use Permit Conditions 8.064 - Conditional Use Permit Valid for Specified Location/Establishment 8.066 - Sale or Transfer of Business 8.068 - New Conditional Use Permit Required 8.070 - Exceptions 8.072 - Non-conforming uses	8-1
Chapter 9	<u>Cardrooms</u> 9.010 - Definitions 9.020 - Zones for Cardroom Establishments 9.030 - Conditional Use Permit Required 9.040 - Permit Application 9.050 - Grounds for Conditional Use Permit Denial/Revocation 9.052 - Conditional Use Permit Conditions 9.054 - Conditional Use Permit Valid for Specified Location/Establishment/Permittee 9.056 - Sale or Transfer of Business 9.058 - New Conditional Use Permit Required 9.060 - License Required 9.070 - Limit on Cardrooms 9.080 - Table Limit 9.090 - Limit on Locations 9.100 - Financial Disclosure 9.110 - Operations Regulations 9.120 - State Law Violation 9.130 - Special Cardroom Fees Required 9.140 - Loans Prohibited 9.150 - Notification of Terminated Employees 9.160 - House Players 9.170 - Incentives Prohibited	9-1
Chapter 10	<u>Adult Oriented Business</u> 10.010 - Purpose 10.020 - Definitions 10.030 - Establishment of an Adult Entertainment Business	10-1

Chapter Number	Title/Contents	Page #
	10.040 - Zones for Adult Entertainment Establishments 10.050 - Minimum Proximity Requirement 10.060 - Nonconforming Establishments 10.070 - Regulation of Signs 10.080 - Visibility from Street 10.090 - Adult Entertainment Establishment Conditional Use Permit Required 10.100 - Permit Application 10.110 - Grounds for Conditional Use Permit Denial/Revocation 10.112 - Conditional Use Permit Conditions 10.114 - Conditional Use Permit Valid for Specified Location/Establishment/Permittee 10.116 - Sale or Transfer of Business 10.118 - New Conditional Use Permit Required	
Chapter 11	<u>Off-Street Parking and Loading</u> 11.010 - Purpose of Off-Street Parking and Loading 11.020 - Definitions 11.030 - Off-Street Parking – General Regulations 11.040 - Alternatives to On-Site Parking 11.050 - Planned Districts 11.060 - Number of Automobile Parking Spaces Required 11.070 - Standards for Off-Street Automobile Parking Facilities 11.080 - Site Plan Approval 11.090 - Standards for Bicycle Facilities 11.100 - Off-Street Loading Berth Requirements 11.110 - Off-Street Loading Facilities – General Regulations 11.120 - Standards for Off-Street Loading Facilities	11-1
Chapter 12	<u>Development Standards Modifications</u> 12.010 - Purpose 12.020 - Modifications to the Maximum Height Limit 12.030 - Modifications to the Required Front Setback 12.040 - Modifications to the Required Side and Rear Setbacks 12.050 - Projections into Required Setbacks	12-1
Chapter 13	<u>Fences and Walls</u> 13.010 - Applicability 13.020 - Location and Height of Fencing 13.025 - Modifications to Fence Location and Height 13.030 - Measurement of Fence and Wall Height 13.040 - Specific Fence and Wall Requirements 13.050 - Retaining Walls 13.060 - Fence Permit Required	13-1
Chapter 14	<u>Landscaping and Screening</u> 14.010 - Landscaping 14.020 - Screening 14.030 - Standards for Installation and Maintenance	14-1
Chapter 15	<u>Preservation of the Cultural and Historic Environment</u> 15.010 - Purpose	15-1

Chapter Number	Title/Contents	Page #
	15.020 - Powers and Duties of the Historic and Cultural Preservation Committee and Planning Commission 15.030 - Recognized Historic Preservation Organization 15.040 - Designation of Landmarks and Historic District by Ordinance 15.050 - Review of Permit Applications to Construct or Alter Designated Structures or Structures in Designated Areas 15.060 - Review of Applications for Demolition Permits 15.070 - Review of Applications to Construct, Alter, or Demolish Designated Structures or Structures in Designated Areas 15.080 - Showing of Hardship in Cases of Proposed Alteration, Demolition, or Construction 15.090 - Director Referral to Historic and Cultural Preservation Committee 15.100 - Applicability and Enforcement 15.110 - Adoption of Design Guidelines	
Chapter 16	<u>Hillside Protection</u> 16.010 - Purpose 16.020 - Objectives 16.030 - Applicability 16.040 - Definitions 16.050 - General Provisions 16.060 - Single Lot Development 16.070 - Hillside Subdivisions	16-1
Chapter 17	<u>Tree Preservation</u> 17.010 - Purpose 17.020 - Applicability 17.030 - Exceptions 17.035 - Tree Technical Manual 17.040 - Protected Trees 17.050 - Preservation of Existing Trees in Development Proposals 17.055 - Project Arborist Requirements 17.060 - Tree Removal 17.065 - Tree Mitigation and Replacement 17.070 - Tree Protection and Preservation Plan 17.080 - Tree Protection Requirements 17.090 - Appeals, Extensions, Revocation 17.100 - Enforcement	17-1
Chapter 18	<u>Public Art</u> 18.010 - Purpose 18.020 - Authority 18.030 - Definitions 18.040 - Duty to Provide Public Art and/or Pay Art in Lieu Fee 18.050 - Applicability 18.060 - Exemptions 18.070 - Zoning Districts in which Public Art and/or Public in Lieu Fee is Required 18.080 - Voluntary Participation in Public Art Program for Residential Projects of 50 Units or More 18.090 - Minimum Cost of Public Art/Public Art in Lieu Amount	18-1

Chapter Number	Title/Contents	Page #
	18.100 - Location of Public Art 18.110 - Eligible Artists 18.120 - Public Art Requirements 18.130 - Verification of Compliance with this Chapter Prior to Issuance of Building Permit 18.140 - Satisfaction of Public Art Requirements - Appeal 18.150 - Verification of Compliance with this Chapter Prior to Issuance of Certificate of Occupancy – Proof of Installation 18.160 - Title to Public Art 18.170 - Replacement of Public Art 18.180 - Public Art Committee 18.190 - Public Art Fund 18.200 - City Council Review of this Chapter and the Public Art Program	
Chapter 19	<u>Planned Unit District (PUD) and Planned Community District (PCD)</u> 19.010 - Purpose 19.020 - Establishment of a P.U.D. District 19.030 - Findings 19.040 - P.U.D. and PC.D. Procedures 19.050 - Permits 19.060 - Model Homes 19.070 - Changes in the Unit Development Plan or General Development Plan	19-1
Chapter 20	<u>Signs</u> 20.010 - Purposes 20.020 - Definitions 20.030 - General Provisions 20.040 - Signs in Open Space and Parks, Agricultural, Residential Districts, and Civic Facilities Districts 20.050 - Signs in Commercial, Mixed Use, Business Park and Industrial Districts 20.060 - Signs in Mobile Home Districts 20.070 - Temporary Subdivision and Construction Signs - Conformity with Regulations 20.080 - Outdoor Advertising Structures 20.090 - Trailblazer Signs 20.100 - Political and Campaign Signs 20.110 - Signs Exempted from Permit 20.120 - Appeal 20.130 - Sign Permit 20.140 - Procedure for Permit to Erect Adjacent to Freeway 20.150 - Nearest to Freeways Restricted 20.160 - Unsafe and Insecure Signs 20.170 - Removal of Unused Signs 20.180 - Obstructions Prohibited - Attaching to Certain Items Prohibited 20.190 - Traffic Hazard Prohibited 20.200 - When Sign Surface to be Smooth 20.210 - Projecting Signs 20.220 - Existing Signs 20.230 - Non-Conforming Signs	20-1

Chapter Number	Title/Contents	Page #
Chapter 21	<p><u>Performance Standards</u> 21.010 - Purpose of Performance Standards 21.020 - General 21.030 - Non-Residential Uses Abutting Residential Uses 21.040 - Dangerous And Objectionable Elements A. Noise Regulations B. Vibration C. Odors D. Glare E. Fire and Explosion Hazards F. Heat G. Radioactivity or Electric Disturbance H. Smoke, Fumes, Gases, Dust, Particulate Matter I. Liquid or Solid Wastes</p>	21-1
Chapter 22	<p><u>Non-Conforming Uses</u> 22.010 - Purpose 22.020 - Definitions 22.030 - Regulation of Non-conforming Uses and Structures 22.040 - Non-Conformity by Reason of Non-Compliance with Performance Standards or Absence of a Conditional Use Permit 22.050 - Construction Approved Prior to Ordinance</p>	22-1
Chapter 23	<p><u>Development Agreements</u> 23.010 - Purpose 23.020 - Where Used: Nature of Agreement 23.030 - Development Agreement Authorized 23.040 - Procedures 23.050 - Application 23.060 - Additional Requirements 23.070 - Hearings Required 23.080 - Periodic Review 23.090 - Requirements of Agreement 23.100 - Enforceability, Remedies 23.110 - Effect of Agreement 23.120 - Amendment: Cancellation 23.130 - Recordation 23.140 - Conflicting Regulations</p>	23-1
Chapter 24	<p><u>Administrative Procedures</u> 24.010 - Site Plan and Architectural Review 24.020 - Zoning Administrator 24.030 - Conditional Use Permits 24.040 - Exceptions to Required Setbacks 24.050 - Variances 24.060 - Variances in Floodways 24.070 - Appeals 24.080 - Issuance of Permit or License</p>	24-1

Chapter Number	Title/Contents	Page #
Chapter 25	<p><u>Amendments</u> 25.010 - Amendment 25.020 - Application for Amendment 25.030 - Accompanying Maps and Data 25.040 - Investigation and Report 25.050 - Public Hearings 25.060 - Submission of Recommended Amendment to City Council 25.070 - Findings by City Council 25.080 - Changes by City Council 25.090 - Effect of Denial of Application</p>	25-1
Chapter 26	<p><u>Enforcement</u> 26.010 - Enforcement 26.020 - Violations and Penalties 26.030 - Enactment</p>	26-1
Chapter 27	<p><u>Residential Density Bonus</u> 27.010 – Purpose and Intent 27.020 – Definitions 27.030 – Eligibility Criteria 27.040 – Density Bonus Calculation 27.050 – Development Standards for Affordable Units 27.060 – Density Bonus for Development of Child Care Facility 27.070 – Development Concessions and Incentives 27.080 – General Application Requirements 27.090 – Density Bonus Housing Agreement</p>	27-1
Chapter 28	<p><u>Glossary</u> 28.010 - Purpose 28.020 - Definitions of Specialized Terms and Phrases</p>	28-1

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 1

Purpose and Applicability of Zoning Ordinance

1.010 - Purposes of the Zoning Ordinance

The City of Petaluma Zoning Ordinance carries out the policies of the Petaluma General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Zoning Ordinance is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City.

1.020 - Authority for the Zoning Ordinance

This Zoning Ordinance is enacted based on the authority vested in the City of Petaluma by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (California Government Code Sections 65000 et seq.); and the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.).

1.030 - Responsibility for Administration

- A. **Responsible bodies and individuals.** This Zoning Ordinance shall be administered by: the Petaluma City Council, hereafter referred to as the "Council;" the Planning Commission, referred to as the "Commission;" the Community Development Director, referred to as the "Director;" and the Petaluma Community Development Department, hereafter referred to as the "Department." This Zoning Ordinance may refer to these bodies and individuals individually and collectively as the "review authority." See also Chapter 24 (Administrative Procedures).
- B. **Exercise of discretion.** If a provision of this Zoning Ordinance allows a review authority to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:
 - 1. The proposed project complies with all applicable provisions of this Zoning Ordinance;
 - 2. The exercise of discretion will act to ensure the compatibility of the proposed project with its site, surrounding properties, and the community; and
 - 3. The decision is consistent with the General Plan.

1.040 - Applicability of the Zoning Ordinance

This Zoning Ordinance applies to all land uses, subdivisions, and development within the City of Petaluma, as follows.

- A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Zoning Ordinance for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 3.020 (General Requirements for Development and New Land Uses), and Chapter 22 (Nonconforming Uses and Structures). No Planning Permit, Building Permit or Grading Permit shall be issued by the City unless the proposed construction complies with all applicable provisions of this Zoning Ordinance.
- B. **Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Zoning Ordinance shall be consistent with the minimum lot size and dimensions requirements of Chapter 4 (Zones Districts) and all other applicable requirements of this Zoning Ordinance.
- C. **Minimum requirements.** The provisions of this Zoning Ordinance shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Ordinance provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Zoning Ordinance, as may be determined by the review authority to be necessary to promote appropriate land use and development, environmental resource protection, and the other purposes of this Zoning Ordinance.
- D. **Conflicting requirements:**

1. **Zoning Ordinance requirements.** If different requirements within this Zoning Ordinance conflict, the provisions of Chapters 6, 15, 16, and 17 (Floodway/Flood Plain, Preservation of the Cultural and Historic Environment, Hillside Protection, and Tree Preservation) control over the provisions of Chapter 4.
 2. **Zoning Ordinance and Municipal Code provisions.** If a conflict occurs between requirements of this Zoning Ordinance and requirements of the Petaluma Municipal Code, or other regulations of the City, the most restrictive shall apply.
 3. **Development agreements or specific plans.** If a conflict occurs between the requirements of this Zoning Ordinance and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
 4. **Private agreements.** This Zoning Ordinance applies to all development and land uses regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction.
- E. **Other requirements may apply.** Nothing in this Zoning Ordinance eliminates the need for obtaining any other permit required by the City, or any permit, approval or entitlement required by another special district or agency, or the regulations of any State or Federal agency.

1.050 - Rules of Interpretation

- A. **Authority.** The Director has the authority to interpret any provision of this Zoning Ordinance. If the Director determines that the meaning or applicability of any Zoning Ordinance requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination.
- B. **Language.** When used in this Zoning Ordinance, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to. . .".
- C. **Time limits.** Whenever a number of days is specified in this Zoning Ordinance, or in any permit, condition of approval, or notice provided in compliance with this Zoning Ordinance, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.
- D. **Zoning Map boundaries.** See Section 2.020 (Zoning Map and Zones).
- E. **Allowable uses of land.** See Section 3.030 (Allowable Land Uses and Planning Permit Requirements).
- F. **State law requirements.** Where this Zoning Ordinance references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to mean the applicable State law provisions as they may be amended from time to time.
- G. **Conflicting requirements.** See Section 1.040 (D) (Conflicting requirements).

Chapter 2 Zoning Map and Zones

2.010 - Purpose

This Chapter establishes the zones applied to property within the City and adopts the City's Zoning Map.

2.020 - Zoning Map and Zones

The Council hereby adopts the City of Petaluma Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. The Zoning Map is hereby incorporated into this Zoning Ordinance by reference as though it were fully included here.

- A. **Zones established.** The City of Petaluma shall be divided into zones that implement the Petaluma General Plan. The zones shown in Table 2-1 (Zones) are hereby established, and shall be shown on the Zoning Map as the map is adopted by the Council, or as amended by the Council from time-to-time.

- B. **Interpretation of zone boundaries.** If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Director as follows.
 - 1. Where a zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the zone boundary, as applicable;
 - 2. If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the Zoning Map, the location of the boundary will be determined by using the scale appearing on the Zoning Map; and
 - 3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the vacated or abandoned street or alley.

TABLE 2-1 - ZONES

Zone Symbol	Name of Zone	General Plan Designation Implemented by Zone
-------------	--------------	--

Natural, Rural, and Low Density Zones

OSP	Open Space and Parks	Open Space and Parks
AG	Agriculture	Agriculture
RR	Rural Residential	Rural Residential
R1	Residential 1	Very Low Density Residential

Residential Zones

R2	Residential 2	Low Density Residential
R3	Residential 3	Diverse Low Density Residential
R4	Residential 4	Medium Density Residential
R5	Residential 5	High Density Residential
MH	Mobile Home	Mobile Home

Mixed Use Zones and Commercial Districts

C1	Commercial 1	Neighborhood Commercial
C2	Commercial 2	Community Commercial
MU1A	Mixed Use 1A	Mixed Use
MU1B	Mixed Use 1B	Mixed Use
MU1C	Mixed Use 1C	Mixed Use
MU2	Mixed Use 2	Mixed Use

Business, Industrial and Other Special Districts

BP	Business Park District	Business Park
I	Industrial District	Industrial
CF	Civic Facility District	Public/Semi-Public Education
PUD	Planned Unit District	
PCD	Planned Community District	

Overlay Zones

-FP	Floodplain	Floodplain
-H	Historic	
-T	Theater District	

Chapter 3 Development and Land Use Approval Requirements

3.010 - Purpose

This Chapter describes the City's requirements for the approval of proposed development and new land uses. The permit requirements established by this Zoning Ordinance for specific land uses are in Chapters 4 through 10.

3.020 - General Requirements for Development and New Land Uses

Each structure and land use shall be designed, established, constructed, reconstructed, altered, moved and/or replaced in compliance with the following requirements.

- A. **Allowed use.** The land use shall be allowed by this Zoning Ordinance in the zone applied to the site. The basis for determining whether a use is allowable is described in Section 3.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Permit and approval requirements.** Any planning permit or other approval required by Section 3.030 (Allowable Land Uses and Planning Permit Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before any development or other act to locate, establish, or otherwise operate a proposed use on a site.
- C. **Development standards, conditions of approval.** Each land use and structure shall comply with the development standards of Chapter 4, all other applicable standards and requirements in this Zoning Ordinance, and any applicable conditions imposed by a previously granted planning permit.
- D. **Legal lot.** The site of a proposed development or new land use shall be a lot that was legally created in compliance with the Subdivision Map Act and the City's subdivision regulations.

3.030 - Allowable Land Uses and Planning Permit Requirements

- A. **Allowable land uses.** The uses of land allowed by this Zoning Ordinance in each zone are listed in tables of allowable land uses in Chapters 4 and 6 together with the type of planning permit required for each use. Each land use listed in the tables is defined in the Glossary.
- B. **Establishment of an allowable use.**
 - 1. Any one or more land uses identified by the tables in Chapter 4 as being allowable within a specific zone may be established on any lot within the zone, subject to the planning permit requirements of Subsection B, and compliance with all applicable requirements of this Zoning Ordinance.
 - 2. Where a single lot is proposed to be simultaneously occupied by two or more land uses listed in the tables, the overall project shall be subject to the highest permit level required by Subsection B. for any individual use. For example, a site proposed for development or occupancy with a use that is listed as permitted, and also a use that is listed as requiring a Conditional Use Permit shall require Conditional Use Permit approval for all development and uses.
- C. **Use not listed.**
 - 1. A land use that is not listed in the tables in Chapter 4 and is determined by the Director to not be included in the Zoning Ordinance Glossary under the definition of a listed land use, is not allowed within the City, except as otherwise provided Subsection A.3.
 - 2. A land use that is listed in the tables, but not within a particular zone, is not allowed within that zone, except as otherwise provided in Subsection A.3.
 - 3. **Similar and compatible use may be allowed.** The Director may determine that a proposed use not listed in this Chapter is allowable in one or more specific zones as follows:

- D. **Required findings.** The Director may determine that a proposed use is similar to and compatible with a listed use and may be allowed, after first making all of the following findings with the determination that:
1. The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone;
 2. The use is consistent with the purposes of the applicable zone;
 3. The use is consistent with the General Plan, and any applicable specific plan;
 4. The use will be compatible with the other uses allowed in the zone; and
 5. The use is not listed as allowed in another zone.
- E. **Applicable standards and permit requirements.** When the Director determines that a proposed, but unlisted, use is similar and compatible to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Zoning Ordinance apply.
- F. **Referral for determination.** The Director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination at a public meeting.
- G. **Appeal.** A determination of similar and compatible use may be appealed in compliance with **Section 24.070** (Appeals).
- H. **Permit requirements.** The tables listing allowable land uses in Chapter 4 provide for land uses that are:
1. Permitted subject to compliance with all applicable provisions of this Zoning Ordinance. These are shown as "P" uses in the tables;
 2. Allowed subject to the approval of a Conditional Use Permit (Section 24.030), and shown as "CUP" uses in the tables;
 3. Allowed subject to the type of City approval required by a specific provision of Chapter 7 (Standards for Specific Land Uses), and shown as "S" uses in the tables; and
 4. Not allowed in particular zones, and shown as " — " in the tables.

Note: A permitted land use, or a use authorized through the approval of a Conditional Use Permit may also require Site Plan and Architectural Review (Section 24.010), a Building Permit, and/or other permit required by the Municipal Code.

3.040 – Inclusionary Housing

This section shall govern inclusionary housing as part of residential development pursuant to Housing Element Policy 4.2 and associated Program 4.3.

- A. **Applicability.** The provisions of this section shall apply to all residential projects of five or more units, including residential components of mixed-use projects.
- B. **Requirements.** All residential projects of five or more units shall comply with the following requirements:
1. **Location.** Unless otherwise permitted in accordance with this section, inclusionary housing units shall be provided on the site of the residential development.

2. **Quantity.** The number of onsite inclusionary housing units shall be equal to or greater than 15 percent of the total number of residential units or lots in the residential project.
 3. **Income Levels.** The following income restrictions shall apply based on the ownership structure of the residential project.
 - a. Inclusionary housing units in a rental project shall be made affordable to very low and low income households as follows: 7.5% of the total number of residential units or lots in the residential project shall be affordable to very low income households and 7.5% of the total number of residential units or lots in the residential project shall be affordable to low income households.
 - b. Inclusionary housing units in an ownership project shall be made affordable to low and moderate income households as follows: 7.5% of the total number of residential units or lots in the residential project shall be affordable to low income households and 7.5% of the total number of residential units or lots in the residential project shall be affordable to moderate income households.
 4. **Duration.** Affordable units required pursuant to this section shall be made subject to affordability covenants that are binding on owners of the units and their successors for a duration of at least 55 years in the case of rental projects and for a duration of at least 45 years in the case of ownership projects.
 5. **Fractional Units.** In determining the number of inclusionary units required to be provided pursuant to this section, fractional units shall be rounded up to the nearest whole integer. For fractions less than 0.5 the number shall be rounded down and the fractional unit shall be paid by applicable in-lieu fee. For fractions 0.5 or greater, the number shall be rounded up to the nearest whole integer to provide onsite units. For example, in the case of a 20 unit residential rental project, provision (B)(3)(a) would require making 7.5% or 1.5 of the units affordable to very low income households, and 7.5% or 1.5 of the units affordable to low income households. In this example, the inclusionary unit obligation for the project would be rounded up to 2 units affordable to very low income households and 2 units affordable to low income households.
- C. **Inclusionary unit development standards.** In addition to other development standards and requirements set forth in this ordinance and other applicable laws and regulations, all inclusionary housing units shall be consistent with the following standards:
1. Inclusionary units shall be constructed and occupied concurrently with or prior to the construction and occupancy of the market rate residential units in the project, unless an alternative schedule based on extenuating circumstances is adopted as part of the project approval. In phased projects inclusionary units shall be constructed and occupied in proportion to the number of units in each phase of the project.
 2. Inclusionary units shall be distributed throughout the residential project site, to the fullest extent practicable.
 3. The design, appearance and general quality of the affordable units shall be comparable and compatible with the design of the market rate units as determined through the Site Plan and Architectural Review process, provided that all other zoning and building codes are met.
- D. **Alternative Compliance.** At the sole discretion of the City Council, a project's inclusionary housing requirement may be met through alternative compliance in one of the following ways or a combination thereof:
1. Donation of a portion of the project site or an off-site property to the City or a non-profit organization deemed acceptable by the City for development of affordable housing; or
 2. Payment of a housing in-lieu fee established by the City's adopted fee schedule; or
 3. Alternative mixture of units by income levels; or

4. Use of an alternative method, such as provision of a smaller percentage of onsite inclusionary units coupled with payment of in-lieu fee for the inclusionary units not provided.
- E. **Submittal Requirements.** All applications submitted to the City for development of a residential project of five or more units or a mixed-use project including a residential component of five or more units shall include the proposed method of satisfying the requirements of this section. Compliance with the inclusionary housing requirements shall be reviewed as part of the development review process and presented to the decision making body as part of the overall project analysis for consistency with both the City's General Plan and this section. Submittal requirements to demonstrate compliance with this section shall include the following:
1. Total number of residential units in the project
 2. Number of onsite inclusionary units
 3. Proposed sale price of both market rate and inclusionary units and/or proposed rental price for both market rate and inclusionary units
 4. Location of onsite inclusionary units within the project
 5. Size and bedroom count for the proposed inclusionary units
 6. Should the applicant wish to request alternative compliance from the City Council, the application shall include the request and describe the method and details of proposed alternative for compliance. In considering requests from a developer for alternative compliance to creating inclusionary affordable units, the City Council's consideration will include whether creating inclusionary affordable units would render the overall project financially infeasible under then current economic conditions. To that end, the developer may, at its option and at its own expense, provide its project financial information to an independent third-party housing/real estate analyst retained by the City to conduct a financial feasibility analysis. The independent analysis will be conducted utilizing the applicant's data, and any additional information that may be required of the developer to complete a thorough assessment. The independent analyst shall employ recognized best practices for the industry and render a detailed recommendation to the City Council to support its conclusions. Any of the developer's sensitive proprietary information shall be redacted before making the report public to the extent permitted by law.

Chapter 4

Zone Districts and Allowable Land Uses

4.010 - Purpose

This Chapter lists the land uses that may be allowed by Section 2.020 (Zoning Map and Zones), determines the type of planning permit approval required for each use, and provides basic standards for site layout and building size.

4.020 – Purpose of Established Zones

- A. **OSP (Open Space and Park) zone.** The OSP zone is applied to undeveloped areas and sites that are appropriate for the preservation of natural resources, outdoor recreation, to be maintained in open space for the protection of public health and safety, and existing City public parks. City parks located in this zone may include buildings, structures, and uses that serve the community (e.g. Luchessi Community Center, Novak Center, Cavanaugh Center, Library, Water Resources building, etc.). The OSP zone is consistent with and implements the Urban Separator, Open Space, and City Park land use classifications of the General Plan.
- B. **AG (Agriculture) zone.** The AG zone is applied to areas that are actively and primarily used for grazing, or the production for sale of food and fiber. Areas subject to seasonal or historic flooding and identified by FEMA as areas warranting special consideration are included. The AG zone is consistent with and implements the Agriculture land use classification of the General Plan.
- C. **RR (Rural Residential) zone.** The RR zone is applied to areas of single dwelling development with a minimum lot size of 2 acres. This zone would be applied primarily to areas at the western perimeter of the City along the Urban Growth Boundary that are developed with single dwellings at densities ranging from 0.1 to 0.6 units per acre. This zone is intended to maintain a rural character and provide a transition to unincorporated rural and agricultural lands. The RR zone is consistent with and implements the Rural Residential land use classification of the General Plan.
- D. **R1 (Residential 1) zone.** The R1 zone is applied to areas of single dwelling development, primarily the western hillsides, with densities ranging from 0.6 to 2.5 units per acre, and larger lots required for sloped sites. The R1 zone is consistent with and implements the Very Low Density Residential land use classification of the General Plan.
- E. **R2 (Residential 2) zone.** The R2 zone is applied to areas previously developed and intended for detached single dwellings on individual lots, at densities ranging from 2.6 to 8.0 units per acre. The R2 zone is consistent with and implements the Low Density Residential land use classification of the General Plan.
- F. **R3 (Residential 3) zone.** The R3 zone is applied to the older neighborhoods surrounding the downtown that are characterized by a variety of housing types and densities in a walkable context. Densities range from 6.1 to 12.0 units per acre. The R3 zone is consistent with and implements the Diverse Low Density Residential land use classification of the General Plan.
- G. **R4 (Residential 4) zone.** The R4 zone is applied to areas intended for a variety of housing types ranging from single dwellings to multi-unit structures. Densities range from 8.1 to 18.0 units per acre. The R4 zone is consistent with and implements the Medium Density Residential land use classifications of the General Plan.
- H. **R5 (Residential 5) zone.** The R5 zone is applied to areas intended for the most urban housing types at densities ranging from 18.1 to 30.0 units per acre, but where existing lower density housing is considered conforming. The R5 zone is consistent with and implements the High Density Residential land use classification of the General Plan.
- I. **MH (Mobile Home) zone.** The MH zone is applied to existing mobile home parks throughout the City. The MH zone is consistent with the Mobile Home land use classification of the General Plan.
- J. **C1 (Commercial 1) zone.** The C1 zone is applied to existing smaller-scale shopping centers with off-street parking, or clusters of street-front stores that serve the surrounding neighborhood. The C1 zone is consistent with and implements the Neighborhood Commercial land use classification of the General Plan, which establishes a maximum floor area ratio of 0.8 for the classification.

- K. **C2 (Commercial 2) zone.** The C2 zone is applied to existing community and regional shopping center sites. The C2 district is consistent with and implements the Community Commercial land use classification of the General Plan, which establishes a maximum floor area ratio of 1.2 for the classification.
- L. **MU1A, MU1B, MU1C (Mixed Use 1) zone.** The MU1 zone is applied to areas intended for pedestrian-oriented, mixed-use development with ground-floor retail or office uses adjacent to the Downtown Core, and in other areas of the city where existing auto-oriented commercial areas are intended for improvement into pedestrian-oriented mixed use development. The MU1 zone is consistent with and implements the Mixed Use land use classification of the General Plan, which establishes a maximum floor area ratio of 2.5 for both residential and non-residential uses within the classification, and a maximum density of 30 units per acre for residential.

Note:

- Mixed Use 1A zone. This zone is applied to parcels located along corridors such as East Washington Street, Petaluma Boulevard North, Bodega Avenue and Lakeville Street. The parcels in these zones vary in size and are typically located adjacent to residential zones.
 - Mixed Use 1B zone. This zone is applied to larger parcels located primarily along major arterial roadways. The larger parcel size should allow for a mix of uses on the site.
 - Mixed Use 1C zone. This zone is applied to smaller parcels located in West Petaluma. Most of these parcels are located in residential areas and the intensity of the uses permitted in this zone is limited.
- M. **MU2 (Mixed Use 2) zone.** The MU2 zone is applied to the Petaluma Downtown and adjacent areas that are intended to evolve into the same physical form and character of development as that in the historic downtown area. The MU2 zone is consistent with and implements the Mixed Use land use classification of the General Plan, which establishes a maximum floor area ratio of 2.5 for both residential and non-residential uses within the classification, and a maximum density of 30 units per acre for residential.
- N. **BP (Business Park) zone.** The BP zone is intended for business and professional offices, technology park clusters, research and development, light industrial operations, and visitor service establishments, with retail as a secondary use only. The BP zone is consistent with and implements the Business Park land use classification of the General Plan, which establishes a maximum floor area ratio of 1.5 for the classification, although an FAR of 3.0 is allowed if all required parking is structured.
- O. **I (Industrial) zone.** The I zone is applied to areas that are appropriate for a full range of manufacturing, industrial processing, general service, warehousing, storage and distribution operations. Small restaurants and service commercial are allowed as ancillary uses. The I zone is consistent with and implements the Industrial land use classification of the General Plan, which establishes a maximum floor area ratio of 0.6 for the classification.
- P. **CF (Civic Facility) district.** The CF zone is applied to sites for proposed public utility facilities, government offices, community service uses and lands, and significant sites owned and operated by the elementary, secondary, or community college districts, as well as private and/or parochial schools. The zone implements and is consistent with the Public/Semi-Public, and Education classifications of the General Plan.
- Q. **FW (Floodway) zone.** The FW zone is applied to sites within the boundaries of the "Areas of Special Flood Hazard" and identified as "Floodway" areas. See Chapter 6 for the requirements of the Floodway zone.
- R. **Planned Unit Districts and Planned Community Districts.** The historic use of P.U.D.s and P.C.D.s for the development of residential, industrial, and commercial properties in various zones in which the underlying P.U.D. and/or P.C.D. uses are permitted is hereby recognized. Non-residential P.C.D.s in existence as of May 19, 2008, and residential P.U.D.s are recognized to be consistent with the intent of these regulations by the establishment of their individual and respective P.U.D. and P.C.D. standards. Development and redevelopment of lands within P.U.D.s and P.C.D.s, including modification of P.C.D.s and/or addition of land to P.C.D.s, shall be in accordance with the individual adopted standards for said P.U.D. or P.C.D. and other applicable zoning standards not otherwise modified by the P.U.D. or P.C.D. adopted standards. The creation and modification of P.U.D.s, and the modification and/or addition of land to P.C.D.s existing as of May 19, 2008, is regulated by Chapter 19 herein. The creation of

wholly new P.C.D.s, or the addition of land to a P.C.D. where the expansion area is not immediately adjacent, is not permitted by this Ordinance.

4.030 - Allowable Land Uses and Permit Requirements

- A. **General permit requirements.** Tables 4.1 through 4.5 identify the land uses allowed by this Zoning Ordinance in each zone, and the planning permit required to establish each use, in compliance with Section 3.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Tables 4.1 through 4.5 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Conditional Use Permit, and/or may establish other requirements and standards applicable to the use.

4.040 - Site Planning and Building Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Tables 4.6 through 4.13, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Chapters 11, 13, 14.

4.050 – Dedication Required and Exceptions

- A. **Dedication required.** The developer shall dedicate any necessary right-of-way to the City to the alignment established by plan lines established in Chapter 13.20 of the Petaluma Municipal Code, or to an alignment consistent with applicable City right-of-way standards across the entire frontage or frontages and shall construct public improvements (including, but not limited to curbs, gutters, sidewalk, half street, water mains, storm drains and sanitary sewers) across such frontage to current city standards, whenever a development project is located, or which is proposed to be located:
 - 1. Upon one or more streets or roads where future right-of-way plan lines have been established pursuant to Chapter 13.20 of the Petaluma Municipal Code, or
 - 2. Upon one or more streets or roads which are not improved with existing curbs, gutters, sidewalks and other contiguous street improvements across the frontage or frontages of the property upon which said development project is located, or
 - 3. Upon a parcel of real property which has frontage on a dedicated street right-of-way where no such improvements have been constructed contiguous to the parcel upon which the development project is located. Nothing in this section shall be construed to prevent the City from requiring construction of frontage improvements pursuant to any other ordinance or regulation of the city.
- B. **Exceptions. Section 4.050(A)** shall not apply when any one or more of the following conditions exist:
 - 1. Where a condition of any subdivision or parcel map requires dedication and construction or public improvements as a condition of approval of the same development project.
 - 2. Where the value of the construction is less than \$10,000. This valuation may be raised by resolution of the City Council to compensate for inflation and increased building costs.
 - 3. Where the proposed development project is clearly accessory as determined by standards in the Zoning Ordinance, to an existing use upon the property.
 - 4. Where the development project consists primarily of the rehabilitation of an existing structure, when no change of use will occur.
 - 5. Where the developer establishes that the required dedication would render the real property upon which

the development project is to be constructed substantially valueless for any private use, but final determination of such fact shall be made only by the City Council upon petition of the developer or owner.

Natural and Rural Zones					
TABLE 4.1 Allowed Land Uses and Permit Requirements for Natural and Rural Zones	P(16) Permitted Use CUP Conditional Use Permit Required S Permit Requirement in Specific Use Regulations A Accessory Use — Use Not Allowed				
	LAND USE TYPE (1)	Permit Required by Zone			
	OSP	AG	RR	R1	
AGRICULTURAL & RESOURCE USES					
Crop production, horticulture, orchard, vineyard	P	P	P	P	
Farm animal keeping	P	P	P	P	
LODGING					
Lodging - Short-Term Vacation Rentals	—	—	P(15)	P(15)	Section 7.110
Lodging - Bed & Breakfast Inn	—	—	—	CUP	Section 7.100
RECREATION, EDUCATION & PUBLIC ASSEMBLY					
Community Meeting Facility	—	CUP	CUP	CUP	
Commercial recreation - Indoor	—	—	—	—	
Commercial recreation - Outdoor	—	—	—	—	
Golf course, country club	CUP	—	—	—	
Park	P	P	P	P	
School - Elementary, secondary, or college, private	—	CUP	CUP	CUP	
RESIDENTIAL					
Dwelling, Accessory	—	A,S	A,S	A,S	Section 7.030
Dwelling, Junior Accessory	—	A,S	A,S	A,S	Section 7.035
Dwelling, Caretaker	—	—	—	—	
Dwelling, Group	—	—	S(5)	S(5)	Section 7.040
Dwelling, Multiple	—	—	—	—	
Dwelling, Single Household	—	P	P	P	
Home Occupation	—	A,S(2)	A,S(2)	A,S(2)	Section 7.050
Residential, Accessory Structure	—	A	A	A	
Residential Care, 6 or fewer clients, in a home	—	—	P	P	
Residential Care, 7 or more clients	—	—	—	—	
Swimming Pool, Hot Tub, Spa	—	—	A,S	A,S	
Work/Live	—	—	—	—	
SERVICES - GENERAL					
Day care - Large family day care home	—	—	A(4)	A(4)	Section 7.060
Day care - Small family day care home	—	—	A(3)	A(3)	
Public safety facility	—	—	P	P	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE					
City Water & Sewer Facility	CUP	P	P	P	
Telecommunications Facility	S	S	S	S	Section 7.090 & Muni Code 14.44
Key to zone symbols					
OS - Open Space	RR - Rural Residential				
AG - Agriculture	R1 - Residential 1				

Notes:

- (1) See glossary for land use definitions.
- (2) Home Occupation Permit and Business License Required
- (3) Business License Required
- (4) Business License & Compliance with Section 7.060 Required
- (5) Site Plan and Architectural Review Required & Compliance with Section 7.040 Required
- (6) Use allowed only on an upper floor or behind a ground floor street fronting use; use in other locations allowed subject to a CUP
- (7) Permitted use (P) if limited to a maximum of 5,000 square feet on the ground floor
- (8) A CUP is required for overnight board and care
- (9) Neighborhood serving and open at lunch
- (10) Allowed only on floors above the ground floor
- (11) Urgent care facilities may be located on the ground floor as a street fronting use
- (12) Allowed only in a shopping center
- (13) Use permitted only on Lakeville Highway between Baywood Drive and Casa Grande Road
- (14) See section 21.030 (Residential Uses Abutting Non-Residential Uses)
- (15) Short-term vacation rental permit, business license and transient occupancy tax certificate required (see section 7.110 of Implementing Zoning Ordinance)

Residential Zones						
TABLE 4.2 Allowed Land Uses and Permit Requirements for Residential Uses	P(16)	Permitted Use				
	CUP	Conditional Use Permit Required				
	S	Permit Requirement in Specific Use Regulations				
	A	Accessory Use				
	—	Use Not Allowed				
LAND USE TYPE (1)	Permit Required by Zone				Specific Use Regulations	
	R2	R3	R4	R5		
LODGING						
Lodging - Short-Term Vacation Rentals	P(15)	P(15)	P(15)	P(15)	Section 7.110	
Lodging -Bed & breakfast inn (B & B)	CUP	CUP	—	—	Section 7.100	
RECREATION, EDUCATION & PUBLIC ASSEMBLY						
Community Meeting Facility	CUP	CUP	CUP	CUP		
Golf course, country club	—	—	—	—		
Park	P	P	P	P		
School - Elementary, secondary, or college, private	CUP	CUP	CUP	CUP		
RESIDENTIAL						
Dwelling, Accessory	A,S	A,S	A,S	—	Section 7.030	
Dwelling, Junior Accessory	A,S	A,S	A,S	—	Section 7.035	
Dwelling, Group	S(5)	S(5)	—	—	Section 7.040	
Dwelling, Multiple	—	P	P	P		
Dwelling, Single Household	P	P	P	P		
Home Occupation	A,S(2)	A,S(2)	A,S(2)	A,S(2)	Section 7.050	
Residential, Accessory Structure	A	A	A	A		
Residential Care, 6 or fewer clients, in a home	P	P	P	P		
Residential Care, 7 or more clients	—	—	—	—		
Swimming Pool, Hot Tub, Spa	A,S	A,S	A,S	A,S	Section 7.080	
Work/Live	—	—	—	—		
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL						
Medical services -Major	—	—	—	—		
Medical Services-Minor	—	—	—	—		
SERVICES - GENERAL						
Adult day program	—	—	—	—		
Child care center	—	—	—	—		
Day care - Large Family	A (4)	A (4)	A (4)	A (4)	Section 7.060	
Day care - Small Family	A(3)	A(3)	A(3)	A(3)		
Public safety facility	P	P	P	P		
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE						
City Water & Sewer Facility	P	P	P	P		
Telecommunications facility	S	S	S	S	Section 7.090 & Muni Code 14.44	
Utility facility	—	—	—	—		

Key to zone symbols

R2 - Residential 2

R3 - Residential 3

R4 - Residential 4

R5 - Residential 5

Notes:

- (1) See glossary for land use definitions.
- (2) Home Occupation Permit and Business License Required
- (3) Business License Required
- (4) Business License & Compliance with Section 7.060 Required
- (5) Site Plan and Architectural Review Required & Compliance with Section 7.040 Required
- (6) Use allowed only on an upper floor or behind a ground floor street fronting use; use in other locations allowed subject to a CUP
- (7) Permitted use (P) if limited to a maximum of 5,000 square feet on the ground floor
- (8) A CUP is required for overnight board and care
- (9) Neighborhood serving and open at lunch
- (10) Allowed only on floors above the ground floor
- (11) Urgent care facilities may be located on the ground floor as a street fronting use
- (12) Allowed only in a shopping center
- (13) Use permitted only on Lakeville Highway between Baywood Drive and Casa Grande Road
- (14) See section 21.030 (Residential Uses Abutting Non-Residential Uses)
- (15) Short-term vacation rental permit, business license and transient occupancy tax certificate required (see section 7.110 of Implementing Zoning Ordinance)

Mixed Use Zones						
TABLE 4.3 Allowed Land Uses and Permit Requirements for Mixed Use Zones	P(16)	Permitted Use				
	CUP	Conditional Use Permit Required				
	S	Permit Requirement in Specific Use Regulations				
	A	Accessory Use				
	—	Use Not Allowed				
LAND USE TYPE (1)	Permit Required by Zone				Specific Use Regulations	
	MU1A	MU1B	MU1C	MU2		
INDUSTRY, MANUFACTURING & PROCESSING						
Artisan/craft product manufacturing	P	P	—	CUP(6)		
Catering service, as a primary use	P(6)	P	—	P(6)		
Furniture and fixture manufacturing, cabinet making	—	P	—	—		
Laboratory - Medical, analytical	—	P	—	—		
Manufacturing, light	—	P(14)	—	—		
Media production	P(6)	P	—	P(6)		
Printing and publishing	P(6)	P	—	P(6)		
Research and development	—	P	—	—		
LODGING						
Lodging - Short-Term Vacation Rentals	P(15)	P(15)	P(15)	P(15)	Section 7.110	
Lodging - Bed & breakfast inn (B&B)	—	—	—	P		
Lodging - Hotel/Motel	P	P	—	P		
RECREATION, EDUCATION & PUBLIC ASSEMBLY						
Cardroom	CUP	CUP	—	CUP	Chapter 9	
Community Meeting Facility	CUP	CUP	CUP	CUP		
Commercial recreation - Indoor	CUP	CUP	—	P(6)		
Fitness/health facility	P	P	—	P		
Library, museum, art gallery	P	P	—	P		
Park	P	P	P	P		
School - Elementary, secondary, or college, private	CUP	CUP	CUP	CUP		
School - Specialized Education and Training	CUP	CUP	—	CUP		
Studio - Art, dance, martial arts, music, etc.	P	P	—	P		
Theater, cinema or performing arts	CUP	CUP	—	CUP	Theater District Ord. 2158	
RESIDENTIAL						
Dwelling, Multiple	CUP	CUP	P	—		
Dwelling, Accessory	—	—	A,S	—	Section 7.030	
Dwelling, Junior Accessory	—	—	A,S	—	Section 7.035	
Dwelling, Single	—	—	P	—		
Home Occupation	A,S(2)	A,S(2)	A,S(2)	A,S(2)	Section 7.050	
Residential care, 7 or more clients	P(10)	P(10)	P	CUP(10)		
Residential care facility, adult	P(6)	P(6)	—	CUP(10)		
Residential care facility, for the chronically ill	P(6)	P(6)	—	CUP(10)		
Residential care facility, for the elderly	P(6)	P(6)	—	CUP(10)		
Residential in mixed use building	P(10)	P(10)	P(10)	P(10)		
Work/Live	P(6)	P(6)	P	P(6)		

TABLE 4.3 Allowed Land Uses and Permit Requirements for Mixed Use Zones	P(16) Permitted Use CUP Conditional Use Permit Required S Permit Requirement in Specific Use Regulations A Accessory Use — Use Not Allowed				
	Permit Required by Zone				Specific Use Regulations
	MU1A	MU1B	MU1C	MU2	
RETAIL					
Adult oriented business	CUP	CUP	—	CUP	Chapter 10
Artisan Shop	P	P	—	P	
Auto parts sales	P	P	—	—	
Bar, tavern, night club	CUP	CUP	—	CUP	Chapter 8
Building and landscape materials sales - Indoor	P	P	—	P	
Gas station	CUP	CUP	—	—	
General retail	P	P	—	P	
Groceries/specialty foods - 25,000 sf or less	P	P	—	P	
Groceries/specialty foods - More than 25,000 sf	P	P	—	—	
Plant nursery	P	P	—	—	
Restaurant, café, coffee shop	P	P	CUP	P	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
ATM	P	P	P	P	
Bank, financial services	P	P	—	P	
Business support service	P	P	—	P	
Medical services - Health Care Facility	P(6)	P(6)	—	P(6)	
Medical services - Major	P	P	—	P	
Medical services - Minor	P(6), (11)	P(6), (11)	P	P(6), (11)	
Office - government	P	P	P	P(6)	
Office - Headquarters, or processing	P(6)	P	—	P(6)	
Office - Professional, administrative	P	P	P	P(6)	
SERVICES - GENERAL					
Adult Day Program	CUP	CUP	CUP	P	
Child Care Center	P(6)	P(6)	—	P(6)	
Child day care - Large Family	—	—	A(4)	—	Section 7.060
Child day care - Small Family	A(3)	A(3)	A(3)	A(3)	
Kennel, animal boarding	—	CUP	—	—	
Meals Assembly Business	P(12)	—	—	—	
Mortuary, funeral home	CUP	—	—	—	
Personal services	P	P	—	P	
Personal services - Restricted	P	P	—	P	
Public safety facility	P	P	P	P	
Vehicle services - Minor maintenance/repair	—	P	—	CUP	
Veterinary clinic, animal hospital	P(8)	P(8)	—	P(8)	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE					
City water & sewer facility	P	P	P	P	
Parking facility, public or commercial	CUP	—	—	CUP	
Telecommunications facility	S	S	S	S	Section 7.090 & Muni Code 14.44
Utility facility	CUP	CUP	—	CUP	

Key to zone symbols

MU1A - Mixed Use 1A

MU1B - Mixed Use 1B

MU1C - Mixed Use 1C

MU2 - Mixed Use 2

Notes:

- (1) See Glossary for land use definitions.
- (2) Home Occupation Permit and Business License Required
- (3) Business License Required
- (4) Business License & Compliance with Section 7.060 Required
- (5) Site Plan and Architectural Review Required & Compliance with Section 7.040 Required
- (6) Use allowed only on an upper floor or behind a ground floor street fronting use; use in other locations allowed subject to a CUP
- (7) Permitted use (P) if limited to a maximum of 5,000 square feet on the ground floor
- (8) A CUP is required for overnight board and care
- (9) Neighborhood serving and open at lunch
- (10) Allowed only on floors above the ground floor
- (11) Urgent care facilities may be located on the ground floor as a street fronting use
- (12) Allowed only in a shopping center
- (13) Use permitted only on Lakeville Highway between Baywood Drive and Casa Grande Road
- (14) See section 21.030 (Residential Uses Abutting Non-Residential Uses)
- (15) Short-term vacation rental permit, business license and transient occupancy tax certificate required (section 7.110 of Implementing Zoning Ordinance)

Commercial, Business Park, and Industrial Zones						
TABLE 4.4 Allowed Land Uses and Permit Requirements for Commercial, Business Park, and Industrial Zones	P(16)	Permitted Use				
	CUP	Conditional Use Permit Required				
	S	Permit Requirement in Specific Use Regulations				
	A	Accessory Use				
	—	Use Not Allowed				
LAND USE TYPE (1)	Permit Required by Zone				Specific Use Regulations	
	C1	C2	BP	I		
INDUSTRY, MANUFACTURING & PROCESSING						
Artisan/craft product manufacturing	—	—	P	P		
Catering service, as a primary use	P(6)	P(6)	P	P		
Furniture and fixtures manufacturing, cabinet shop	—	—	—	P		
Laboratory - Medical, analytical	—	—	P	P		
Laboratory - Cannabis	—	—	P(16,17)	P(16,17)	PMC 10.15	
Laundry, dry cleaning plants	—	—	—	P		
Manufacturing/processing - Light	—	—	P	P		
Manufacturing/processing - Medium intensity	—	—	—	P		
Manufacturing/processing - Cannabis	—	—	P(16,17)	P(16,17)	PMC 10.15	
Media production	—	—	P	P		
Petroleum product storage and distribution	—	—	—	CUP		
Printing and publishing	—	—	P	P		
Recycling facility	—	—	CUP	CUP		
Recycling facility - Scrap and dismantling yard	—	—	—	—		
Retail Sale and Delivery - Cannabis	—	—	P(16,17)	P(16,17)	PMC 10.15	
Research and development	—	—	P	P		
Storage yard- outdoor	—	—	—	CUP		
Storage - warehouse, indoor storage	—	—	CUP	P		
Wholesaling and distribution	—	—	P	P		
LODGING						
Lodging - Hotel/Motel	—	P	CUP	—		
RECREATION, EDUCATION & PUBLIC ASSEMBLY						
Cardroom	CUP	CUP	CUP	—	Chapter 9	
Community Meeting Facility	P	P	CUP	CUP		
Commercial recreation - Indoor	—	CUP	CUP	—		
Commercial recreation - Outdoor	—	CUP	—	—		
Conference/convention facility	—	—	CUP	—		
Fitness/health facility	P	P	P	CUP		
Park	P	P	P	P		
School - Elementary, secondary, or college, private	—	—	CUP	—		
School - Specialized Education and Training	P(6)	P(6)	CUP	—		
Sports and entertainment assembly	—	—	—	—		
Studio - Art, dance, martial arts, music, etc.	P	P	P	—		
RESIDENTIAL						
Emergency Shelter	—	—	—	P		
Dwelling, Caretaker	—	—	P	P		
Home Occupation	A, S(2)	A, S(2)	—	—	Section 7.050	
Residential care, 7 or more clients	CUP(10)	CUP(10)	—	—		
Residential care, adult	CUP(10)	CUP(10)	—	—		
Residential care, for the chronically ill	CUP(10)	CUP(10)	—	—		
Residential care, for the elderly	CUP(10)	CUP(10)	—	—		
Residential in mixed use building	P(10)	P(10)	—	—		
Work/Live	P(6)	P(6)	—	—		

TABLE 4.4 Allowed Land Uses and Permit Requirements for Commercial, Business Park, and Industrial Zones	P(16) Permitted Use CUP Conditional Use Permit Required S Permit Requirement in Specific Use Regulations A Accessory Use — Use Not Allowed				
	Permit Required by Zone				Specific Use Regulations
	C1	C2	BP	I	
LAND USE TYPE (1)					
RETAIL					
Adult oriented business	CUP	CUP	—	—	Chapter 10
Artisan Shop	P	P	—	—	
Auto vehical sales and rental	—	—	—	—	
Bar, tavern, night club	CUP	CUP	—	—	Chapter 8
Building and landscape materials sales - Indoor	P	P	—	—	
Building and landscape materials sales - Outdoor	—	—	—	—	
Gas station	P	P	CUP	—	
General retail	P	P	—	—	
Groceries/specialty foods - 25,000 sf or less	P	P	—	—	
Groceries/specialty foods - More than 25,000 sf	P	P	—	—	
Plant nursery	P	P	—	—	
Restaurant, café, coffee shop	P	P	P(9)	P(9)	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
ATM	P	P	P	P	
Bank, financial services	P	P	P	—	
Business support service	P	P	P	P	
Medical services - Health Care Facility	P(6)	P(6)	P	—	
Medical services - Major	—	—	P	—	
Medical services - Minor	P(6), (11)	P(6), (11)	P	—	
Office - government	P	P	P	—	
Office - Headquarters, or processing	P(6)	P(6)	P	—	
Office - Professional, administrative	P	P	P	—	
SERVICES - GENERAL					
Adult Day Program	P	P	P	—	
Child Care Center	P	P	P(6)	P(6)	
Child day care - Large Family	—	—	—	—	
Child day care - Small Family	A(3)	A(3)	—	—	
Kennel, animal boarding	—	—	—	CUP	
Maintenance/repair service - Client site services	—	—	P	P	
Maintenance/repair service - Equipment, appliances	—	—	—	P	
Meals Assembly Business	P(12)	P(12)	—	—	
Mortuary, funeral home	—	—	—	—	
Personal services	P	P	—	—	
Personal services - Restricted	P	P	—	—	
Public safety facility	P	P	P	P	
Vehicle services - Major repair/body work	—	—	—	P	
Vehicle services - Minor maintenance/repair	—	—	—	P	
Veterinary clinic, animal hospital	P(8)	P(8)	P	P	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE					
City water & sewer facility	P	P	P	P	
Parking facility, public or commercial	CUP	CUP	—	—	
Telecommunications facility	S	S	S	S	Section 7.090 & Muni Code 14.44
Utility facility	CUP	CUP	CUP	CUP	

Key to zone symbols:

C1 - Commercial 1

C2 - Commercial 2

BP - Business Park

I - Industrial

Notes:

- (1) See glossary for land use definitions.
- (2) Home Occupation Permit and Business License Required
- (3) Business License Required
- (4) Business License & Compliance with Section 7.060 Required
- (5) Site Plan and Architectural Review Required & Compliance with Section 7.040 Required
- (6) Use allowed only on an upper floor or behind a ground floor street fronting use; use in other locations allowed subject to a CUP
- (7) Permitted use (P) if limited to a maximum of 5,000 square feet on the ground floor
- (8) A CUP is required for overnight board and care
- (9) Neighborhood serving and open at lunch
- (10) Allowed only on floors above the ground floor
- (11) Urgent care facilities may be located on the ground floor as a street fronting use
- (12) Allowed only in a shopping center
- (13) Use permitted only on Lakeville Highway between Baywood Drive and Casa Grande Road
- (14) See section 21.030 (Residential Uses Abutting Non-Residential Uses)
- (15) Short-term vacation rental permit, business license and transient occupancy tax certificate required (see section 7.110 of Implementing Zoning Ordinance)
- (16) Use must be at least 600 feet from a school or a childcare center, at least 200 feet from parks, youth centers, or the library, and 100 feet from residential districts as measured from property line to property line
- (17) All Cannabis Businesses must obtain an annual Commercial Cannabis Permit

Civic Facility Zone		
TABLE 4.5 Allowed Land Uses and Permit Requirements for Civic Facility Zone	P(16) Permitted Use	
	CUP Conditional Use Permit Required	
	S Permit Requirement in Specific Use Regulations	
	A Accessory Use	
	— Use Not Allowed	
LAND USE TYPE (1)	Permit Required by Zone	Specific Use Regulations
	CF	
RECREATION, EDUCATION & PUBLIC ASSEMBLY		
Park	P	
Community Meeting Facility	CUP	
School - Elementary, secondary, or college, private	CUP	
Theater, cinema or performing arts	CUP	Theater District Ord. 2158
RESIDENTIAL		
Emergency Shelter	CUP	
Dwelling, Caretaker	P	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL		
Office - Business, service, or government	P	
SERVICES - GENERAL		
Adult Day Program	CUP	
Child Care Center	P	
Public safety facility	P	
TRANSPORTATION, COMMUNICATIONS, INFRASTRUCTURE		
City water & sewer facility	P	
Parking facility, public or commercial	P	
Telecommunications facility	S	Section 7.090 & Muni Code 14.44
Utility facility	CUP	
Key to zone symbols:		
CF - Civic Facilities		
Notes:		
(1) See glossary for land use definitions.		
(2) Home Occupation Permit and Business License Required		
(3) Business License Required		
(4) Business License & Compliance with Section 7.060 Required		
(5) Site Plan and Architectural Review Required & Compliance with Section 7.040 Required		
(6) Use allowed only on an upper floor or behind a ground floor street fronting use; use in other locations allowed subject to a CUP		
(7) Permitted use (P) if limited to a maximum of 5,000 square feet on the ground floor		
(8) A CUP is required for overnight board and care		
(9) Neighborhood serving and open at lunch		
(10) Allowed only on floors above the ground floor		
(11) Urgent care facilities may be located on the ground floor as a street fronting use		
(12) Allowed only in a shopping center		
(13) Use permitted only on Lakeville Highway between Baywood Drive and Casa Grande Road		
(14) See section 21.030 (Residential Uses Abutting Non-Residential Uses)		
(15) Short-term vacation rental permit, business license and transient occupancy tax certificate required (see section 7.110 of Implementing Zoning Ordinance		

TABLE 4.6 OSP AND AG ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone	
	OSP Open Space & Parks	AG Agriculture
Lot size	<i>Minimum area and width required for each lot in a new subdivision</i>	
Minimum area	NA	20,000 sf
Minimum width		
Interior lot		100 ft
Corner lot	NA	110 ft
Minimum depth	NA	130 ft
Setbacks	<i>Minimum setbacks required. See Chapter 12 for modifications, reductions, and encroachments. See Chapter 7 for any setback requirements applicable to a specific land use.</i>	
Primary structure		
Front	40 ft ¹	30 ft
Side – Interior (each)	20 ft ¹	15 ft
Side – Street side	40 ft ¹	30 ft
Rear	40 ft ¹	30 ft
Garage front	40 ft ¹	30 ft
Detached Accessory Structure		
Front	Not Permitted ¹	Not Permitted
Side – Interior (each)	4 ft ¹	4 ft
Side – Street	30 ft ¹	30 ft
Rear	5 ft ¹	5 ft
Site coverage	<i>The percent of the total site area covered by structures, open or enclosed, excluding uncovered steps, patios and terraces.</i>	
Maximum coverage		
Primary structure	NA	NA
Accessory structure, detached	10% of the required setback area or 500 sf, whichever is greater	10% of the required setback area or 500 sf, whichever is greater
Height limit	<i>Maximum allowable height of structures. See Glossary for height measurement requirements, and Chapter 12 for height limit modifications.</i>	
Maximum height		
Principal Building	25 ft	25 ft
Accessory Structure	25 ft	25 ft
Usable Open Space	NA	NA
Fencing, Landscaping, & Tree Preservation	See Chapters 13, 14, and 17	
Parking	See Chapter 11	
Signs	See Chapter 20	

1. The development standards for buildings and structures in City parks shall be as prescribed in Table 4.13 (Civic Facilities).

TABLE 4.7 – RR AND R1 ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone	
	RR Rural Residential	R1 Residential 1
Lot size	<i>Minimum area and width required for each lot in a new subdivision</i>	
Minimum area	2 acres ¹	20,000 sf ¹
Minimum width		
Interior lot		100 ft
Corner lot	150 ft 165 ft	110 ft
Minimum depth	150 ft	130 ft
Setbacks	<i>Minimum setbacks required. See Chapter 12 for modifications, reductions, and encroachments. See Chapter 7 for any setback requirements applicable to a specific land use.</i>	
Primary structure		
Front	40 ft	30 ft
Side – Interior (each)	20 ft	15 ft
Side – Street side	40 ft	30 ft
Rear	40 ft	30 ft
Garage front	40 ft	30 ft
Detached Accessory Structure		
Front	Not Permitted	Not Permitted
Side – Interior (each)	4 ft	4 ft
Side – Street	40 ft	30 ft
Rear	5 ft	5 ft
Site coverage	<i>The percent of the total site area covered by structures, open or enclosed, excluding uncovered steps, patios and terraces.</i>	
Maximum coverage		
Primary structure	NA	NA
Accessory structure, detached	10% of the required setback area or 500 sf, whichever is greater	10% of the required setback area or 500 sf, whichever is greater
Height limit	<i>Maximum allowable height of structures. See Glossary for height measurement requirements, and Chapter 12 for height limit modifications.</i>	
Maximum height		
Principal Building	25 ft	25 ft
Accessory Structure	15 ft	15 ft
Accessory Dwelling	21 ft	21 ft
Usable Open Space	NA	NA
Fencing, Landscaping, & Tree Preservation	See Chapters 13, 14, and 17	
Parking	See Chapter 11	
Signs	See Chapter 20	

1. If slope of the parcel is 10% or greater, the minimum parcel size is determined by Section 16.070(C).

TABLE 4.8 – R2 AND R3 ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone	
	R2 Residential 2	R3 Residential 3
Lot size	<i>Minimum area and width required for each lot in a new subdivision</i>	
Minimum area	6,000 sf ¹	4,000 sf ¹
Minimum width		
Interior lot	50 ft	40 ft
Corner lot	55 ft	45 ft
Minimum depth	70 ft	70 ft
Setbacks	<i>Minimum setbacks required. See Chapter 12 for modifications, reductions, and encroachments. See Chapter 7 for any setback requirements applicable to a specific land use.</i>	
Primary structure		
Front	20 ft	15 ft
Side – Interior (each)	5 ft	3 ft
Side – Street side		
Corner Lot	10 ft	10 ft
Reverse Corner Lot	15 ft	10 ft
Rear	20 ft	15 ft
Garage front	20 ft	20 ft
Detached Accessory Structure		
Front	Not Permitted	Not Permitted
Side – Interior (each)	4 ft	4 ft
Side – Street	10 ft	10 ft
Rear	5 ft	5 ft
Site coverage	<i>The percent of the total site area covered by structures, open or enclosed, excluding uncovered steps, patios and terraces.</i>	
Maximum coverage		
Primary structure	NA	NA
Accessory structure, detached	10% of the required setback area or 500 sf, whichever is greater	10% of the required setback area or 500 sf, whichever is greater
Height limit	<i>Maximum allowable height of structures. See Glossary for height measurement requirements, and Chapter 12 for height limit modifications.</i>	
Maximum height		
Principal Building	25 ft	25 ft
Accessory Structure	15 ft	15 ft
Accessory Dwelling	21 ft	21 ft
Usable Open Space	NA	600 sf
Fencing, Landscaping, & Tree Preservation	See Chapters 13, 14, and 17	
Parking	See Chapter 11	
Signs	See Chapter 20	

1. If slope of the parcel is 10% or greater, the minimum parcel size is determined by Section 16.070(C).

TABLE 4.9 – R4 AND R5 ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone	
	R4 Residential 4	R5 Residential 5
Lot size	<i>Minimum area and width required for each lot in a new subdivision</i>	
Minimum area	3,500 sf ¹	1,500 sf ¹
Minimum width		
Interior lot	35 ft	NA
Corner lot	40 ft	NA
Minimum depth	70 ft	NA
Setbacks	<i>Minimum setbacks required. See Chapter 12 for modifications, reductions, and encroachments. See Chapter 7 for any setback requirements applicable to a specific land use.</i>	
Primary structure		
Front	10 ft	0 ft
Side – Interior (each)	0 ft	0 ft
Side – Street side	10 ft	0 ft
Rear	10 ft	0 ft
Garage front	20 ft	0 ft
Detached Accessory Structure		
Front	Not Permitted	Not Permitted
Side – Interior (each)	4 ft	4 ft
Side – Street	10 ft	10 ft
Rear	5 ft	5 ft
Site coverage	<i>The percent of the total site area covered by structures, open or enclosed, excluding uncovered steps, patios and terraces.</i>	
Maximum coverage		
Primary structure	60%	NA
Accessory structure, detached	10% of the required setback area or 500 sf, whichever is greater	NA
Height limit	<i>Maximum allowable height of structures. See Glossary for height measurement requirements, and Chapter 12 for height limit modifications.</i>	
Maximum height		
Principal Building	35 ft	45 ft ²
Accessory Structure	25 ft	25 ft
Accessory Dwelling	21 ft	NA
Usable Open Space	300 sf/unit	400 sf/unit May include common open space
Fencing, Landscaping, & Tree Preservation	See Chapters 13, 14, and 17	
Parking	See Chapter 11	
Signs	See Chapter 20	

1. If slope of the parcel is 10% or greater, the minimum parcel size is determined by Section 16.070(C).
2. An increase in height may be permissible as prescribed in Section 12.025.

TABLE 4.10 MU1 AND MU2 ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone	
	MU1 Mixed Use 1	MU Mixed Use 2
Lot size	<i>Minimum area and width required for each lot in a new subdivision</i>	
Minimum area	NA	2,000 sf
Minimum width	NA	NA
Minimum depth	NA	NA
Setbacks	<i>Minimum setbacks required. See Chapter 12 for modifications, reductions, and encroachments. See Chapter 7 for any setback requirements applicable to a specific land use.</i>	
Primary structure		
Front	0 ft	0 ft minimum 10 ft maximum
Side – Interior (each)	0 ft Abutting an R District: 15 ft plus 1 foot of additional setback for each foot of building height over 20 ft	0 ft minimum 10 ft maximum Abutting an R District: 15 ft plus 1 foot of additional setback for each foot of building height over 20 ft
Side – Street side	0 ft	0 ft minimum 10 ft maximum
Rear	0 ft Abutting an R District: 15 ft plus 1 foot of additional setback for each foot of building height over 20 ft	0 ft Abutting an R District: 15 ft plus 1 foot of additional setback for each foot of building height over 20 ft
Garage front	NA	NA
Detached Accessory Structure		
Front	Not Permitted	Not Permitted
Side – Interior (each)	4 ft	4 ft
Side – Street	10 ft	10 ft
Rear	5 ft	5 ft
Site coverage	<i>Floor Area Ratio. The gross floor area of all buildings on a lot divided by the building site area.</i>	<i>Site Coverage. The percent of the total site area covered by structures, open or enclosed, excluding uncovered steps, patios and terraces.</i>
Maximum coverage	2.5 floor area ratio	80 % 100% for structured parking
Height limit	<i>Maximum allowable height of structures. See Glossary for height measurement requirements, and Chapter 12 for height limit modifications.</i>	
Maximum height		
Principal Building	30 ft ¹	45 ft
Accessory Structure	20 ft	20 ft
Usable Open Space	30 sf/unit ²	30 sf/unit ²
Fencing, Landscaping, & Tree Preservation	See Chapters 13, 14, and 17	
Parking	See Chapter 11	
Signs	See Chapter 20	

1. When the building is more than 30 feet from an abutting property line, one additional foot of height is permitted with each additional foot of setback over 30 feet for a maximum building height of 45 feet.
2. The minimum depth of usable open space is 3 feet. Usable common open space is strongly encouraged.

TABLE 4.11 – C1 AND C2 ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone	
	C1 Commercial 1	C2 Commercial 2
Lot size	<i>Minimum area and width required for each lot in a new subdivision</i>	
Minimum area	NA	NA
Minimum width	NA	NA
Minimum depth	NA	NA
Setbacks	<i>Minimum setbacks required. See Chapter 12 for modifications, reductions, and encroachments. See Chapter 7 for any setback requirements applicable to a specific land use.</i>	
Primary structure		
Front	0 ft	0 ft
Side – Interior (each)	0 ft	0 ft
Side – Street side	Abutting an R District: 15 ft plus 1 foot of additional setback for each foot of building height over 20 ft	Abutting an R District: 15 ft plus 1 foot of additional setback for each foot of building height over 20 ft
Rear	0 ft	0 ft
Garage front	0 ft	0 ft
Detached Accessory Structure		
Front	Not Permitted	Not Permitted
Side – Interior (each)	4 ft	4 ft
Side – Street	10 ft	10 ft
Rear	5 ft	5 ft
Site coverage	<i>Floor Area Ratio. The gross floor area of all buildings on a lot divided by the building site area.</i>	
Maximum Coverage Floor Area Ratio	0.8	1.2
Height limit	<i>Maximum allowable height of structures. See Glossary for height measurement requirements, and Chapter 12 for height limit modifications.</i>	
Maximum height		
Principal Building	30 ft	40 ft
Accessory Structure	15 ft	15 ft
Usable Open Space	NA	NA
Fencing, Landscaping, & Tree Preservation	See Chapters 13, 14, and 17	
Parking	See Chapter 11	
Signs	See Chapter 20	

TABLE 4.12 – BP AND I ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone	
	BP Business Park	I Industrial
Lot size	<i>Minimum area and width required for each lot in a new subdivision</i>	
Minimum area	20,000 sf	20,000 sf
Minimum width		
Interior lot	100 ft	100 ft
Corner lot	110 ft	110 ft
Minimum depth	100 ft	100 ft
Setbacks	<i>Minimum setbacks required. See Chapter 12 for modifications, reductions, and encroachments. See Chapter 7 for any setback requirements applicable to a specific land use.</i>	
Primary structure		
Front	0 ft	0 ft
Side – Interior (each)	0 ft	0 ft
Side – Street side	Adjacent to a non-industrial or non-business park use: 20 ft	Adjacent to a non-industrial or non-business park use: 20 ft
Rear	0 ft	0 ft
Garage front	Adjacent to a non-industrial or non-business park use: 20 ft	Adjacent to a non-industrial or non-business park use: 20 ft
Detached Accessory Structure	NA	NA
Front	Not Permitted	Not Permitted
Side – Interior (each)	4 ft	4 ft
Side – Street	10 ft	10 ft
Rear	5 ft	5 ft
Site coverage	<i>Floor Area Ratio. The gross floor area of all buildings on a lot divided by the building site area.</i>	
Maximum Coverage		
Floor Area Ratio	1.5	0.6
Height limit	<i>Maximum allowable height of structures. See Glossary for height measurement requirements, and Chapter 12 for height limit modifications.</i>	
Maximum height		
Principal Building	40 ft	40 ft
Accessory Structure	15 ft	15 ft
Usable Open Space	NA	NA
Fencing, Landscaping, & Tree Preservation	See Chapters 13, 14, and 17	
Parking	See Chapter 11	
Signs	See Chapter 20	

TABLE 4.13 – CF ZONE DEVELOPMENT STANDARDS

Development Feature	Requirement by Zone
	CF Civic Facilities
Lot size	<i>Minimum area and width required for each lot in a new subdivision</i>
Minimum area	Same as abutting zoning district
Minimum width	
Interior lot	Same as abutting zoning district
Corner lot	
Minimum depth	Same as abutting zoning district
Setbacks	<i>Minimum setbacks required. See Chapter 12 for modifications, reductions, and encroachments. See Chapter 7 for any setback requirements applicable to a specific land use.</i>
Primary structure	
Front	Same as abutting zoning district
Side – Interior (each)	Same as abutting zoning district
Side – Street side	Same as abutting zoning district
Rear	Same as abutting zoning district
Garage front	Same as abutting zoning district
Detached Accessory Structure	
Front	Not Permitted
Side – Interior (each)	4 ft
Side – Street	10 ft
Rear	5 ft
Site coverage	<i>The percent of the total site area covered by structures, open or enclosed, excluding uncovered steps, patios and terraces.</i>
Maximum coverage	
Primary structure	Same as abutting zoning district
Accessory structure, detached	Same as abutting zoning district
Height limit	<i>Maximum allowable height of structures. See Glossary for height measurement requirements, and Chapter 12 for height limit modifications.</i>
Maximum height	
Principal Building	25 ft
Accessory Structure	15 ft
Usable Open Space	NA
Fencing, Landscaping, & Tree Preservation	See Chapters 13, 14, and 17
Parking	See Chapter 11
Signs	See Chapter 20

THIS PAGE INTENTIONALLY LEFT BLANK

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.

Chapter 6 Floodway and Flood Plain Districts

6.010 - Purpose

To establish land use regulations for properties situated in floodways and flood plain lands so as to:

- A. Minimize property damage from flood waters and safeguard public health, safety, and general welfare.
- B. Protect human life and health.
- C. Minimize expenditures of public money for costly flood control projects.
- D. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- E. Minimize prolonged business interruptions.
- F. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards.
- G. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- H. Insure that potential buyers are notified that property is in an area of special flood hazard; and
- I. Insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

This article is intended to establish specific restrictions on the use of those properties or portions of properties which are situated within the City of Petaluma and within the Petaluma River Basin Flood Plain and Floodway areas as defined below, and shall apply to all development within those areas.

6.011 - Findings of Fact

- A. The flood hazard areas of the City of Petaluma are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses can be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

6.013 - Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

6.020 - Flood Plain and Floodway Areas

The Petaluma River Basin Flood Plain and Floodway Areas are defined as those areas of Special Flood Hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "Flood Insurance Study for the City of Petaluma", dated August 1979, with accompanying Flood Boundary and Floodway Map; and accompanying Flood Insurance Rate Maps. Any official revisions or updates thereto are hereby adopted by reference and declared to be a part of this Ordinance. This Flood Insurance Study is the minimum area of applicability of this Ordinance and may be supplemented by studies for other areas which allow implementation of this Ordinance and which are recommended to the City Council by the Floodplain Administrator. Maps and data which reflect this delineation shall be kept on file in the office of the Director of the City of Petaluma and shall be available for public examination at reasonable times.

6.030 - Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance the most reasonable application.

- A. **Alter.** In the context of this Article and the changing of a riverine or drainage channel, shall mean any activity which decreases, increases, or otherwise causes changes to the carrying capacity of said riverine or drainage channel.
- B. **Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.
- C. **Area of Shallow Flooding.** A designated AO, AH, or VO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.
- D. **Area of Special Flood Hazard.** The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.
- E. **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year (also called the "100 year flood").
- F. **Basement.** Any area of the building having its floor subgrade, i.e., below ground, level on all sides.
- G. **Breakaway Walls.** Any type of wall, whether solid or lattice, and whether constructed on concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:
 - 1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - 2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
- H. **Coastal High Hazard Area.** The area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE or V.

- I. **Development.** Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, excavation, drilling operations, permanent storage of equipment and materials (i.e., lumber yards, junk yards, vehicle storage yards, etc.), excluding the improvement or maintenance of public roads.
- J. **Development Permit.** A zoning permit, grading permit or building permit or any other permit, certificate, or license pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure and the use of any land, building or premise, per the procedure set forth in Section 6.070(B).
- K. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.
- L. **Flood Boundary and Floodway Map.** The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.
- M. **Flood Insurance Rate Map (FIRM).** An official map of the City of Petaluma or Sonoma County, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- N. **Flood Insurance Study.** The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Boundary-Floodway Map, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.
- O. **Floodplain or Flood-prone Area.** Any land area susceptible to being inundated by water from any source (see definition of **flooding**).
- P. **Floodplain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
- Q. **Floodplain Management Regulations.** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- R. **Floodproofed.** Watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- S. **Floodproofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- T. **Floodway.** Also referred to as *regulatory floodway*. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- U. **Functionally Dependent Use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include

long-term storage or related manufacturing facilities.

- V. **Habitable Floor.** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a “habitable floor”.
- W. **Highest Adjacent Grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- X. **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- Y. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
- Z. **Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.
- AA. **Mean Sea Level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.
- BB. **New Construction.** Structures for which the “start of construction” commenced on or after the effective date of this Ordinance.
- CC. **No Net Fill.** Any material brought on to a project site within a flood plain area that would displace flood waters. All fill shall be offset by the removal of a like amount of material. This material may be removed from a portion of the project site; or it may be removed from a site in the immediate area where the removal of compensating material from the off-site location can be determined, to the satisfaction of the City Engineer and the Sonoma County Water Agency, to result in a reasonable equivalence of hydrology and hydraulics to the situation before the development. For purposes of compliance, one or more individual parcels or an entire reach may demonstrate a “zero net fill” balance.
- DD. **Petaluma River Basin.** All significant flooding sources affecting the City of Petaluma including the Petaluma River, Washington Creek, Lynch Creek, Willow Brook, Thompson Creek, Kelly Creek, Adobe Creek, Capri Creek, Corona Creek, and several minor tributaries thereto.
- EE. **Person.** An individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.
- FF. **Regulatory Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- GG. **Remedy a Violation.** To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance to a level acceptable to the City. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
- HH. **Riverine.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

- II. **Special Flood Hazard Area (SFHA).** An area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V0, V1-V30, VE or V.
- JJ. **Start of Construction.** Includes substantial improvements, rehabilitations, additions and reconstructions, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or placement of a manufactured home on foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or sidewalks; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- KK. **Structure.** A walled and/or roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- LL. **Substantial Improvement.** Any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure, not inclusive of the land value, before the start of construction of the improvement either (1) before the improvement or repair is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure. The term does not, however, (1) include any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or a State of City Inventory of Historic Places provided that the alteration will not preclude the structure's continued designation as a historic structure.
- MM. **Variance.** A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
- NN. **Violation.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

6.040 - Flood Plain/Flood Prone Area – Combining District (FP-C)

All areas within the boundaries of the "Area of Special Flood Hazard" but outside the "Floodway" areas are hereby zoned to the (FP-C) Flood Plain-Combining District.

- A. **Effect of Zone.** Areas zoned Flood Plain-Combining District (F-C): the regulations of the underlying zoning district shall be combined with and apply in addition to the provisions of this article. Where any conflict may exist between the requirements of this ordinance and other zoning districts, the provisions of this article shall apply.
- B. **Restrictions in Zone.** Any permitted principal use, accessory use, or conditional use in any underlying zoning district shall require a development permit in the FP-C District per Section 6.070(B) and may be permitted only in accordance with the provisions of this article.

6.050 - Floodway District (FW)

All areas within the boundaries of the "Areas of Special Flood Hazard" and identified as "Floodway" areas are zoned Floodway.

- A. **Encroachments in Floodway.** Since the floodway is an extremely hazardous area due to the velocity of flood

waters which carry debris, potential projectiles, and erosion potential, no encroachments within Floodway lands are permitted; including fill, new construction, intensification of existing use, change to more intensive use, substantial improvements, and other development, except as specified herein as permitted or conditional land uses, and provided that a certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. **Permitted Uses, Floodway Districts.** The following uses are permitted upon obtaining a Development Permit per Section 6.070(B) without a Use Permit where modification or removal of native vegetation, including trees, is not required:

1. Open space agricultural uses not requiring a fence or closed building such as cropland, orchards, and livestock feeding and grazing.
2. Circuses, carnivals, and other similar transient amusement enterprises provided a zoning permit has been obtained from the Community Development Department.
3. Modification of Native or Riparian Vegetation. Where modification or removal of native or riparian vegetation is required, such modification or removal may be permitted after obtaining a development permit consisting of written approval from the Director, provided that such proposed modifications in the Flood Plain have been found to be consistent with the General Plan.
4. Any other open type of use as determined by the Zoning Administrator (Director of Planning) to be of the same general character as the above permitted uses.
5. Periodic dredging of silt material from the navigable portions of the Petaluma River for maintenance purposes, when said silt material is removed from the floodway area.

C. **Conditional Uses, Floodway District.** The following uses may be permitted after approval of a conditional use permit by the City of Petaluma:

1. Open air public and private recreational facilities such as parks, golf courses, and athletic fields.
2. Private and public docking, mooring, and boat launching facilities, providing such facilities shall be designed and constructed so as not to restrict the carrying capacity of the designated floodway.
3. Above-ground public utility and private service facilities such as water and sanitation pipe lines, telecommunication facilities in accordance with Chapter 14.44 of the Petaluma Municipal Code, roads, bridges, and similar facilities, providing such facilities shall be designed and constructed so as not to restrict the carrying capacity of the floodway.
4. Improvements in stream channel alignment, cross section, and capacity including modification of river bank and flood protection levels, other than periodic dredging of material from the navigable portions of the Petaluma River for maintenance purposes, when said material is removed from the floodway area.

6.060 - Prezoning of Flood Hazard Lands

All areas not within the City of Petaluma but within the boundaries of the "Areas of Special Flood Hazard" identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the County of Sonoma" dated May 31, 1979, or any updates thereto and which are also within the City of Petaluma planning area as shown on the Petaluma General Plan are hereby prezoned to the FP-C (Flood Plain-Combining Zone) or FW (Floodway Zone) in accordance with the principles set out in Sections 6.040 through 6.050 and this Chapter.

6.070- General Provisions

The provisions of this chapter are applicable to all Areas of Special Flood Hazard within the City of Petaluma.

- A. **Compliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this article and other applicable regulations. Violations of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.
1. **Abrogation and Greater Restrictions.** This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another article, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
 2. **Interpretation.** In the interpretation and application of this article, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Liberally construed in favor of the governing body; and
 - c. Deemed neither to limit nor repeal any other powers granted under state statutes.
- B. **Development Permit Required.** No structure or land shall hereafter be located, extended, converted or altered within FP-C (Flood Plain-Combining Zone) or within FW (Floodway Zone) lands without having first received a "development permit" in accordance with the provisions of this article; and for developments requiring use permits, with the provisions of Section 24.030.

Development permit applications shall be reviewed by the Planning Director and the requirements of this ordinance enforced in accordance with Chapter 26 (Enforcement, Violations and Penalties) of this Zoning Ordinance.

Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO or VO, elevation of the highest natural grade and lowest proposed elevation of lowest floor of all structures.
 2. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
 3. All appropriate certifications listed in Section 6.080(C) of this ordinance; and
 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- C. **Designation of the Floodplain Administrator.** The Planning Director or his/her designee is hereby appointed to administer and implement this ordinance by granting or denying development permits in accordance with its provisions.
- D. **Residential Construction (except Mobile Home Parks).** New construction and substantial improvement of any residential structure permitted in FP-C (Flood Plain-Combining) zones shall have the lowest habitable floor, including basement, elevated at least 12 inches above the level of the base flood elevation or depth number specified on the FIRM (Flood Insurance Rate Map), whichever applies to the area, unless otherwise restricted in

Section 6.070(D2). Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, to be properly elevated. The datum for this elevation shall be as specified in this article. Such certification or verification shall be provided to the Floodplain Administrator.

1. **Manufactured Home Parks.** No new manufactured homes shall be placed within floodway areas. Existing manufactured home parks within flood plain areas may be expanded and new manufactured homes parks constructed only when the lowest floor of each manufactured home of such park is elevated at least 12 inches above the base flood elevation on reinforced piers or other foundation elements equal in force, unless otherwise restricted in Section 6.070 (D2), and adequate access and drainage are provided. Existing manufactured home parks in floodway areas may not be expanded under any circumstances.

All applications for new mobile home parks/subdivisions, or ten percent or greater physical expansion in the number of mobile homes existing prior to the adoption of this ordinance, located in a Floodplain, shall include an emergency evacuation plan describing how property and life will be protected in the event of flooding.

2. **Zero Net Fill.** A zero net fill policy covers the area along the Petaluma River west of the freeway, upstream of the Payran Street Bridge and including the area east of the freeway and west of Old Redwood Highway (the majority of this area is known generally as Redwood Business Park II). In this area, clearance above base 100 year flood elevation for finished floors shall be a minimum of two feet, and zero net fill as defined shall apply to any proposed development activity.

- E. **Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall be subject to the restrictions of this article, and shall either have the lowest floor, including basement, elevated 12 inches or more above the level of the base flood elevation or depth number specified on the FIRM (Flood Insurance Rate Map) unless otherwise restricted in Section 6.070 (E)(4); or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.

- F. **Zero Net Fill.** A zero net fill policy covers the area along the Petaluma River west of the freeway, upstream of the Payran Street Bridge and including the area along Willowbrook Creek east of the freeway downstream of Old Redwood Highway (this area know generally as Redwood Business Park II). In this area, clearance above base 100 year flood elevation for finished floors shall be a minimum of two feet, and zero net fill as defined shall apply to any proposed development activity.

- G. **Standards of Construction.** In all areas of special flood hazards designated FP-C, the following standards are required:

1. **Anchoring.**
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

- b. All manufactured homes shall meet the anchoring standards of Section 6.070 (F6).

2. Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. All new construction and substantial improvements within Zones AH, AO, or VO shall provide adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

3. Elevation and Floodproofing.

- a. All new construction and substantial improvements, shall insure that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
 - 2) Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.
- b. Manufactured homes shall also meet the standards in Section 6.070 (F6).

4. Utilities.

- a. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters;
- b. On-site water and sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5. Subdivision Proposals. All subdivision proposals shall comply with the following requirements:

- a. **Subdivision Design.** All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. **Subdivisions - Utilities.** All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood

damage.

- c. **Subdivisions - Drainage.** All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - d. **Street Elevation Data.** Base flood elevation data shall be provided for all subdivision proposals within FP-C (Flood Plain-Combining Zone) lands.
 - e. **Subdivisions - Erosion Control.** The perimeters of all earth pads permitted within (FP-C) floodplain areas shall be engineered to prevent erosion of the pad due to water velocities of base flood. A registered professional engineer shall certify that this subsection is satisfied and a copy of such certification shall be provided to the City Engineer and Chief Building Official.
 - f. **Subdivisions - Storage in Areas of Special Flood Hazard.** The storage or processing of materials that are in time of flooding buoyant, explosive, or could be injurious to property, structures, human, animal or plant life is prohibited in FP-C and F-W districts.
 - g. **Subdivisions - Certification of Floodproofing.** All structures requiring flood proofing shall be so designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads with effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied and a copy of such certification shall be provided to the Director of Public Works and the Chief Building Official.
6. **Standards for Manufactured Homes.** All new and replacement manufactured homes and additions to manufactured homes shall:
- a. Be elevated so that the lowest floor is at or above the base flood elevation; and
 - b. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

6.080 - Duties and Responsibilities of the Community Development Department

It shall be the duty of the Community Development Department to:

- A. Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and to insure that construction of development sites are reasonably safe from flooding.
- B. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- C. All records required to be kept pertaining to the provisions of this Chapter shall be maintained in the office of the Planning Department shall be open for public inspection. In regard to this item, the following information is required to be submitted by the applicant:
 - 1. Elevation in relation to mean sea level, of the lowest habitable floor (including basement) of all structures as certified by a registered professional engineer or licensed land surveyor;
 - 2. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - 3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing requirements stated in Section 6.070(E); and

4. Description of the extent to which any watercourse will be altered or altered or relocated as a result or proposed development.
- D. Require as a condition of development approval that maintenance is provided within the altered or relocated portion of any watercourse affected or disturbed by the project so that the flood carrying capacity is not adversely affected. For purposes of this article, "adversely affected" means that the cumulative affect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.
- E. **Use of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 6.020, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 6.070(F). Any such information shall be submitted to the City Council for adoption.
- F. Whenever a riverine is to be altered or relocated:
1. Notify the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
 2. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- G. Obtain and maintain for public inspection and make available as needed:
1. The certification required in Section 6.080(C) (floor elevations);
 2. The certification required in Section 6.070(D) (elevations in areas of shallow flooding);
 3. The certification required in Section 6.070(E) (elevation or floodproofing of non-residential structures).
 4. The certification required in Section 6.070(F)(3) (wet floodproofing standard);
 5. The certified elevation required in Section 6.070(F)(5) (subdivision standards);
 6. The certification required in Section 6.050(A) (floodway encroachments).
- H. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 24.070.
- I. Take action to remedy violations of this article as specified in Section 6.070(A) herein.

6.090 - Warning and Disclaimer of Liability

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Petaluma or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision made thereunder.

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 7

Standards for Specific Land Uses

7.010 - Purpose

This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Chapter 4 (Zoning Districts and Allowable Land Uses) within individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts.

7.020 - Applicability

The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Zoning Ordinance.

- A. **Where allowed.** The uses that are subject to the standards in this Article shall be located in compliance with the requirements of Chapter 4 (Zoning Districts and Allowable Land Uses).
- B. **Land use permit requirements.** The uses that are subject to the standards in this Article shall be authorized by the land use permit required by Chapter 4, except where a land use permit requirement is established by this Article for a specific use.
- C. **Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in Chapter 4 (Zone Districts) and the City Code. In the event of any conflict between the requirements of this Chapter and those of Chapter 4, the requirements of this Chapter shall control.

7.030 - Accessory Dwelling Units

All accessory dwelling units must comply with the following standards:

- A. **Type of Unit.** An accessory dwelling may be created within an existing principal dwelling or accessory structure on the property; may be added to a principal dwelling or accessory structure; or may be built as a structure separate from any existing structure on the property.
- B. **Size of Unit.** The maximum allowable living area of the accessory unit is 720 square feet. "Living area" is the interior habitable area of the accessory unit including basements and attics but not including garages. Living area shall be measured from the interior side of the exterior walls of the building.
- C. **Existing Parking.** With the addition of an accessory dwelling unit, current parking standards at the time of the addition must be met for both the principal and accessory dwelling unit. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit the off-street parking spaces formerly provided by the demolished structure shall be replaced. The replacement may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts (Consistent with Section 11.070).
- D. **Foundation Required.** Accessory dwellings must be permanent structures located on a permanent foundation.
- E. **Setbacks.** Accessory dwellings attached to the principal dwelling must comply with the principal dwelling setbacks of the zoning district. Detached accessory dwellings must comply with the setbacks of accessory structures. No setback shall be required for an existing garage that is converted to an accessory dwelling unit and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
- F. **Parking.** One (1) off-street parking space shall be provided for each bedroom or other room suitable for sleeping purposes within the accessory dwelling. This parking requirement shall be in addition to the requirement for the principal dwelling. Parking is not required in the following circumstances:
 - 1. The accessory dwelling unit is located within one-half mile of public transit.

- a. For the purposes of this provision, public transit is defined as a SMART rail station, the Petaluma Transit Mall, or the Eastside Transit Center.
- 2. The accessory dwelling unit is within the existing primary residence or an existing accessory structure.
- 3. The accessory dwelling unit is located within a designated historic district or on the property of an individually designated historic landmark (local, state, or federally-designated landmark or district).
- 4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- 5. When there is a car share vehicle located within one block of the accessory dwelling unit.
 - a. For the purposes of this provision, car share is defined as a membership-based service available to all qualified drivers in a community with no separate written agreement required for each time a member reserves and uses a vehicle and vehicles are available 24-hours a day, 7 days a week at a designated, self-service location.
- G. **Open Space.** Parcels on which accessory dwellings are built shall have a minimum of one hundred (100) square feet of useable open space available for use by occupants of the unit, independent of the primary residence's requirement.
- H. **Architecture.** An accessory dwelling shall be designed to be compatible with the architectural richness of existing development in the immediate vicinity or principal dwelling on the site. This shall include architectural features, colors, and building materials. New accessory dwellings constructed above the ground floor shall be designed to reasonably preserve the privacy of adjacent property owners.
- I. **Construction Prior to Principal Dwelling.** An accessory dwelling may be approved prior to construction of the principal dwelling if in conjunction with the concurrent development of four or fewer parcels.
- J. **Historic.** Applications for accessory dwellings at designated landmark sites or within a designated historic district are subject to Chapter 15: Preservation of the Cultural and Historic Environment.
- K. **Rentals.** All rentals of accessory dwelling units shall be for a term of more than 30 days.

7.035 – Junior Accessory Dwelling Units

All junior accessory dwelling units shall comply with the following standards:

- A. **Number of Units Allowed.** Only one accessory dwelling unit or junior accessory dwelling unit may be located on any residentially zoned lot that permits a single-family dwelling. A junior accessory dwelling unit may only be located on a lot which already contains one legal single-family dwelling.
- B. **Owner Occupancy.** The owner of the parcel proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling, except when the home is owned or operated by a government agency, land trust, or non-profit housing organization for use as affordable housing.
- C. **Location of Junior Accessory Dwelling Unit.** A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, and must include conversion of an existing bedroom.
- D. **Separate Entry Required.** A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
- E. **Interior Entry Remains.** The interior connection to the main living area must be maintained, but a second door may be added for sound attenuation.

- F. **Kitchen Requirements.** Junior accessory dwelling units shall include an efficiency kitchen, including and limited to the following components:
 - 1. A sink with a maximum waste line diameter of one-and-a-half (1.5) inches,
 - 2. A cooking facility with appliances which do not require electrical service greater than one-hundred-and-twenty (120) volts or natural or propane gas, and
 - 3. A food preparation counter and storage cabinets that are reasonable to size of the unit.
- G. **Parking.** No additional parking requirements apply beyond those that apply to the existing primary dwelling.
- H. **Maximum Unit Size.** The maximum unit size for a junior accessory dwelling unit is five hundred (500) square feet.
- I. **Setbacks.** Setbacks are as required for the primary dwelling unit.
- J. **Fire Sprinklers and Fire Attenuation.** For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
- K. **No Water Connection Fees.** No water connection fee is required for the development of a junior accessory dwelling unit.
- L. **No Sewer Connection Fee.** No sewer connection fee is required for the development of a junior accessory dwelling unit.
- M. **Rentals.** All rentals of accessory dwelling units shall be for a term of more than 30 days.

7.040 - Dwelling Group

The following requirements apply to more than (1) one detached dwelling on a parcel:

- A. The additional dwelling must be allowed by the General Plan density for the parcel.
- B. The minimum lot size for a dwelling group shall be determined by the minimum lot size required by the zoning district in which the parcel is located multiplied by the number of dwelling units in the dwelling group.
- C. With the addition of the additional dwelling unit, the parking requirements of this Ordinance shall be met for both the existing dwelling(s) and the proposed dwelling.
- D. The dwelling units shall be detached.
- E. The proposed dwelling shall comply with the development standards for the zoning district in which it is located.
- F. Site Plan and Architectural Review approval is required in accordance with Section 24.010.

7.050 - Home Occupation Permit

- A. **Purpose.** It is the intent of this section to preclude incompatible home occupations from occurring in residential neighborhoods and to permit only those uses which conform to the standards of this section. Custom, tradition, and precedence are excluded as criteria for approval. In general, a home occupation shall be located and conducted such that the average neighbor, under normal circumstances, would be unaware of its presence. The standards applied are intended to insure compatibility with other permitted uses in residential areas and preserve the residential character of the neighborhood. The City Council favors home occupations that do not disrupt the neighborhood.

- B. **Permit Required.** No activity subject to the provisions of this section shall be conducted without review by the Planning Division and the issuance of a home occupation permit. Said permit shall be a conditional permit, issued by the Director or a designated representative, acting as the Zoning Administrator. A limited period of approval may be imposed by the Zoning Administrator.
- C. **Application for Permit.** Application for a home occupation permit shall be made to the Zoning Administrator (Director) on a form provided by the City of Petaluma.
- D. **Fee.** The fee for a home occupation permit shall be established by resolution of the City Council from time to time hereinafter enacted.
- E. **Requirements and Conditions.** The home occupation shall be subject to the following requirements and others as imposed by the Zoning Administrator to further the purposes of Section 7.050(A).
 - 1. The use shall be conducted primarily within the main dwelling structure and shall not involve the use of any yard space or outside area. Accessory structures such as garages may be used but not in such a way as to preclude required vehicular parking.
 - 2. The home occupation shall not be identifiable from the property line by any means including, but not limited to, sight, noise, light, smoke, odor, vibration, electrical interference, dust, glare, liquid or solid waste. A person standing on the boundary line of the property should not be aware of the home occupation.
 - 3. Commercial vehicles excepting pick-up trucks of three-fourths (3/4) ton or less shall not be used in conjunction with the home occupation.
 - 4. No internal or external alterations for the home occupation shall be made to the dwelling unit that are not customarily found in or to serve residences.
 - 5. There shall be no outside storage of equipment or supplies.
 - 6. Articles offered for sale shall be limited to those produced on the premises, except where the person conducting the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except samples, shall be received, stored and sold to customers at off-premises locations.
 - 7. The home occupation shall not create pedestrian, automobile, or truck traffic or parking in residential neighborhoods in excess of that normally associated with residential use, with no more than two non-occupant vehicles present on the street at any given time.
 - 8. No advertising shall be used which informs the public of the address of the home occupation (business cards and stationery letterhead excluded).
 - 9. Residents and not more than two non-residents may work at a home occupation location.
 - 10. A non-illuminated identification sign of not more than 1-1/2 square feet in area may be placed flat against an outside wall of the house to advertise the home occupation.
- F. **Examples of uses which will not be considered as home occupations.** The uses specified below shall not be permitted as home occupations because by their nature they have one or more of the following characteristics: equipment or machinery of a type or quantity not typically found in the home; need for outside storage; parking needs greater than what can be provided on-site; need for special permits (e.g., health, ABC, Federal Firearm, etc.); need for extensive alteration to the residence or lot. The uses specified below shall not be permitted as home occupations:

1. Auto or vehicle repair, or tune-up.
 2. Barber shop/beauty salon.
 3. Card-reading astrological services.
 4. Class instruction on premise with more than two students at any time.
 5. On-site painting services (auto, boat, appliances, etc.).
 6. Care, treatment, or boarding of animals for a fee.
 7. Gun repair, sale of guns or ammunition (sale of five or fewer guns a year is exempt from this section).
 8. Activities involving substantial amounts of dangerous or hazardous materials, including but not limited to pesticides, herbicides, poisons, and highly flammable materials.
 9. Any food handling, processing, or packing, except for cottage food operations as defined in California Government Code section 113758 that must be permitted pursuant to the Cottage Food Act, California Government Code section 51035.
- G. **Advertising.** There shall be no outside advertising of the use other than within the phone book and then no address of the premises shall be listed, only a telephone number.
- H. **Revocation of Permit.** Upon receipt of a complaint regarding the operation of the home occupation or upon observation of a violation of City ordinances, the Director or a designated representative, shall determine whether the subject home occupation is in compliance with the provisions of this section. If the use is found not to be in full compliance with the Zoning Ordinance or conditions of approval, the Director shall have cause to suspend or revoke the zoning permit or amend operational conditions. Once a zoning permit for a home occupation has been revoked, continued practice of the home occupation at that location is no longer permitted and subsequent applications shall not be filed within one (1) year from the date of revocation.
- I. **Appeal.** As prescribed in Section 24.070.

7.060 - Large Family Child Day Care

A large family child day care shall be operated in compliance with all of the following requirements:

- A. **Permit Required.** No activity subject to the provisions of Section 7.060 shall be conducted without application for and approval of a business license.
- B. **Location.** In no case shall a residential property be directly abutted by large family day care properties on two or more sides.
- C. **Parking.** All dwellings used for large family day care facilities shall provide at least three off-street automobile parking spaces, no more than one of which may be provided in a garage or carport. These may include spaces already provided to fulfill residential parking requirements.
- D. **Drop-off and Pick-up.**
 1. Drop-off and pick-up of children at a proposed day care home shall be staggered.
 2. Residences located on arterial streets (as shown on the General Plan Circulation Map) must provide a drop-off/pick-up area designed to prevent vehicles from backing onto the arterial roadway. Regularly available on-street parking stalls adjacent to the site may be considered to satisfy this requirement.

- E. **Fencing and Barriers.** Any side or rear yard area intended for day care use shall be surrounded by a barrier to separate the children from neighboring properties unless the Director determines that a barrier is not necessary; e.g., for properties not bordering developed properties. Examples of acceptable barriers include hedgerows, chainlink or wood fences, walls, and the like. Fences shall be installed to protect the children from possible hazards (e.g., swimming pools, ravines, vicious animals, etc.).
- F. **Recreation Equipment.** Recreation equipment exceeding eight feet in height located in any yard area intended for day care use shall be kept a minimum distance of five feet from perimeter property lines.
- G. **Noise.** Noise generated from the proposed day care home must not exceed established standards and policies as set forth in the General Plan, i.e., not to exceed Ldn 60 as measured outside on neighboring property.
- H. **Fire and Building Code.** Day care homes shall comply with applicable building and fire code provisions, with applicable Building Codes, Fire Code standards adopted by the State and administered by the City Fire Marshal, and with Social Services Department licensing requirements (California Administrative Code, Title 22, Division 2).
- I. **Performance Standards.** The facility shall be operated in a manner consistent with the City's Performance Standards and not adversely affect adjoining residences.
- J. **Garage Conversions.** Conversion of a garage to living space requires a building permit and compliance with the parking requirements of this ordinance.

7.070 – Short-Term Activities

No property owner shall conduct or permit to be conducted a special activity as defined in this section of the Zoning Ordinance on his/her land without first obtaining a Zoning Permit from the Director.

- A. **Special Activity.** A special activity is any of the following temporary (60 consecutive days or less unless otherwise restricted) uses of private property:
 - 1. Outdoor sale of Christmas trees, pumpkins, or other produce, goods or merchandise.
 - 2. Outdoor swap meets or flea markets.
 - 3. Carnivals, circuses, rodeos, fairs, festivals, tent sales, open air theaters, exhibits, games of skill, rides, booths, concession stands and other temporary entertainment events open to the public which are held out-of-doors.
- B. **Application.** An application for a zoning permit shall be filed with the Director by the owner of the property where the special activity will occur or their agent. An application for a zoning permit shall be filed no less than thirty (30) days nor more than six months prior to the date the special activity is to commence. Upon a showing of good cause, the Director may process an application filed less than 30 days before the activity date if sufficient time remains to investigate the application. Waiver of application fee may be permitted by the Director upon proof of non-profit status of the applicant.
- C. **Accompanying Documents.** The application shall be accompanied by drawings and a plot plan showing the lot lines and dimensions and locations of improvements with dimensions and any other necessary data.
- D. **Issuance of Permit.** The Director shall issue a zoning permit unless it is determined from a consideration of the application or other pertinent information, that:
 - 1. The operation or location of the proposed special activity would violate any provision of the Petaluma Municipal Code and Petaluma Zoning Ordinance including, but not limited to, the Performance Standards specified in Chapter 21 of the Zoning Ordinance.

2. The operation or location of the proposed special activity would adversely affect surrounding uses or structures.
- E. **Permit Conditions.** The Director may condition the issuance of a zoning permit by imposing reasonable requirements with respect to location, construction, maintenance, operation and duration to insure compliance with the Zoning Ordinance and to protect surrounding uses and the safety of persons and property. Such conditions include but are not limited to:
1. Restrictions as to proximity to adjacent land.
 2. Restrictions on hours of operation and duration of the special activity.
 3. Restrictions to insure compliance with the performance standards in Chapter 21 of the Zoning Ordinance including restrictions on noise generating equipment and amplified sound systems.
 4. Off-street parking requirements and conditions concerning accommodation of pedestrian and vehicular traffic in the vicinity of the special activity.
 5. Restrictions on use and placement of signs.
 6. Requirements and restrictions on use of lighting.
 7. Requirements for the use of garbage containers and cleanup during the special activity, and clean-up/restoration of the property immediately following the termination of the special activity.
- F. **Duration of Permit.** The zoning permit shall be issued by the Director for a period not to exceed 60 consecutive days in any one calendar year.
- G. **Revocation.** The Director may revoke a zoning permit for failure of the permittee to comply with all the terms and conditions of the permit or for violating the Petaluma Municipal Code, or the Zoning Ordinance.
- H. **Appeal.** As prescribed in Section 24.070.

7.080 - Swimming Pools, Hot Tubs, and Spas

Private swimming pools, hot tubs or spas shall be allowed in any R District as an accessory residential use when in compliance with the following requirements:

- A. A private swimming pool, hot tub or spa is intended and is to be used solely for the enjoyment of the occupants and guests of the occupants of the principal use of the property on which it is located.
- B. In no case shall a swimming pool, hot tub or spa or accessory mechanical equipment be closer than six (6) feet to any property line of the property on which it is located.
- C. The swimming pool, hot tub or spa, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties.

7.090 – Telecommunications Facilities

The following requirements apply to Telecommunications Facilities as defined by the City's Telecommunications Ordinance (Municipal Code 14.44).

- A. **Definitions.** The types of facilities regulated by this section are defined in the City's Telecommunications Ordinance, Petaluma Municipal Code Chapter 14.44.

- B. Telecommunications facilities are allowed only as described in Table 7.090(B).

Table 7.090B

Zoning District	Type of Telecommunications Facility				
	Exempt	Mini	Minor	Major	Small
OSP	A	A	CUP	CUP	CUP
AG	A	A	—	—	--
RR	A	A	—	—	--
R1	A	A	—	—	--
R2	A	A	—	—	--
R3	A	A	—	—	--
R4	A	A	—	—	--
R5	A	A	—	—	--
C1	A	A	CUP	CUP	CUP
C2	A	A	CUP	CUP	CUP
MU1A	A	A	CUP	CUP	CUP
MU1B	A	A	CUP	CUP	CUP
MU1C	A	A	—	—	--
MU2	A	A	CUP	CUP	CUP
BP	A	A	CUP	CUP	CUP
I	A	A	CUP	CUP	CUP
CF	A	A	CUP	CUP	CUP

- C. Where a telecommunications facility is permitted by Table 7.090B, the approval(s) required prior to the commencement of the operation of a Telecommunications Facility are as prescribed in subsections 1-5 below.

1. **Exempt Facility.** An Exempt facility is an Accessory Use and no special permit is required, except when an Exempt facility is located in a Historic District. An Exempt facility located in a Historic District or on the site of a designated landmark is considered a Mini Facility subject to administrative Historic and Cultural Preservation approval as prescribed in Section 15.050.
2. **Mini Facility.** A Mini Facility is an Accessory Use subject to administrative site plan and architectural review approval as prescribed by Section 24.010. When a Mini facility is located in a Historic District or on the site of a designated landmark, the following special permits are required:
 - a. A Minor conditional use permit as prescribed in Section 24.030; and
 - b. Administrative Historic and Cultural Review as prescribed in 15.030.
3. **Minor Facility.** A Minor facility requires approval of a minor conditional use permit as prescribed in Section 24.030 and administrative site plan and architectural review approval as prescribed in Section 24.010. When a Minor facility is located in a Historic District or on the site of a designated landmark, approval of a major conditional use permit as prescribed in Section 24.030 and Historic and Cultural Preservation Committee approval as prescribed in Section 15.030 are required.
4. **Major Facility.** A major facility requires approval of a major conditional use permit as prescribed in Section 24.030 and Planning Commission approval as prescribed in Section 24.101.
5. **Small Facility.** A Small Cell Facility requires approval of a minor conditional use permit as prescribed in Section 24.030 and administrative site plan and architectural review approval as prescribed in Section 24.010. An encroachment permit for public right-of-way work is also required. The right-of-way shall be subject to the designation of the zone adjacent to the right-of-way, for purposes of the Table 7.090(B) designation.

- D. A Telecommunication facility shall comply with the development standards (Tables 4.6 – 4.13) for the zoning district in which the facility is located, the City's Telecommunications Ordinance, and all other applicable City requirements.

7.100 -- Bed & Breakfast Inns

This Section provides requirements and conditions for the establishment and operation of a bed and breakfast inn (B&B) within a residential zoning district.

- A. **Purpose.** The intent of this section and the standards outlined below are to assist in preservation and adaptive reuse of the city's historic resources, to serve visitors of Petaluma, to ensure that bed and breakfast inns are compatible with the residential area and to preserve the residential character of the neighborhoods in which they are located.
- B. **Permit Required.** No bed and breakfast inn shall be established within a residential zoning district where otherwise allowed as outlined in Tables 4.1 and 4.2 without application for and approval of a Conditional Use Permit in compliance with Section 24.030.
- C. **Findings.** In addition to standard use permit findings in Chapter 24.030, the decision making body shall make the following findings prior to approval of a use permit for the establishment of a bed and breakfast inn in a residential zoning district:
 - 1. The establishment of the bed and breakfast inn is consistent with General Plan policies regarding historic preservation;
 - 2. The bed and breakfast inn use will not be detrimental to the historic or architectural character of the existing building(s); and
 - 3. The bed and breakfast inn use is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.
- D. **Requirements and Conditions.** The following requirements and conditions apply to all bed and breakfast inns within residential zoning districts:
 - 1. **Adaptive Reuse.** Establishment of bed and breakfast inns shall be limited to the adaptive reuse or conversion of an historic or architecturally unique residential structure and shall not require significant exterior modifications that would diminish the uniqueness or significance of the residential structure or surrounding neighborhood.
 - 2. **Concentration.** When a new bed and breakfast inn is proposed within 300 feet of another bed and breakfast inn, the decision-making body shall make an additional finding prior to approval of the use that the new bed and breakfast inn does not harm the character and/or use of adjacent residential properties. In considering the findings required by this subsection and subsection 7.100.C above, the decision maker shall also consider the number of existing and proposed bed and breakfast inns within 300 feet of the proposed use in determining whether the proposed use is compatible with and not detrimental to the character of the neighborhood and surrounding land uses and/or not harmful to the character and/or use of adjacent residential properties.
 - 3. **Modifications.** New structures or additions to the existing structure shall be designed to maintain the established residential character and scale of the individual property and the surrounding neighborhood.
 - 4. **Limit on Maximum Number of Guest Rooms.** The number of guest rooms permitted shall be determined in the Conditional Use Permit process based on the size of the existing building, grounds

and site; the relationship of the site to the character, size and scale of surrounding neighborhood buildings; and visitor access and parking. In general, the number of guest rooms should not exceed 7.

5. **On-Site Manager.** An on-site manger shall maintain residence on the site.
 6. **Length of Stay.** Visitor occupancy shall be limited to a maximum of twenty-nine consecutive days.
 7. **Food Service.** Food service shall be limited to registered overnight guests only and shall not include an independent restaurant. Cooking facilities in individual guestrooms are prohibited (with the exception of microwaves and coffee makers).
 8. **Events.** Amplified music, lawn parties, outdoor weddings, and other similar activities shall not occur on site unless specifically allowed through the approved Conditional Use Permit. All such ancillary uses shall comply with City Performance Standards, including but not limited to the Performance Standards in Chapter 21.
 9. **Signs.** One on-site sign shall be allowed on each street frontage. If illuminated, signs shall be indirectly illuminated, and each sign shall not exceed two square feet in area, consistent with Section 20.110(B)(4).
 10. **Parking.** On-site parking shall be provided as required in Table 11.1 for Bed and Breakfast Inns.
 11. **Transient Occupancy Tax.** Bed and breakfast rentals shall be subject to the City's transient occupancy tax.
- E. **Public Notice.** Noticing for bed and breakfast inn applications shall include mailed notice to properties within 1,000 feet of the proposed use.

7.110 – Short-Term Vacation Rentals

This Section establishes requirements and conditions for the establishment and operation of short-term vacation rentals within residential, planned unit development, and mixed-use zoning districts.

- A. **Purpose.** The purpose of this section and the standards outlined below is to serve visitors of Petaluma, to ensure that short-term vacation rentals are compatible with residential and mixed use, and planned unit districts, and to preserve the character of the neighborhoods in which they are located.
- B. **Permit Required.**
 1. **Short-term vacation rentals.** Short-term vacation rentals are a permitted use only in residential, planned unit development, and mixed use zoning districts and only pursuant to a valid Short-Term Vacation Rental Permit issued in accordance with this section by the Planning Director or designee of the Planning Director.
 2. **Notice to Neighbors.** Upon approval of a Short-Term Vacation Rental Permit, all property owners within 100 feet of the permitted Short-Term Vacation Rental shall be noticed in writing. Such notice shall include the location of the short-term vacation rental, number of rooms available for short-term vacation rental, and contact information of the locally-available manager.
- C. **Requirements Applicable to All Short-Term Vacation Rentals.**
 1. **Guest Manual.** The Host shall provide a written manual to guests providing the local manager's contact information, the Performance Standards set forth in Chapter 21 of the Implementing Zoning Ordinance, parking limitations, and other helpful information to minimize conflict within the neighborhood.

2. **Signs.** On-site signage is prohibited.
 3. **Business License.** All short-term vacation rentals require a valid Business License issued in accordance with Chapter 6.01 of the Petaluma Municipal Code.
 4. **Transient Occupancy Tax.** Short-term vacation rentals are subject to and must satisfy all applicable requirements of the City's transient occupancy tax.
 5. **Advertising Short-Term Rentals.** In every advertisement for the Short-Term Vacation Rental, the Permittee shall include the City issued Permit Number. It is a violation of this code to advertise a unit that does not have a valid short-term vacation rental permit.
- D. Requirements Applicable to Hosted Short-Term Vacation Rentals.** A Short-Term Vacation Rental in which the permittee occupies the property with the guests and is subject to the following requirements:
1. **Limit on Maximum Number of Occupants.** No more than 2 overnight occupants per bedroom plus 2 additional occupants are permitted.
 - a. No more than two bedrooms in the dwelling may be furnished for compensation. (See section 7.100 for Bed and Breakfast requirements.)
 - b. If the entire dwelling is an accessory/secondary unit, it may be furnished for compensation as a Hosted Short-Term Vacation Rental, provided that the guests constitute one party, which may be evidenced through a single rental agreement for the entire dwelling.
 2. **Manager.** The permittee must be available at all times and be able to respond to complaints within 1 hour.
- E. Permit Requirements Applicable to Non-Hosted Short-Term Rentals.** A Short-Term Vacation Rental in which the permittee does not occupy the property with the guests and is subject to the following requirements:
1. **Limits on Occupants.**
 - a. The entire dwelling may be furnished for compensation, provided that the guests constitute one party, which may be evidenced through a single rental agreement for the entire dwelling.
 - b. No more than 2 overnight occupants per bedroom plus 2 additional occupants are permitted.
 2. **Limitation on Days.** The dwelling as a non-hosted vacation rental may be furnished for compensation for no more than 90 days during any calendar year.
 3. **Manager.** A manager located within 45 miles of the City must be available at all times and be able to respond to complaints within 1 hour.
- F. Short-Term Vacation Rentals in Planned Unit Developments.** A permit shall be issued for a Short-Term Vacation Rental in a Planned Unit Development unless said PUD guidelines explicitly prohibit short-term vacation rentals. Consistency with CC&Rs or other private covenants shall be the responsibility of the permittee and are not regulated by the City as part of the permitting process.

- G. Dispute Resolution.** Upon receipt of three or more complaints in a calendar year about a Short Term Vacation Rental, with the consent of the parties involved, the City may refer the parties to a third party mediator. The cost shall be shared equally by the parties involved, unless the parties agree otherwise in writing.
- H. Application Process.** The application process for a Short-Term Vacation Rental Permit shall be as follows:
1. **Application for Permit.** Application for a Short-Term Vacation Rental Permit shall be made to the Director on a form provided by the City.
 2. **Fee.** The fee that applies to process applications for Short-Term Vacation Rental Permits shall be set by the City Council resolution.
 3. **Parking.** The application must show that the applicant can provide:
 - a. **Parking.** On-site parking for the existing residential use shall be provided as required in Table 11.1 for Dwelling Single Family or Multiple Household, as applicable. The Planning Manager, in his or her sole discretion, may give credit for up to two uncovered spaces on the abutting public street if there is legal non-conforming parking on the site; or
 - b. **Parking Exception.** Applicants that are unable to meet the parking requirements in Section H.3.a. due to existing legal non-conforming parking and/or site constraints, may obtain a Parking Exception upon approval of a Minor Conditional Use Permit as prescribed in Section 24.030. Applications for a Parking Exception must provide documentation demonstrating that adequate on-street parking is available to accommodate the proposed short term vacation rental and the other existing uses on the site.
 4. **Safety.** All short-term vacation rentals must provide smoke detectors, CO2 detectors, be adequately heated, and otherwise satisfy all applicable requirements of the California Building Standards Code as in effect in the City.
 5. **Duration.** Short-Term Vacation Rental Permits shall be valid through the end of the calendar in which they are issued. All Short-Term Vacation Rental Permits shall expire on December 31, unless a renewal application is approved.
 6. **Permit Approval.** A Short-Term Vacation Rental Permit application shall be approved if all applicable requirements are satisfied; otherwise, the application shall be denied.
- I. Renewal of Permit.**
1. Permittees may apply to renew Short-Term Vacation Rental Permits on forms provided by the City.
 2. Permit renewal applications do not require notice in accordance with Section B.
 3. The Director shall issue a renewal of a Short-Term Vacation Rental Permit if the permittee satisfies all applicable requirements pursuant to this Chapter; otherwise such renewal applications shall be denied. The Director may deny a renewal application if he or she determines that any of the following have occurred during the 12 months prior to the renewal application:
 - a. Failure to timely remit Transient Occupancy Taxes; or

- b. More than three verified violations of this section; or
 - c. The Director determines that permittee has provided false information in the application or previous renewal application; or
 - d. An authorized official has given notification or health or safety violations or non-compliance on the property.
- J. **Revocation of Permit.** Upon confirmation of three or more verified violations of this section or other information alleging that a short -term vacation rental has violated or is in violation of any applicable laws, regulations, or other requirements, including, but not limited to, the requirements of this section, the Planning Director or a designee of the Planning Director may commence permit revocation proceedings in accordance with section 24.030(J). Once a Short -Term Vacation Rental Permit has been revoked, continued use of the Short –Term Vacation Rental at that location is prohibited and subsequent applications may not be filed within one (1) year from the date of revocation.
- K. **Appeal.** Appeal of decisions of the Planning Director pursuant to this section may be brought pursuant to Section 24.070.
- L. **Enforcement.** The City may seek remedies for any violations of this section pursuant to any applicable authorities, including, but not limited to, those contained in Chapter 26 and those contained in Title 1 of the Petaluma Municipal Code.
- M. **Sunset.** Unless otherwise extended, or modified and extended by action of the City Council, this Ordinance shall expire and its terms shall no longer remain in effect as of midnight, December 31, 2020.

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 8

Alcoholic Beverage Establishment

8.010 - Purpose

It is the intent of this section to prevent problems associated with commercial establishments involved in the sale of alcohol for on-site consumption. It has been demonstrated that such establishments can adversely affect nearby commercial and residential uses and can create substantial demands for police services. It is, therefore, the purpose of this section to establish regulations to govern land uses involved in the dispensing of alcoholic beverages for on-site consumption.

8.020 - Definitions

As used in this section, the following words, phrases, and terms shall have the following meanings:

- A. **Alcoholic Beverage Establishment.** A commercial and non-commercial establishment wherein alcoholic beverages are sold, served, or given away for consumption on the premises, excluding full-service restaurants. Typical alcoholic beverage establishments include but are not limited to the following recognized types of establishments: bars, cocktail lounges, ballrooms, dance bars, piano bars, billiard or game parlors, bowling alleys and nightclubs.
- B. **Alcoholic Beverage Sales.** The retail sale, for on-premises consumption of liquor, beer, wine, or other alcoholic beverages.
- C. **Financial Interest.** Any direct or indirect interest in the management, operation, ownership, profits or revenue (gross or net) of an alcoholic beverage establishment. A "financial interest" means a monetary investment in an alcoholic beverage establishment or the premises and business enterprises directly related to it.
- D. **Full Service Restaurant.** A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation which has: 1) suitable kitchen facilities; 2) a primary use of sit-down meal service to patrons; 3) adequate seating arrangements for patrons provided on the premises; 4) alcoholic beverages served for consumption on the premises are clearly incidental to the primary food services determined by the Director. A full-service restaurant does not include any billiard or pool hall, video arcade, bowling alley or adult entertainment business. The sale or service of sandwiches or snack foods (whether prepared in a kitchen or made elsewhere) shall not constitute a full service restaurant.
- E. **Interested Person.** Any member, stockholder, officer, director, partner, principal, associate, individual, trustee, or combination thereof holding any financial interest in a permit, or who has the power to exercise influence over the operation of an alcoholic beverage establishment or a permittee.
- F. **Manager.** Anyone who represents the interest of the permittee in the operation of an alcoholic beverage establishment whose duties include but may not be limited to: the making or changing of policy; hiring or firing of employees; or generally exercising independent judgment in the operation of the alcoholic beverage establishment. A manager need not have a financial interest in the alcoholic beverage establishment. A manager must be an employee of the permittee, or if not an employee, then a person having a financial interest as a partner, a shareholder, or trustee of the alcoholic beverage establishment (but not otherwise).
- G. **On-Site Sale.** The sale of alcoholic beverages including beer, wine and distilled spirits for consumption on the premises where sold.
- H. **Permit.** A conditional use permit issued pursuant to Section 24.030.
- I. **Permittee.** The individual or entity that owns an alcoholic beverage establishment and to whom a conditional use permit to operate an alcoholic beverage establishment has been issued by the City.
- J. **Transfer of a Financial Interest.** The assignment, bequest, conveyance, demise, devise, gift, grant, lease, loan, sublease or transfer of a financial interest in an alcoholic beverage establishment.

8.030 - Zones for Alcoholic Beverage Establishments

Alcoholic beverage establishments are conditional uses only in the commercial and mixed use zones, C1, C2, MU1A, MU1B, and MU2 and in certain P.U.D.'s where appropriately designated as identified by the Zoning Ordinance and General Plan. A tasting room which qualifies as an ancillary use pursuant to Section 8.035 may also be allowed in the industrial and business park zones, I and BP.

8.035 – Tasting Rooms

Tasting rooms associated with an alcohol production facility may be considered ancillary to the primary use and approved by the Zoning Administrator as provided by Section 24.030(M), upon compliance with all of the following criteria:

- A. The tasting room shall be located on the premises of the alcohol production facility and operations shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use;
- B. The tasting room shall not operate as a stand-alone bar or tavern;
- C. The tasting room shall only serve and/or sell those beverages produced by the company on site; and
- D. The tasting room shall comply with all applicable ABC and State regulations for wine, beer, and distilled spirit manufacturers and tasting rooms.
- E. In addition to satisfying all of the above criteria, prior to issuance of a minor conditional use permit hereunder, the Zoning Administrator must determine that the minor conditional use permit also meets the general welfare standard set forth as a required finding for conditional use permits in Section 24.030.H.

8.040 - Alcoholic Beverage Establishment Conditional Use Permit Required

It shall be unlawful for any person to establish or operate, or cause or permit to be operated, any alcoholic beverage establishment without first obtaining a conditional use permit as defined and set forth in Section 24.030 of the Petaluma Zoning Ordinance. Such permit shall not be denied on the basis that the business to be established is an alcoholic beverage establishment, if the establishment is in conformance with the requirements of this Section.

8.050 - Permit Application

- A. Any person, association, partnership, corporation, or other entity desiring to obtain an alcoholic beverage establishment conditional use permit shall file an application with the Community Development Department on a form provided by the Director. The application shall be accompanied by a nonrefundable application processing fee in the amount established by City Council resolution.
- B. The application for a conditional use permit shall contain the following information:
 - 1. The name, address, and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its articles of incorporation. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible management officer.
 - 2. Name, address, and telephone number of the person who shall manage and operate the establishment for which the permit is requested. The name and address of a person authorized to accept service of legal notices.
 - 3. The proposed business name of the alcoholic beverage establishment and description of all operating aspects of the proposed business.
 - 4. Street address of the proposed alcoholic beverage establishment and the assessor parcel number for the property.

5. A plot plan for the property depicting the location of the building housing the alcoholic beverage establishment on the property and all existing and proposed parking, exterior lighting, signage, and landscaping, trash enclosures, waiting or queuing areas.
 6. Any other information reasonably necessary to accomplish the purposes of Chapter 8.
- C. **Referral to Other City Departments and Agencies.** The Director of the Community Development Department may refer the application to other City departments to determine whether the premises where the alcoholic beverage establishment will be located, complies with the City's building, health, zoning and fire ordinances or other **applicable** ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and laws they administer.
- D. **Action on Application.** Notice and public hearing requirements shall be as set forth in Section 24.030 of the Petaluma Zoning Ordinance pertaining to a conditional use permit.

8.060- Grounds for Conditional Use Permit Denial/Revocation

- A. The Planning Commission or the Community Development Director shall grant the conditional use permit unless it is determined from consideration of the application, City inspection of the premises or other pertinent information that:
1. Information contained in the application or supplemental information requested from the applicant is false in any material detail.
 2. The operation of the alcoholic beverage establishment is or would be in violation of one or more provisions of these regulations and Section 24.030 (Conditional Use Permits).
 3. The premises where the alcoholic beverage establishment is or will be located does not comply with all applicable laws, including, but not limited to, the City's building, health, zoning and fire ordinances.
 4. That a conditional use permit to operate the alcoholic beverage establishment has been issued to the applicant, a partner of the applicant, or a stockholder of the applicant which stockholder owns more than 10% of the applicant's corporate stock, which conditional use permit has been suspended and the period of suspension has not yet ended.
 5. The proposed location of alcoholic beverage establishment would be inconsistent with the considerations described in Section 24.030(G) (Considerations for Review of Applications).
 6. The proposed use will adversely affect the welfare of the area residents or will result in an undue concentration in the area of alcoholic beverage establishments.
 7. The proposed location is inappropriate for the proposed use by virtue of its proximity to:
 - a. residential buildings;
 - b. churches, schools, hospitals, public playgrounds and other similar uses; and
 - c. other alcoholic beverage establishments.
 8. The proposed use will be of such a size or propose an activity level, i.e., music, entertainment activities, food service, arcade games or other amusement activities, etc., such that it would be incompatible or unsuitable with the uses in and/or character of, the surrounding area.

9. Notice of conditional use permit denial shall be in writing and shall state the grounds therefore. Notice shall be personally served on the permit applicant or mailed to his address listed on the application form.
10. An alcoholic beverage establishment conditional use permit may be suspended by the Community Development Director or the Planning Commission for up to one year or revoked for any of the reasons specified as grounds for conditional use permit denial in Section 8.060 (A)(1-8) above or failure to comply with conditions imposed through the conditional use permit.
11. Notice of intention to suspend or revoke shall be in writing and shall state the grounds therefore. Any suspension or revocation shall be done as specified in Section 24.030(J) of the Petaluma Zoning Ordinance.

8.062 - Conditional Use Permit Conditions

The Community Development Director may recommend conditional issuance of an alcoholic beverage establishment use permit by reasonable conditions to insure compliance with the provisions of this Chapter, and other sections of the Petaluma Zoning Ordinance and Municipal Code.

8.064 - Conditional Use Permit Valid for Specified Location/Establishment

Each permit issued pursuant to Chapter 8 is only valid:

- A. For the specific operational characteristics of the establishment as described in the conditional use permit application.
- B. For the specified location as described in the conditional use permit application.

8.066 - Sale or Transfer of Business

- A. No conditional use permit issued pursuant to this article may be assigned or transferred without notification to the Community Development Director. The Community Development Director may, refer the sale or transfer request to the Planning Commission for information.
- B. Transfer of partnership or corporate ownership. Notification of a transfer of a conditional use permit shall be required prior to any change in an interest in a partnership or ownership of ten percent (10%) or more of the stock of a corporation to any person not listed on the application filed by said applicant pursuant to Section 8.050.

8.068 - New Conditional Use Permit Required

A new conditional use permit is required in any of the following situations:

- A. Prior to any change in the location of the alcoholic beverage establishment;
- B. Prior to the change of mode or manner of operation of any existing alcoholic beverage establishment; or
- C. Prior to the enlargement or expansion of any existing alcoholic beverage establishment including but not limited to physical expansion of the facility or expansion of the nature of the business, e.g., hours of operation, scope of activities, number of tables, etc.

8.070 - Exceptions

The provisions of this section shall not apply to full service restaurants, off-premises alcoholic beverage sales establishments, private clubs and veteran or fraternal clubs, temporary sale of alcoholic beverages by a church, school, or charitable group as defined by the Alcoholic Beverage Control (ABC).

8.072 - Non-conforming uses

- A. Any commercial establishment which was engaged in the sale of alcoholic beverages where the business was in

existence and lawfully operating before the effective date of this ordinance is herein after considered to be a legal nonconforming use. The City Council may, pursuant to the provisions of Chapter 1.15 of the Petaluma Municipal Code, at any time, require that a particular legal nonconforming business engaged in the sale of alcoholic beverages obtain a conditional use permit if it determines that such business is being operated in such a manner that it creates a nuisance to surrounding uses. Pursuant to Section 1.15.020 of the Petaluma Municipal Code, a nuisance shall exist if and when an existing alcoholic beverage establishment operates in such a manner in the judgment of the City Council, so that any of the following regularly occurs: generation of excessive noise, inadequate crowd control, generation of excessive litter, inadequate parking facilities, excessive calls for police service, or existence of unsafe conditions as determined by the Chief Building Official or the Fire Marshal.

- B. The use of a lot for an establishment dispensing, for sale or other consideration, alcoholic beverages, including beer and wine, for on-site consumption may not be continued or re-established without conditional use permit approval granted in accordance with the provisions of this section, if any of the following occur after the effective date of this ordinance:
 - 1. The establishment changes its type of retail liquor license classification; or
 - 2. Pursuant to a hearing before the Department of Alcoholic Beverage Control, the liquor license is revoked or suspended for a period of more than thirty (30) days; or
 - 3. The operation of the establishment is abandoned or discontinued for a period of six (6) months or more, including the case where the license for such operation is suspended; or
 - 4. There is a substantial change in the mode or character of operation of the establishment as determined by the Planning Director.

8.074 - General Requirements

- A. The following are general requirements which may, among others, be required as conditions of a Conditional Use Permit to establish, expand or modify an Alcoholic Beverage Establishment:
 - 1. The operation of an alcoholic beverage establishment shall be the responsibility of the permittee personally (if an individual is the permittee) or a manager or designated responsible employee of the permittee at all times.

The permittee shall designate the names of all such managers and designated responsible employees in the application and shall advise the Community Development Director in writing whenever any change is made.
 - 2. The permittee personally (if an individual is the permittee) or a manager or a designated responsible employee shall be on the premises at all times during the conduct of business.
 - 3. All employees shall complete a program recognized by the Department of Alcoholic Beverage Control (ABC) as a qualified Responsible Beverage Service Program prior to the commencement of a new business or within ninety (90) days of hire for new employees. The manager of an alcoholic beverage establishment shall maintain on the premises a file containing the certificates of training for all employees.
 - 4. The Planning Commission and City Council shall have the right to impose conditions upon the conditional use permit as are necessary for the protection of the peace, health, welfare and safety of those persons living or working in the vicinity or neighborhood.
 - 5. The alcoholic beverage establishment shall be operated in such a manner so that it at no time violates zoning standards regarding noise generation. The applicant shall present a Noise Management Plan to

the Community Development Director prior to the commencement of the use. Said plan shall establish the method by which noise impacts including but not limited to amplified music and patron noise from within the facility as well as patrons/pedestrians outside of the facility on the adjacent public sidewalk/street will be regulated to avoid disruption to the immediate neighborhood. Should complaints be received regarding noise disruption the applicant shall take reasonable and practical steps as directed by the Community Development Director to reduce the intensity, number and/or occurrences of these disruptions. Said steps may include but are not limited to the reduction of the number and/or volume of microphones, amplifiers and speakers; the installation of certain physical improvements designed to attenuate noise generation; the relocation of patron waiting/queuing areas to a location found to be acceptable to the Community Development Director; and/or the reduction in hours for the commercial recreation activities. The Community Development Director may require the preparation of an acoustical evaluation to quantify the noise levels and to suggest appropriate attenuation measures. Such an evaluation shall be funded by the applicant and directed by the Community Development Director to be performed with no notice to owner/operator.

6. A security plan shall be prepared including, but not limited to, the periods of time and staffing levels for security personnel, duties, responsibilities and qualifications of security staff for review and approval by the Chief of Police within 14 days of this Conditional Use Permit approval.
7. Bar personnel shall check identification (I.D.) at the front door to insure patrons are of legal age to enter.
8. At closing time or during special events, crowd control by qualified security personnel shall be provided to insure safety and orderly conduct in front of the premises. Sidewalks shall be kept open for pedestrian traffic at all times.
9. The Community Development Director and Chief of Police shall be notified a minimum of ten (10) days in advance of special events that may attract larger than normal crowds. The Chief of Police may require and the owner/operator shall provide additional qualified security personnel on site to provide adequate crowd control.
10. Exterior lighting shall be installed as necessary to adequately illuminate the sidewalk or other public way in front of the business at closing time. This lighting will insure the safety of patrons and discourage loitering in front of the business.
11. The applicant shall, for the first 6 months, schedule a monthly meeting with the Community Development Director and Chief of Police in order to identify and mitigate any noise/parking/lighting problems and/or neighborhood concerns.
12. The applicant shall comply with Alcoholic Beverage Control (ABC) laws and regulations. Suspension of the applicant's license by the ABC may constitute sufficient cause or basis for review and possible revocation of a conditional use permit.
13. A conditional use permit for an alcoholic beverage establishment may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the conditional use permit or add/modify conditions of approval.

Chapter 9

Cardroom Establishments

9.010 - Definitions

As used in this chapter, the following words, phrases, and terms shall have the following meanings:

- A. **Cardroom.** Any room open to the public for the lawful playing of cards, regardless of whether the tables, chairs, and other furniture and fixtures are temporary or permanent or at times used for other purposes.
- B. **Chief of Police.** The Chief of Police of the City or his authorized representative.
- C. **City.** The City of Petaluma, California.
- D. **Conducted.** Shall include the terms “operated”, “engaged in”, “allowed”, “permitted” and “suffered” within its meaning.
- E. **Conviction.** A plea or verdict of guilty or a conviction following a plea of nolo contendere. The record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Chief of Police may inquire into the circumstances surrounding the commission of the crime for purposes of applying the provisions of this ordinance.
- F. **Dealer.** Any individual dealing a gambling game, or who operates or manages such game or games on a premises authorized under this chapter.
- G. **Exempt Organization.** A nonprofit society, club, fraternal, labor, or other organization having adopted bylaws, duly elected officers and/or directors, and a bona fide membership which has applied for and obtained tax exempt status as an exempt organization from the Franchise Tax Board of the State of California and the Internal Revenue Service under the Internal Revenue Code of the United States.
- H. **Financial Interest.** Any direct or indirect interest in the management, operation, ownership, profits or revenue (gross or net) of a gaming club. A “direct financial interest” means a monetary investment in a gaming club or the premises and business enterprises directly related to it. An “indirect financial interest” means owning one percent (1%) or more of any entity, i.e., any business, corporation, partnership or trust, that in turn has a direct financial interest in a cardroom. The following are examples of indirect financial interests:
 - 1. The stock or other securities of a corporation that owns a cardroom.
 - 2. A partnership interest in a partnership that owns a cardroom.
 - 3. The interests of either or both the income beneficiaries or remaindermen of a revocable or irrevocable trust that owns a cardroom or holds a financial interest in one.
 - 4. Any lease or other rental agreement with a cardroom as a lessee or renter, the rental for which is based in any part on the profits or revenue (gross or net) of the cardroom.
 - 5. Any loan made by a private lender to a cardroom.
 - 6. Any other interest in the management, operation, profit, revenue (gross or net) of a cardroom.
- I. **Gambling.** The playing, for money or chips representing money, or for any other thing of value, of those card games which are not unlawful under the laws of the State of California.
- J. **Gambling Licensee.** Any person or persons who are currently licensed under Chapter 6.20 of the Petaluma Municipal Code.

- K. **Hours of operation.** The hours that a cardroom may operate. A cardroom may operate 24 hours a day, seven days a week, or as authorized by the individual conditional use permit.
- L. **House Player.** An employee engaged, financed, or paid by the licensee for the purpose of starting and/or maintaining a sufficient number of players in a card game.
- M. **Interested Person.** Any member, stockholder, officer, director, partner, principal, associate, individual, trustee, or combination thereof holding any financial interest in a licensee, or who has the power to exercise influence over the operation of a cardroom or a licensee.
- N. **Legal Gaming.** Any game played with cards or other similar devices for currency, check, credit or other thing of value which is not prohibited and made unlawful by Chapter 9 (commencing with Section 319) or Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code.
- O. **License.** The license issued under Chapter 6.20 of the Petaluma Municipal Code by the City to an applicant permitting the operation of a cardroom owned by the applicant.
- P. **Licensee.** The individual or entity that owns a cardroom and to whom a license to operate a cardroom has been issued by the City.
- Q. **Manager.** Anyone who represents the interest of the licensee in the operation of a cardroom, whose duties include but may not be limited to: (1) the making or changing of policy; (2) approving credit; (3) hiring or firing of employees; (4) generally exercising independent judgment in the operation of the cardroom. A manager need not have a financial interest in the cardroom. A manager must be an employee of the licensee, or if not an employee, then a person having a financial interest as a partner, a shareholder, or trustee of the cardroom (but not otherwise).
- R. **Organized Crime.** A structured criminal syndicate composed of professional criminals who primarily rely on unlawful activity as a way of life.
- S. **Person.** Includes individual, partnership, corporation, association, club, firm, or entity of any character whatsoever.
- T. **Patron Safety and Security Plan.** The document which describes the methods that are implemented and qualifications of the permanent staff and use of contract personnel hired by the cardroom owners, operators, or managers to provide for the safety and security of the cardroom patrons.
- U. **Private Lender.** Any person other than a state or federally regulated bank or savings and loan association, a credit union, any other recognized financial institution doing business with the public, that has loaned or advanced, or is obligated to loan or advance money to a cardroom if either the payment of interest or principal of such loan is based in any part on the profits or revenue (gross or net) of the cardroom, or by virtue of the loan, such person has the power to exercise influence over the operation of a cardroom.
- V. **Qualified Transferor.** (1) a person, partnership, or corporation holding a cardroom license; (2) a person holding stock in a corporate licensee; and/or (3) a person having a partnership interest in a partnership license.
- W. **Registrant.** Any person who has filed an application under the Registration Gambling Control Act of California (California Business and Professions Code, Subsection 19800 et seq) hereafter "Gambling Control Act".
- X. **Transfer of a Financial Interest.** The assignment, bequest, conveyance, demise, devise, gift, grant, lease, loan, sublease, or transfer of a financial interest in a cardroom.
- Y. **Transfer of a License.** The assignment, bequest, conveyance, demise, gift, grant, lease, loan, sublease or transfer of a cardroom license.
- Z. **Wagering Limits.** The minimum and maximum amount that may be used for betting purposes for any game

played within the cardroom. There are no wagering limits established by this ordinance for purposes of Business and Professions Code section 19860. A minimum of two signs are to be clearly and prominently posted within the cardroom and one sign on each table where a card game is being played stating the minimum and maximum betting amount.

9.020 - Zones for Cardroom Establishments

Cardroom establishments are permitted only in the **commercial zones C1, C2, MU1A, MU1B, MU2 and BP** as identified by the Zoning Ordinance. No such establishment shall be permitted in any area outside of one of these commercial zones.

9.030 - Conditional Use Permit Required

It shall be unlawful for any person to establish or operate, or cause or permit to be operated, any cardroom establishment without first obtaining a conditional use permit as defined and set forth in Section 24.030 of the Petaluma Zoning Ordinance. Such permit shall not be denied on the basis that the business to be established is a cardroom establishment, if the establishment is in conformance with the requirements of this Chapter.

9.040 - Permit Application

- A. Any person, association, partnership, corporation, or other entity desiring to obtain a cardroom establishment conditional use permit shall file an application with the Community Development Department on a form provided by the Director. The application shall be accompanied by a nonrefundable application processing fee in the amount established by City Council resolution.
- B. The application for a conditional use permit shall contain the following information:
 1. The name, address, and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its article of incorporation, the date and place of incorporation, the names and addresses of the officers, directors, and each stockholder owning more than 10% of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provision of this chapter pertaining to a corporate applicant shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible manager officer.
 2. Name, address and telephone number of the person who shall manage and operate the establishment for which the permit is requested. The name and address of a person authorized to accept service of legal notices.
 3. The proposed business name of the cardroom establishment and description of the type of games to be played.
 4. Street address of the proposed cardroom establishment and the assessor parcel number for the property.
 5. A plot plan for the property depicting the location of the building housing the cardroom establishment on the property.
 6. Any other information reasonably necessary to accomplish the purposes of Chapter 9.
 7. The proposed and existing hours of operation shall be listed in an application for a new or amended conditional use permit.
 8. A Patron Safety and Security Plan shall be prepared that includes but is not limited to, the periods of time and staffing levels for security personnel, duties, responsibilities and qualifications of security staff for review by the Chief of Police prior to scheduling the Conditional Use Permit before the Planning

Commission.

9. If pertinent to the new or amended conditional use permit application, wagering limits for the different games may be requested by either the Police or Community Development Departments.
- C. **Referral to Other City Departments.** The Director of the Community Development Department may refer the application to other City departments to determine whether the premises where the cardroom establishment will be located complies with the City's building, health, zoning and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and laws they administer.
- D. **Action on Application.** Notice and public hearing requirements shall be as set forth in Section 24.030 of the Petaluma Zoning Ordinance pertaining to conditional use permits.

9.050 - Grounds for Conditional Use Permit Denial/Revocation

- A. The Planning Commission shall grant the conditional use permit unless it is determined from a consideration of the application, City inspection of the premises, or other pertinent information, that:
 1. Information contained in the application or supplemental information requested from the applicant is false in any material detail.
 2. The proposed location of the cardroom business would not comply with the requirements of Section 9.090.
 3. The operation of the cardroom business is or would be in violation of one or more provisions of Chapter 9 and Section 24.030.
 4. The premises where the cardroom business is or will be located does not comply with all applicable laws, including, but not limited to, the City's building, health, zoning and fire ordinances.
 5. A conditional use permit to operate the cardroom establishment has been issued to the applicant, a partner of the applicant, or a stockholder of the applicant which stockholder owns more than 10% of the applicant's corporate stock, which conditional use permit has been suspended and the period of suspension has not yet ended.
 6. The proposed location or cardroom proposal would be inconsistent with the considerations described in Section 24.030(G).
 7. The Patron Safety and Security Plan has not been submitted or has not been approved by the Police Department.
 8. Wagering limits were not submitted, if pertinent to the conditional use permit application.
- B. **Notice of Denial.** Notice of conditional use permit denial shall be in writing and shall state the grounds therefore. Notice shall be personally served on the permit applicant or mailed to his address listed on the application form.
- C. **Suspension or Revocation.** A cardroom conditional use permit may be suspended for up to one year or revoked for any of the reasons specified as grounds for conditional use permit denial in Section 9.050 (A) (1-8) above.
- D. **Notice of Intention to Suspend or Revoke.** Notice of intention to suspend or revoke shall be in writing and shall state the grounds therefore. Any suspension or revocation procedure shall be done as specified in Section 24.030(J) of the Petaluma Zoning Ordinance.

9.052 - Conditional Use Permit Conditions

The Director of Planning may recommend conditioning the issuance of a cardroom conditional use permit by imposing reasonable conditions to insure compliance with the provisions of Chapter 9, and other sections of the Petaluma Zoning Ordinance and Municipal Code. Cardroom conditional use permits shall be subject to annual review by the Planning Commission.

9.054 - Conditional Use Permit Valid for Specified Location/Establishment/Permittee

Each permit issued pursuant to Chapter 9 is only valid:

- A. For the permittee specified in the conditional use permit application.
- B. For the business name for the cardroom establishment listed in the conditional use permit application.
- C. The specific type of establishment described in the conditional use permit application.
- D. The specified location described in the conditional use permit.
- E. For the specified hours of operation as authorized in the approved Conditional Use Permit.
- F. When a Patron Safety and Security Plan has been submitted and reviewed and approved by the Police Department.

9.056 - Sale or Transfer of Business

- A. No conditional use permit issued pursuant to this article may be assigned or transferred without the prior written consideration and approval of the Police Chief and Community Development Director. The applicant shall apply for a transfer on a form provided by the Community Development Director and shall pay a nonrefundable application processing fee in the amount established by City Council resolution. Consideration of the sale or transfer shall be done in accordance with conditional use permit procedures set forth in Section 24.030 of the Zoning Ordinance with the exception of Section 24.030(L) pertaining to transfer rights.
- B. Transfer of partnership or corporate ownership. An application for approval of a transfer of a conditional use permit shall be required prior to any change in an interest in a partnership or ownership of ten percent (10%) or more of the stock of a corporation to any person not listed on the application filed by said applicant pursuant to Section 9.040.
- C. An application for transfer of a cardroom conditional use permit may be denied for any of the grounds specified for denial of an original conditional use permit application in section 9.050. Procedures for notice of denial of a transfer and appeal thereof shall be identical to those procedures for denial of a conditional use permit application specified in Section 24.030(F).

9.058 - New Conditional Use Permit Required

A new conditional use permit is required in any of the following situations:

- A. Prior to any change in the location of the cardroom establishment;
- B. Prior to the conversion of any existing cardroom establishment to any other type of cardroom establishment as described herein;
- C. Upon receiving approval from the Finance Department regarding a proposed name change, the Community Development Department may approve the new name. No change in ownership, location, size, operation and/or intensification of use can occur with a name change proposal;
- D. Prior to the enlargement or expansion of any existing cardroom including but not limited to physical expansion of the facility or expansion of the nature of the business, e.g., hours of operation, scope of activities, number of

tables, etc;

- E. Prior to any change in the hours of operation, a conditional use permit application shall be submitted and approved pursuant to Section 9.040; or
- F. Prior to any change to the Patron Safety and Security Plan.

9.060 - License Required

Prior to the establishment of a cardroom facility, the applicant shall obtain a license from the City of Petaluma as required by Chapter 6.20 of the Petaluma Municipal Code.

9.070 - Limit on Cardrooms

It is in the interest of the public health, safety and welfare of the City to limit the number of cardrooms operating in the City to one (1) cardroom for each fifteen thousand (15,000) persons residing in the City or four (4) cardrooms in total, whichever is less. For the purpose of determining the number of cardrooms permissible, the population is determined by the latest estimate of population made by the Department of Finance.

No application for a cardroom conditional use permit shall be accepted for filing when the maximum number of conditional use permits authorized pursuant to this Chapter have been issued and are valid. There shall be no waiting lists or priorities for persons desiring to file such applications under such circumstances.

9.080 - Table Limit

The number of tables in any cardroom licensed as of the effective date of this Ordinance shall not be increased, except that every cardroom may have up to eighteen (18) tables. No cardroom shall have more than eighteen (18) tables. A "table" is defined as an area in which a single game is played, not exceeding ten players plus a dealer.

9.090 - Limit on Locations

No cardroom shall be allowed in the following locations:

- A. Within two hundred fifty feet of the exterior property limits of any public or private elementary school, junior high school, or high school;
- B. Within one thousand feet of the exterior structural wall of each business or premises lawfully occupied by a cardroom, a massage establishment, or adult entertainment establishment. All distances referred to in this Chapter shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.

9.100 - Financial Disclosure

Upon application of a conditional use permit, every applicant therefore, shall disclose the following information:

- A. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each stockholder holding more than ten (10%) percent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Chapter pertaining to a corporate applicant shall apply. The names and addresses of every person deriving a profit, or holding any position of management or control, shall be disclosed.
- B. A sale or transfer of any interest in a cardroom, which interest would be required to be reported upon application for a cardroom license, shall be reported to the Chief of Police prior to such sale or transfer. The Chief of Police shall investigate any person receiving any interest in a cardroom as a result of such sale or transfer, and if such persons satisfies the requirements relating to cardroom license applicants, the Chief of Police shall give written approval to such transfer or sale. A fee as set forth in the municipal fee schedule shall be paid to the City for investigation by the Chief of Police necessitated by each such sale or transfer.

- C. All indebtedness of the cardroom business exceeding one percent of the book value of the business shall be disclosed in writing to the Chief of Police within ten days after such indebtedness exists, excluding indebtedness from commercial lending institutions or trade creditors.

9.110 - Operations Regulations

It is unlawful to operate a cardroom in violation of any of the following regulations:

A. Physical Arrangements:

1. Not more than one cardroom shall be located at one address.
2. No establishment licensed as a cardroom shall operate or maintain in use more tables for the playing of legal games than the number for which the conditional use permit authorizes and for which the business license tax has been paid.
3. Legal games shall be located and conducted on what is commonly known as the street floor of the cardroom premises.
4. Legal games shall be located in one or more rooms and so arranged that the gaming tables in a room and the players at the tables shall be plainly visible from the main doorway into such cardroom, and no wall, partition, screen, or similar structure between any main doorway into a cardroom and any gaming table shall be permitted if it interferes with such visibility, except for such other physical arrangement of a cardroom which has been approved by the Chief of Police.
5. During all hours of operation, the outside doors to the cardroom and the main doors to the gaming rooms must be unlocked and accessible to the general public.
6. Cardroom facilities may operate up to 24 hours a day, seven days a week as dictated by individual conditional use permits.
7. The legal gaming areas of the cardroom shall be separated from other activities on the premises to the satisfaction of the Chief of Police.
8. Any part and all of the cardroom shall be open to police inspection during all hours of operation.
9. The maximum number of players involved in legal gaming at any one time shall not exceed a total of the number ten (10) multiplied by the maximum number of tables the licensee is authorized to operate under the conditional use permit.
10. Any deviation in the approved Patron Safety and Security Plan requires an amended conditional use permit so that the Police and Community Development Departments can review and approve any changes. This conditional use permit amendment can be approved by the Community Development Director. However, this item may be brought to the Planning Commission for review should there be a request for a public hearing.

B. Operations Procedures. No licensee, agent, or employee of a licensee, shall:

1. Allow or permit money to be used as ante or bet in any legal game in any cardroom. Anteing or betting shall be done by using tokens, chips, or other representatives of money.
2. Loan money or permit money to be loaned, with or without security, to any persons, except to an identified house player, as a stake in any legal game.

3. Knowingly permit any person who is in a state of intoxication in any area of the premises used for legal games.
4. Permit any person under the age of twenty-one (21) years to participate in any legal game within, or to be present within, any cardroom, provided, however, that a license may establish a higher minimum age of admission if not otherwise prohibited by law.
5. Fail, neglect, or refuse to exhibit their licenses on the demand of any law enforcement officer.

C. General Requirements.

1. There shall be posted in a conspicuous place in the cardroom premises the following:
 - a. The minimum and maximum wagering limits, time charged, or other fee charged players for the use of the tables;
 - b. A set of detailed house rules applicable to the games played, which shall be posted in the form of a printed rule book;
 - c. A copy of the current valid Gambling License issued under the Gambling Control Act.
2. The operation of a cardroom shall be the responsibility of the licensee personally (if an individual is the licensee) or a manager or designated responsible employee of the licensee at all times.
3. The licensee shall designate the names of all such managers and designated responsible employees in the application and shall advise the Chief of Police in writing whenever any change is made.
4. The licensee personally (if an individual is the licensee) or a manager or a designated responsible employee shall be on the cardroom premises at all times during the conduct of its legal gaming operations.
5. Not later than January 1st of each calendar year, the licensee shall execute under penalty of perjury and file with the Chief of Police a declaration stating the following:
 - a. The minimum and maximum wagering limits, time charged, or other fee charged players for the use of the tables.
 - b. A set of the then current posted detailed house rules applicable to the games played.
 - c. That payment of the most recently issued City business tax for a cardroom has been paid.
 - d. Wagering limits shall be listed as part of the information that shall be addressed in annual report that is submitted to the Police Department.

The declaration shall be accompanied by a complete copy of all registration and re-registration applications (and exhibits) filed by the licensee and all persons having a financial interest in the licensee under the Gambling Control Act shall be filed provided that copies of a current Gambling License shall be filed forthwith after their receipt with the Chief of Police if not obtained by the time this declaration is filed, hereunder, and each of which copies shall be declared by the registrant under penalty of perjury to be a complete copy.

9.120 - State Law Violation

The City Council declares that it is not the intention of this chapter to permit the licensing of any gaming club for the playing of any game prohibited by state law, including but not limited to those games enumerated in Section 330 of the Penal Code, which Section includes banking and percentage games.

9.130 - Special Cardroom Fees Required

The City Council may require the payment of impact fees as prescribed by Resolution upon the approval of a conditional use permit for the establishment or expansion of a cardroom.

9.140 - Loans Prohibited

No cardroom licensee, nor any other person required to disclose information under this chapter, shall loan money or any other thing of value or representing value to any player at any game in a cardroom.

9.150- Notification of Terminated Employees

Every cardroom licensee shall notify the Chief of Police within two working days after any employee is terminated for any reason.

9.160 - House Players

A cardroom licensee, or any persons employed by a cardroom licensee, when off-duty is not required to identify themselves as a house player when playing any game in any cardroom in the City.

9.170 - Incentives Prohibited

No cardroom licensee shall furnish any alcoholic beverages to any player in a cardroom, or to any person, as an inducement to play or to continue playing. The term "incentive" means without charge to the recipient, or at a price or other consideration below that normally charged by the establishment for such item.

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 10

Adult Oriented Business

10.010 - Purpose

It is the intent of Chapter 10 to prevent problems of blight and deterioration which can be brought about by the concentration of adult entertainment businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, public parks and residentially zoned districts. The City Council finds that it has been demonstrated in various communities that the concentration of adult entertainment businesses causes an increase in the number of transients in the area, and increase in crime, and can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of Chapter 10 to establish reasonable and uniform regulations to prevent the concentration of adult establishments or their close proximity to incompatible uses, while permitting the location of adult businesses in certain zone districts.

10.020 – Definitions

It is the intent of Chapter 10 that those definitions and interpretations set forth in the Glossary of the Petaluma Zoning Ordinance shall apply but only where they do not conflict with any definition or interpretation set forth in Chapter 10.

- A. **Specified Anatomical Areas.** As used in Chapter 10, “specified anatomical areas” shall mean and include any of the following:
1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus or female breast below a point immediately above the top of the areolae; or
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- B. **Specified Sexual Activities.** As used in Chapter 10, “specified sexual activities” shall mean and include any of the following:
1. The fondling or other erotic touching, actual or simulated, of human genitals, pubic regions, buttock or female breast;
 2. Sex acts, actual or simulated, including acts of sexual intercourse, oral copulation, sodomy, or bestiality; or
 3. Masturbation, actual or simulated; or
 4. Excretory functions as part of or in connection with any of the activities set forth in “A.” through “C.” above.
- C. **Adult Entertainment Establishment.** An adult entertainment establishment is any place of business in which one or more of the following activities is conducted:
1. **Adult Book Store.** A commercial establishment which devotes more than 50% of its total inventory or product lines or more than 50% of its total display, shelf, rack, table, stand, or floor area used for the display and sale of the following:
 - a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other form of visual or audio representation which are characterized by an emphasis upon the depiction of description of “Specified Sexual Activities” or “Specified Anatomical Areas”; and/or
 - b. Instruments, artificial devices or paraphernalia which are designed for use in connection with “Specified Sexual Activities”.

The term “product line” refers to items which are all identical, such as numerous copies of the same book or periodical.

2. **Adult Motion Picture Establishment.** Shall mean a commercial establishment with a capacity of more than 50 persons, used for the presentation, exhibition or display of films, motion pictures, video cassettes, slides or similar photographic reproductions projected on a screen, which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas". For purposes of this paragraph and paragraphs 10.020(A)(3-13), "substantial portion of the total presentation time" shall mean the presentation of films, shows, or other described entertainment for viewing on more than 28 days within any 56 consecutive day period.
3. **Adult Mini-Motion Picture Theater.** Shall mean a commercial establishment with a capacity of more than 5 but less than 50 persons, used for the presentation, exhibition or display of films, motion pictures, video cassettes, slides or similar photographic reproductions projected on a screen, and in which a substantial portion of the presentation time is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".
4. **Adult Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representation to five or fewer persons per machine at any one time, in which a substantial portion of the total presentation time of the images so displayed are distinguished or characterized by an emphasis on depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas".
5. **Adult Drive-In Theater.** An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time of the material being presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.
6. **Adult Cabaret.** A nightclub, bar, restaurant, or similar establishment during which a substantial portion of the total presentation time features live performances which are distinguished or characterized by an emphasis on "Specified Sexual Activities" or by exposure of "Specified Anatomical Areas" and/or feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.
7. **Adult Motel or Hotel.** A hotel or motel or similar commercial establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions, a substantial portion of the total presentation time of which is distinguished or characterized by an emphasis upon the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.
8. **Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment either indoor or outdoor in nature which, for any form of consideration, regularly features live performances, a substantial portion of the total presentation time of which is distinguished or characterized by an emphasis on "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.
9. **Adult Model Studio.** Any establishment open to the public where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity.

This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation, or institution which meets the requirements established in the Education Code of the State of California for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.

10. **Sexual Encounter Establishment.** A commercial establishment, other than a hotel, motel or similar establishment offering public accommodations which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "Specified Sexual Activities" or the exposure of "Specified Anatomical Areas".

This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of California engages in sexual therapy.

11. **Body Painting Studio.** Any establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is wholly or partially nude in terms of "Specified Anatomical Areas".

12. **Other Adult Entertainment Businesses.** Any other business or commercial establishment not herein defined:

- a. Wherein for any form of consideration the establishment provides entertainment to patrons in which a substantial portion of the total presentation time is characterized by an emphasis on depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas"; or
- b. Which devotes more than 50 percent of the total area used for display of its stock in trade to items, instruments and paraphernalia which are characterized by an emphasis on depicting, describing, or relating to "Specified Sexual Activities".

13. **School.** An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of learning under the jurisdiction of the State Department of Education, but it does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

14. **Commercial Zones.** For purposes of Chapter 10, a commercial zone shall include the following "zoning districts" as defined in the Petaluma Zoning Ordinance: C1, C2, MU1A, MU1B, and MU2.

15. **Public Park.** As used in Chapter 10, any park or playground dedicated to use for park or recreation purposes owned by, dedicated to, leased to, or operated or maintained by the City.

16. **Residential Zone.** As used in Chapter 10, a residential zone shall include the following "zone districts" as defined in the Petaluma Zoning Ordinance: RR, R1, R2, R3, R4, R5, AG, MU1C, and residential Planned Unit Development (P.U.D.) and Planned Community Development (P.C.D.).

17. **Church.** As used in Chapter 10, a church shall include any property where a building is set apart and recognized as a site of public gathering and worship. This shall include church operated childcare/nursery or preschool facilities.

10.030 - Establishment of an Adult Entertainment Business

As used herein, to "establish" an adult entertainment business shall mean and include any of the following:

- A. The opening or commencement of operation of any such business as a new business.
- B. The conversion of any existing business, whether or not an adult entertainment business, to any other adult entertainment business as described herein.
- C. The addition of any adult entertainment business as defined herein to any existing adult entertainment businesses if the addition results in enlargement of the place of business. For purposes of this paragraph, enlargement shall mean an increase in the size of the building within which the business is conducted by either construction or use of an adjacent building or any portion thereof, whether located on the same or an adjacent lot or parcel of land.

10.040 - Zones for Adult Entertainment Establishments

Adult entertainment establishments are permitted only in the commercial zone as defined in Section 10.02(E). No such establishment shall be permitted to be established in any area outside of a commercial zone.

10.050 - Minimum Proximity Requirement

No adult entertainment establishment shall be established within specified distances of certain specified land uses as set forth below:

- A. No such establishment shall be established within two hundred and fifty feet of any other adult entertainment establishment as defined in Section 10.020(C).
- B. No such establishment shall be established within five hundred feet of any school as defined in Section 10.020(D).
- C. No such establishment shall be established within five hundred feet of any public park as defined in Section 10.020(F).
- D. No such establishment shall be established within two hundred and fifty feet of any residential zone as defined in Section 10.020(G).
- E. No such establishment shall be established within five hundred feet of any church as defined in Section 10.020(H).

10.055 - Measurement of Distance Between Uses

The distance between any two adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment establishment and any school, public park, church, or residential zone shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment business to the closest property line of the school, public park, church or residential zone.

10.060 - Nonconforming Establishments

- A. Subject to obtaining an adult entertainment establishment conditional use permit as required by Section 10.100 an adult entertainment establishment which was established and conducting a lawful business and lawful use of a building within this City as of the effective date of Chapter 10, shall become a legal nonconforming use.
- B. Such establishments shall be required within 90 days of the effective date of Chapter 10 to comply with all provisions of Chapter 10 excepting the provisions of Section 10.040 governing zones for adult entertainment establishments and Section 10.050 governing minimum proximity requirements for adult entertainment establishments.
- C. Such existing adult entertainment establishments may not be enlarged as described in Section 10.030(C) or converted to any other adult entertainment business as described in Section 10.030(B) unless it is in compliance with all provisions of Chapter 10 including Sections 10.040 and 10.050.

10.070 - Regulation of Signs

No adult entertainment business shall display signs as defined in Chapter 20 of the Petaluma Zoning Ordinance, advertising, posters, photographs or graphic representations, in such a location as can be viewed by persons from any public street or sidewalk that depict any of the following:

- A. "Specified Sexual Activities".
- B. "Specified Anatomical Areas".

10.080 - Visibility from Street

No adult entertainment establishment shall display any stock in trade which can be viewed by persons from any public street or sidewalk which depicts any of the following:

- A. "Specified Sexual Activities".
- B. "Specified Anatomical Areas".
- C. Instruments, artificial devices or paraphernalia which depict or represent "Specified Anatomical Areas".

10.090 - Adult Entertainment Establishment Conditional Use Permit Required

- A. **Use Permit Required.** It shall be unlawful for any person to establish as defined in Section 10.030, or operate, or cause or permit to be operated, any adult entertainment establishment without first obtaining a conditional use permit as defined and set forth in Section 24.030 of the Petaluma Zoning Ordinance. Such permit shall not be denied on the basis that the business to be established is an adult entertainment establishment, if the establishment is in conformance with the requirements of Chapter 10.
- B. **Application Deadline for Existing Adult Entertainment Establishments.** Any adult entertainment establishment which was already established as of the effective date of Chapter 10 shall have 90 days from the effective date of Chapter 10 to apply for an adult entertainment establishment conditional use permit.

10.100 - Permit Application

- A. Any person, association, partnership, corporation, or other entity desiring to obtain an adult entertainment establishment conditional use permit shall file an application with the Community Development Department on a form provided by the Director. The application shall be accompanied by a nonrefundable application processing fee in the amount established by City Council resolution.
- B. The application for a use permit shall contain the following information:
 - 1. The name, address and telephone number of the applicant. If the applicant is a corporation, the applicant shall set forth the name of the corporation exactly as shown in its article of incorporation, the date and place of incorporation, the names and addresses of the officers, directors, and each stockholder owning more than 10% of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provision of this Chapter pertaining to a corporate applicant shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer.
 - 2. Name, address and telephone number of the person who shall manage and operate the establishment for which the permit is requested. The name and address of a person authorized to accept service of legal notices.
 - 3. The proposed business name of the adult entertainment establishment and description of the type of adult establishment.

4. Street address of the proposed adult entertainment establishment and the assessor parcel number for the property.
 5. A plot plan for the property depicting the location of the building housing the adult entertainment establishment on the property.
 6. If the adult entertainment establishment was in existence as of the effective date of Chapter 10, the date the establishment first commenced operation.
 7. Any other information reasonably necessary to accomplish the purposes of Chapter 10.
- C. **Referral to Other City Departments.** The Director of the Community Development Department may refer the application to other City departments to determine whether the premises where the adult entertainment establishment is located, or will be located, complies with the City's building, health, zoning and fire ordinances or other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and laws they administer.
- D. **Action on Application.** Notice and public hearing requirements shall be as set forth in Section 24.030 of the Petaluma Zoning Ordinance pertaining to conditional use permits.

10.110 - Grounds for Conditional Use Permit Denial/Revocation

- A. The Planning Commission shall grant the conditional use permit unless it is determined from a consideration of the application, City inspection of the premises or other pertinent information that:
1. Information contained in the application or supplemental information requested from the applicant is false in any material detail.
 2. The proposed location of the adult entertainment business would not comply with the requirements of Sections 10.040 and 10.050. Exception: This grounds for denial is not applicable to legal nonconforming establishments as described in Section 10.060.
 3. The operation of the adult entertainment business is or would be in violation of one or more provisions of Chapter 10.
 4. The premises where the adult entertainment business is or will be located does not comply with all applicable laws, including, but not limited to, the City's building, health, zoning and fire ordinances.
 5. That a conditional use permit to operate the adult entertainment establishment has been issued to the applicant, a partner of the applicant, or a stockholder of the applicant which stockholder owns more than 10% of the applicant's corporate stock, which conditional use permit has been suspended and the period of suspension has not yet ended.
- B. **Notice of Denial.** Notice of conditional use permit denial shall be in writing and shall state the grounds therefore. Notice shall be personally served on the permit applicant or mailed to this address listed on the application form.
- C. **Suspension of Revocation.** An adult entertainment conditional use permit may be suspended for up to one year or revoked for any of the reasons specified as grounds for conditional use permit denial in Section 10.120 (A)(1-5) above.
- D. **Notice of Intent to Suspend or Revoke.** Notice of intention to suspend or revoke shall be in writing and shall state the grounds therefore. Notice shall be personally served or mailed to the person authorized to accept service of legal notices as specified in Section 10.110(B). Any suspension or revocation procedure shall be done as

specified in Section 24.030(J) of the Petaluma Zoning Ordinance.

10.112 - Conditional Use Permit Conditions

The Director may recommend conditioning the issuance of an adult entertainment conditional use permit by imposing reasonable conditions to insure compliance with the provisions of Chapter 10, and other sections of the Petaluma Zoning Ordinance and Municipal Code including but not limited to:

- A. Regulation of signs.
- B. Regulation of visibility from street of the stock in trade of an adult entertainment establishment.

10.114 - Conditional Use Permit Valid for Specified Location/Establishment/Permittee

Each permit issued pursuant to Chapter 10 is only valid:

- A. For the permittee specified in the conditional use permit application.
- B. For the business name for the adult entertainment establishment listed in the conditional use permit application.
- C. The specific type of adult entertainment establishment described in the conditional use permit application.
- D. The specified location described in the conditional use permit.

10.116 - Sale or Transfer of Business

- A. No conditional use permit issued pursuant to this article may be assigned or transferred without the prior written consideration and approval of the Planning Commission. The applicant shall apply for a transfer on a form provided by the Director and shall pay a nonrefundable application processing fee in the amount established by City Council resolution. Consideration of the sale or transfer shall be done in accordance with conditional use permit procedures set forth in Section 24.030 of the Zoning Ordinance with the exception of Section 24.030(L) pertaining to transfer rights.
- B. **Transfer of partnership or corporate ownership.** An application for approval of a transfer of a conditional use permit shall be required prior to any change in an interest in a partnership or ownership of ten percent (10%) or more of the stock of a corporation to any person not listed on the application filed by said applicant pursuant to Section 10.100.
- C. An application for transfer of an adult entertainment conditional use permit may be denied for any of the grounds specified for denial of an original conditional use permit application in Section 10.110. Procedures for notice of denial of a transfer and appeal thereof shall be identical to those procedures for denial of a conditional use permit application specified in Section 10.110.

10.118 - New Conditional Use Permit Required

A new conditional use permit is required in any of the following situations:

- A. Prior to any change in the location of the adult entertainment establishment;
- B. Prior to the conversion of any existing adult entertainment establishment to any other type of adult entertainment establishment as described herein;
- C. Prior to any change in the business name of the adult entertainment establishment; or
- D. Prior to the enlargement of any existing adult entertainment as described in Section 10.030(C).

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 11

Parking and Loading Facilities, Off-Street

11.010 - Purpose of Off-Street Parking and Loading

This chapter establishes regulations to reduce street congestion and traffic hazards in the City of Petaluma by incorporating safe, adequate, attractively designed facilities for off-street parking and loading as an integral part of every use of land in the City requiring such facilities and by providing adequate shower facilities in commercial settings to encourage employee bicycle commuting to and from the workplace.

11.020 - Definitions

The following definitions shall apply to this chapter:

- A. **Floor Area.** In the case of office, merchandise or service uses, the gross area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients including areas occupied by fixtures and equipment used for display or sales of merchandise. It does not include areas used principally for non-public purposes, such as storage and incidental repair.
- B. **Off-Street Parking Space.** A permanently surfaced area for automobile and bicycle parking which has been delineated, in accordance with City standards, located either within a structure or in the open, excluding aisles, driveways and access drives.
- C. **Off-Street Parking Facility.** A site, or a portion of a site, devoted to off-street parking of automobiles and bicycles, including parking spaces, aisles, access drives and landscaped areas, and providing automobile and bicycle access to a public street or bikeway.

11.030 - Off-Street Parking – General Regulations

The following general requirements apply to off-street parking:

- A. **Off-Street Parking.** There shall be provided on the same site with any use off-street parking, spaces for automobiles and bicycles in accordance with the requirements of this Chapter, or as provided in Section 11.040 (Alternatives to On-Site Parking). In all cases where bicycle parking is required, bicycle parking shall not be more inconveniently located than car parking and attempts should be made to have bicycle parking more convenient. All deviations from the City of Petaluma Municipal Code or the City of Petaluma Zoning Ordinance regarding bicycle parking shall be routed through the PBAC. Where existing buildings not now meeting these requirements are proposed to be enlarged or increased in capacity in excess of ten percent (10%), in any district except as provided in Table 11.1 for addition of new bedrooms, off-street parking shall be provided as required herein for the entire floor area of the structure.
- B. **Off-Street Parking Facilities to Serve One Use.** Off-street parking facilities for one use shall not be considered as providing required off-street parking facilities for any other use except as provided for in Section 11.065(C).
- C. **More Than One Use on a Site.** If more than one use is located on a site, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this Chapter for each use.

11.035 - Exception to Off-Street Parking

Sites and structures located in a municipal parking assessment district are exempt from the requirement to provide off-street parking facilities.

11.040 - Alternatives to On-Site Parking

- A. The requirements of Section 11.030(A) shall be considered satisfied if the required parking is provided up to six hundred (600) feet from the site of the use being served and the required bicycle parking is provided up to 100 feet from the site, such distance being measured along the shortest available route of pedestrian access to the primary building entrance. The determination of the distance to be permitted (0-600') shall be made by the Community Development Director on a case-by-case basis. The Director shall consider the following in making the

determination: type of use being served; ease of bicycle and pedestrian access from the off-site location to the site being served; characteristics of the off-site parking facility(s); potential adverse effects that reduced on-site parking may present to the immediate area; term of off-site rental/lease arrangements. This alternative does not apply to residential parking.

- B. Requirements for the provision of parking facilities, with respect to two or more establishments on the same or different sites, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, located not farther than three hundred (300) feet measured along the shortest available route of pedestrian access from the site of any such participating use. In such cases, bicycle parking shall still be required adjacent to each building.
- C. The Director may approve valet parking in place of on-site parking. For purposes of this section, valet parking is defined as an approved parking facility more than 300 feet from the facility served, together with a developer or occupant-provided service which either provides on-demand customer transportation to the facility from the parking area, and vice-versa, or which provides attendants to park and retrieve customer vehicles from the parking area. The following standards shall apply to valet parking:
 - 1. The lot to be used for valet parking must be able to accommodate the number of parking spaces that are required in Section 11.060 of this Ordinance. The on-site parking spaces being provided for this use may be deducted from the total number required in Section 11.060.
 - 2. The standards for off-street parking facilities in Section 11.070 of this Ordinance shall apply to valet parking lots except that, if attendants will park the cars, the requirements of Sections 11.070(A) and (B) may be relaxed, consistent with practical design standards.
 - 3. Valet parking lots shall not be permitted in residential zoning districts (RR, R1, R2, R3, R4, R5, MH, or residential P.U.D. districts).
 - 4. The valet parking lot shall be located within 1/2 mile of the use that it serves.
 - 5. If the valet parking lot serves more than one use, the number of spaces provided shall be equal to the sum of the requirements prescribed in Section 11.060 for each use.
 - 6. The valet parking service (attendants or transportation) shall be maintained in service during all hours of operation of the facility served.
 - 7. At any time that the valet parking lot is no longer available for use as a valet parking lot for the approved use, that use shall cease or be reduced to an intensity consistent with available off-street parking until such time as the required off-street parking can be provided.
 - 8. The applicant for valet parking shall be required to submit proof of entitlement to use the proposed valet parking area (lease, rental agreement, ownership) and any permit granted pursuant to this ordinance may be conditioned upon the duration of such entitlement.

11.050 - Planned Districts

Separate parking requirements may be adopted pursuant to Chapter 19 for Planned Unit. The more restrictive requirements of this Zoning Ordinance or the Planned District regulations shall prevail.

11.060 - Number of Automobile Parking Spaces Required

The number of automobile parking spaces required shall be determined as indicated in Table 11.1.

Use	Number of Parking Spaces Required
Artisan/Craft Product Manufacturing	1 space per 500 square feet of gross floor area
Artisan Shop	1 for each 300 gross square feet of floor area
Auto and Vehicle Sales	1 for each 400 square feet of gross floor area
Auto Parts Sales	1 for each 300 gross square feet of floor area
Banks and Financial Services	1 for each 300 gross square feet of floor area
Bars, Taverns, Nightclubs	1 for each 2.5 seats
Bed and Breakfast Inns	1 for each guest room plus 1 for the inn owner/manager
Child Care Center	1 for each staff member (employee, parent volunteer, etc.) plus 1 loading/unloading space for each 10 children
Commercial Recreation- Bowling Alleys	5 for each alley
Commercial Recreation- Indoor. Dance halls, coin operated amusement arcades, electronic games arcades, ice and roller skating, pool and billiard rooms.	1 for each 50 square feet of gross floor area
Conference/Convention Facility	1 for each 3.5 seats of maximum seating capacity or 1 for each 60 square feet of gross floor area if there are no fixed seats
Dwelling- Accessory	No additional parking requirements apply beyond those that apply to the existing primary dwelling See specific use regulations in Section 7.030
Dwelling- Single Household, including Attached Townhomes	1 covered space plus 2 additional covered or uncovered spaces
Dwelling- Single Household Addition of New Bedrooms	1 additional space for each additional bedroom over 4 bedrooms
Dwelling- Single Household Conversion of Required Covered Parking to Living Space	Space(s) converted to living quarters replaced with covered or uncovered parking space
Dwelling- Mobile Home Park	2 for each mobile home space in the park
Dwellings- Multiple Household	1 which may be covered or uncovered for each bedroom, studio, or efficiency unit. In no case shall a project provide an overall parking ratio of less than 1.5 spaces per unit.
Fueling/Gas Stations	1 for each Pump Island, plus 1 for each Service Bay, plus 1 for each Employee on the Maximum Shift
Funeral Homes, Mortuaries	1 for each 5 seats for the aggregate number of seats provided in all assembly rooms of the mortuary

General Retail Groceries, Specialty Foods	1 for each 300 square feet of gross floor area
Hotels and Motels	1 for each living or sleeping unit plus 1 for the owner or manager
Libraries, Museums and Art Galleries	1 for each 1.5 employees plus 1 for each 200 square feet of gross floor area
Maintenance/Repair Service	1 for each 400 square feet of gross floor area
Manufacturing/Processing	1 space per 500 square feet of gross floor area
Medical Services- Health Care Facility Medical Services- Major	1 for each 3 beds plus 1 for each employee on the maximum shift plus 1 for each 2 staff doctors
Medical Services- Minor	1 for each 200 square feet of gross floor area
Offices- Business/Service, Government, Processing, Professional	1 for each 300 gross square feet of floor area
Public/Civic Buildings and Grounds other than Schools and Administrative Offices	1 for each 2 employees on the maximum shift
Religious Facilities	1 for each 4 seats
Restaurant, Coffee Shop, Café	1 for each 2.5 seats
Rooming, Boarding, Lodging Houses	1 for each bedroom
School-Private Elementary and Junior High	1 for each employee on the maximum shift
School-Private High School and College	1 for each employee on the maximum shift 1 for each 2 students
School- Specialized Education and Training	1 for each employee on the maximum shift 1 for each 2 students
Sports and Entertainment Assembly Facility	1 for each 3.5 seats of maximum seating capacity or 1 for each 60 square feet of gross floor area if there are no fixed seats
Studio- Art, Dance, Martial Arts, Music	1 for each employee on the maximum shift 1 for each 2 students
Theater, Cinema or Performing Arts	1 for each 3.5 seats of maximum seating capacity or 1 for each 60 square feet of gross floor area if there are no fixed seats
Vehicle Services- Major and Minor	1 for each 400 square feet of gross floor area
Wholesaling and Warehouse	1 space per 500 square feet of gross floor area
Unspecified Uses of Buildings, Structures, or Premises	The number of spaces shall be determined by the Zoning Administrator (Director) in accordance with the general purposes standards herein. All new structures in Industrial zones shall provide no less than 35 spaces per acre of land

11.065 - Power of the Zoning Administrator (Director) to Modify Requirements

The provisions of this section as to number of spaces may be modified by the Zoning Administrator (Director) in the following cases only. Any other request for modification shall be submitted as, and meet the tests for, a variance. If the modification pertains to bicycle parking, it shall be routed through the PBAC as well.

- A. Compact spaces may be proposed as set forth within the adopted City standards, subject to review and approval of the Planning Commission.
- B. The number of spaces required may be modified for uses such as elderly housing or retirement homes where it can be demonstrated that automobile use or ownership is significantly lower than for other dwelling or lodging houses.
- C. When a common off-street parking facility, located within three hundred (300) feet of the uses served will provide twenty (20) or more parking spaces, the total number of parking spaces required for all the uses served may be reduced by not more than twenty-five (25) percent upon the obtaining of a conditional use permit. The Zoning Administrator (Director) shall determine prior to granting a conditional use permit for such a reduction that the typical use of the off-street parking facility would be staggered to such an extent that the reduced number of spaces would be adequate to serve all uses sharing the facility.

11.070 - Standards for Off-Street Automobile Parking Facilities

All off-street parking facilities shall conform with the following standards:

- A. **Aisles.** Access to each off-street automobile or bicycle parking space shall be from a driveway or aisle, which is sufficient for readily turning and maneuvering automobiles and bicycles.
- B. **Access.** Each parking space shall be accessible from a street or alley or from an aisle or drive connecting with a street or alley. No off-street parking facility for five (5) or more spaces in an R District shall be designed so that vehicles must back across a sidewalk in order to gain access to a street or alley.

When a parking facility does not abut a public or private street, alley, or access easement, there shall be provided an access drive of not less than twenty (20) feet in width, except as follows:

- 1. Drives furnishing access to parking facilities serving from three (3) to ten (10) dwelling units shall be not less than twelve (12) feet in width and drives serving two (2) or fewer dwelling units shall be not less than ten (10) feet in width.
 - 2. Where separated one-way access drives are proposed, these shall consist of two (2) drives each of which shall not be less than twelve (12) feet in width.
- C. **Site Distance.** Each entrance and exit to a parking lot or driveway shall be constructed and maintained so that any vehicle entering or leaving such parking lot shall be clearly visible a distance of not less than fifteen feet (15') to a person approaching such entrance or exit on any abutting pedestrian walk or foot path and not less than thirty feet (30') to a person approaching such entrance or exit on any abutting bikeway.
 - D. **Driveway Gradients.** The maximum gradient for an aisle or drive connecting off-street parking space(s) with the public right-of-way shall not exceed fifteen (15) percent except in hilly areas where maximum gradient shall not exceed eighteen (18) percent and the maximum change in gradient of any such aisle or drive shall not exceed twelve (12) percent rise or eight (8) percent decline in any thirty (30) linear feet.
 - E. **Parking in Required Yards.** Parking areas for other than single-family, residential duplex, and bed and breakfast structures shall not be permitted in required front setback or required street side setback.
 - F. **Permanent Surface.** Parking areas, aisles, and access drives shall be constructed and maintained to provide a durable, dustless surface and shall be graded and drained to dispose of surface water without damage to private or

public properties, streets, or alleys.

- G. **Lighting.** Any lights provided to illuminate a parking facility shall be arranged so as to reflect the light away from any adjacent properties, streets or highways.
- H. **Repair Work.** No repair work or servicing of vehicles shall be conducted on parking area.
- I. **Parking Stall Size.** Parking stall size shall be determined by the Planning Commission in the Site Plan and Architectural Review Procedures and Guidelines.
- J. **Landscape Reserve.** Parking spaces required Industrial and Business Parks zoning districts that exceed current employment needs may be reserved as landscaped area, subject to approval by the Director.

11.080 - Site Plan Approval

All parking facilities except those provided for permitted principal uses in the A, RR, R1, R2, and R3 Districts shall be subject to site plan approval as provided in Section 24.010 of this ordinance, and all areas not used for parking spaces and access drives shall be landscaped in accordance with the standards of Chapter 14 herein.

11.090 - Standards for Bicycle Facilities

The following bicycle facilities shall be provided:

- A. **Number of A Bicycle Parking Spaces Required.** The number of bicycle parking spaces required shall be a minimum of 10% of the automobile spaces required, except for Commercial Recreation and Community Facilities which shall provide a minimum of 25% of the automobile spaces required.
- B. **Type of Bicycle Parking.** The City shall require the installation of a certain percentage of Bicycle Parking (bicycle locker and guarded parking, covered and uncovered bicycle racks) depending on the type of land use. Unless otherwise specified on a case by case basis, of the total bicycle spaces required 60% should be bicycle lockers, another form of enclosed bicycle parking, or guarded parking and 40% should be bicycle racks covered. The intent of this requirement is to provide secure parking at locations where employees and customers will be parking for long periods of time, in particular adjacent to any areas close to public transportation. All deviations from this requirement shall be routed through the PBAC.
- C. **Showers.** Employee shower facilities shall be provided for any new building constructed or for any addition to or enlargement of any existing building in compliance with the Table 11.2:

Table 11.2

Use	Number of Showers Required
Medical, Professional General Business Offices, Financial Services, Business and Trade Schools, General Business Services, Research and Development, Manufacturing	
Less than 10,000 gross square feet	None
10,000-19,999 gross square feet	1
20,000 – 49,999 gross square feet	2
More than 50,000 gross square feet	4
Retail, Personal Services, Eating and Drinking Establishments	
Less than 10,000 gross square feet	None
10,000 -24,999 gross square feet	1
25,000 – 49,999 gross square feet	2
More than 100,000 gross square feet	4

11.095 – Modifications

The provisions of this section as to square footage requiring showers may be modified. Any request for modification shall be routed through the Petaluma Bicycle Advisory Committee for recommendation to the Planning Commission.

11.100 - Off-Street Loading Berth Requirements

For every building or addition, the number of off-street loading berths required shall be as indicated in Table 11.3.

Table 11.3

Use	Number of Loading Berths Required
Motels, hotels, restaurants, public and private business and administrative office, post offices, hospitals, sanitariums, nursing homes, and charitable and religious institutions and clubs	
less than 5,000 sq. ft. of gross floor area	0
5,001 to 50,000 sq. ft. of gross floor area	1
50,001 to 150,000 sq. ft. of gross floor area	2
each additional 150,000 sq. ft. of gross floor area	1
Commercial and industrial establishments, including retail stores, personal service establishments, commercial service enterprises, warehouses, storage facilities, manufacturing plants, and other industrial uses	
less than 12,500 sq. ft. of gross floor area	1
12,501 to 20,000 sq. ft. of gross floor area	2
20,000 to 30,000 sq. ft. of gross floor area	3
30,000 to 50,000 sq. ft. of gross floor area	4
50,000 to 75,000 sq. ft. of gross floor area	5
each additional 25,000 sq. ft. of gross floor space	1
Offices, public buildings other than administrative offices, schools and colleges, places of public assembly, charitable and religious institutions and clubs not used for human habitation, and public utility and public service structures and installations, when any of the foregoing requires the recurring receipt, delivery, or distribution of goods or equipment by truck	One loading berth, plus such additional berths as may be prescribed by the Zoning Administrator (Director)
Mortuaries	
less than 5,000 sq. ft. of gross floor area	1
5,000 to 10,000 sq. ft. of gross floor area	2
each additional 5,000 sq. ft. of gross floor space	1
Cemeteries, columbaria and crematories	One berth plus the number of additional berths prescribed by the Zoning Administrator (Director)
Any other use which requires the recurring receipt or distribution of goods or equipment by truck	One berth plus the number of additional berths prescribed by the Zoning Administrator (Director)

11.105 - Power of the Zoning Administrator to (Director) to Modify of Increase Requirements

The provisions of this section as to number of spaces may be modified or increased by the Zoning Administrator (Director) in the following cases only. Any other request for modification shall be submitted as, and meet the tests for, a variance. If the modification pertains to bicycle parking, it shall be routed through the PBAC as well.

- A. The number of off-street loading spaces may be reduced by not more than ten (10) percent when a common loading facility is provided within three hundred (300) feet of the uses served, upon the obtaining of a conditional use permit. The Zoning Administrator (Director) shall determine prior to granting a conditional use permit for such a reduction that the typical use of the off-street loading facility would be staggered to such an extent that the reduced number of spaces would be adequate to serve all uses sharing the facility.
- B. Off-street loading berths in addition to those prescribed in the schedule of off-street loading berth requirements shall be provided if the Zoning Administrator (Director) finds that such additional berths are necessary to ensure that trucks will not be loaded, unloaded, or stored on public streets. A finding of the Zoning Administrator (Director) shall be based on an investigation of the anticipated frequency of truck pick-ups and deliveries and of the truck storage requirements of the use for which the off-street loading berths are required.

11.110 - Off-Street Loading Facilities – General Regulations

The following general requirements apply to off-street parking:

- A. At the time of initial occupancy, major alteration, or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading facilities for trucks in accordance with the schedule of off-street loading berth requirements prescribed in Section 11.100. For the purpose of this section, the terms “major alteration” or “enlargement” shall mean a change of use or an addition which would increase the number of loading berths required by not less than ten (10) percent of the total number required. The number of loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement, unless the pre-existing number is greater than the number prescribed in Section 11.100 in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.
- B. **Location of Off-Street Loading Facilities.** Off-street loading facilities prescribed in Section 11.100, inclusive, shall be located on the same site with the use for which the berths are required or on an adjoining site.
- C. **Off-Street Loading Facilities to Serve One Use.** Off-street loading facilities for one use shall not be considered as **providing** required off-street loading facilities for any other use except as provided for in Section 11.105.
- D. **More Than One Use on a Site.** If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this article for each use. If more than one use is located on a site and the gross floor area of each use is less than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths.
- E. Space allocated to any off-street loading berth shall not, while so located, be used to satisfy the space requirements for any off-street parking facility.

11.120 - Standards for Off-Street Loading Facilities

All off-street loading facilities shall conform to the following standards:

- A. Each loading berth shall be not less than forty-five (45) feet in length and twelve (12) feet in width exclusive of aisle or maneuvering space, and shall have an overhead clearance of not less than fourteen (14) feet, except that for mortuaries, cemeteries, columbariums and crematories, a loading berth used exclusively for hearses shall be not less than twenty-four (24) feet in length and ten (10) feet in width and shall have an overhead clearance of not less than eight (8) feet.

- B. Such space may occupy all or any part of any required setback, except front and street side setbacks, and shall not be located closer than fifty (50) feet to any lot in any R District, unless enclosed on all sides by a wall not less than eight (8) feet in height.
- C. Sufficient room for turning and maneuvering vehicles shall be provided on the site.
- D. Each loading berth shall be accessible from a street or alley or from an aisle or drive connecting with a street or alley.
- E. Entrances from and exits to streets and alleys shall be designed to minimize traffic congestion and shall be placed at locations approved by the Zoning Administrator (Director).
- F. The loading area, aisles, and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained so as to dispose of surface water without damage to private or public properties, streets, or alleys.
- G. Bumper rails shall be provided at locations approved by the Zoning Administrator (Director) where needed for safety or to protect property.
- H. If the loading area is illuminated, lighting shall be deflected away from abutting residential sites so as to cause no annoying glare.
- I. No repair work or servicing of vehicles shall be conducted in a loading area.
- J. Landscaping and screening, in accordance with the standards of Chapter 14.

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 12

Development Standards Modifications

12.010 - Purpose

This chapter establishes the permitted modifications to the development standards contained in Tables 4.6 to 4.13.

12.020 - Modifications to the Maximum Height Limit

The maximum height prescribed in Tables 4.6 to 4.13 shall not apply to:

- A. Church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, silos, observation towers, distributions and transmission towers, lines and poles, windmills, chimneys, smokestacks, flag poles.
- B. Public utility transmission and distribution lines. Said lines shall be permitted in all districts without the necessity of obtaining a use permit, provided, however, that the route of all transmission lines shall be submitted to the Planning Commission for review and recommendation prior to acquisition of rights-of-way therefore.
- C. Places of public assembly in churches, schools, and other permitted public and semi-public buildings, provided that these are located on the ground floor of such buildings and provided that for each one (1) foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- D. Elevator and stair penthouses, water tanks, monitors and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, gas holders or other structures, where the manufacturing process requires a greater height. Provided, however, that any structure above the height otherwise permitted in the district shall occupy no more than twenty-five (25) percent of the area of the lot and shall be distant not less than twenty-five (25) feet from every interior lot line.
- E. New residential units or additions to existing residential units when these units have or are in areas which have special character or special historical, architectural, or aesthetic interest or value where additional building height would result in a building design more compatible with the dominant building height in the immediate neighborhood, as determined by the Community Development Director. Provided, however, that the building does not exceed a maximum height of thirty-five (35) feet.
- F. Telecommunications facilities provided that such facilities meet all applicable provisions of Chapter 14.44 of the Petaluma Municipal Code and this Ordinance.

12.025 – Modification to Maximum Height Limit in the Residential 5 (R5) District

A maximum of height of 60 feet may be permitted for the principal building(s) in the R5 zoning district when the review authority is able to make the following findings:

- A. The increase in density made possible by the increase in the height limit is consistent with the General Plan density range for the site.
- B. The additional height will not result in unreasonable restrictions of light and air to adjacent properties or the public right-of-way, or otherwise be detrimental to the public health, safety and welfare.
- C. The additional height will support other goals and policies of the General Plan and will result in a better overall project.

12.030 - Modifications to the Required Front Setback

The following modifications to the front setback required in Tables 4.6 to 4.13 are permitted:

- A. On a site situated between sites improved with buildings, the minimum front setback shall be the average depth of the front yards on the improved sites adjoining the side lines of the site.
- B. Where a site is not situated between sites improved with buildings and where sites comprising forty (40) percent of the frontage on a block are improved with buildings, the minimum front setback shall be the average of the existing front yard depths in the block.
- C. On a site which is not rectangular or approximately rectangular, or is a flag lot, the location of the required front setback shall be determined by the Director.
- D. In any R District where the natural grade of the front setback of a lot has a slope such that it is not practicable to provide a driveway with a grade of fifteen (15) percent or less to a private garage or carport, the garage or carport may be located within the required front setback.

12.040 - Modifications to the Required Side and Rear Setbacks

The following modifications to the side and rear setbacks required in Tables 4.6 to 4.13 are permitted:

- A. The width of one required side setback may be reduced when authorized by the Zoning Administrator (Director) to a width not less than three (3) feet; provided the sum of the width of the two side yards is not less than the sum of the required setbacks.
- B. On a site which is not rectangular or approximately rectangular, or is a flag lot, the location of the required side and rear setbacks shall be determined by the Director.

12.050 - Projections into Required Setbacks

The permitted projections into required setbacks are as prescribed in Table 12.1.

Table 12.1

Projecting Feature	Allowed Projection into Required Setback ¹		
	Front Setback	Side Setback	Rear Setback
Architectural feature (e.g., cornice, canopy, eave, or other architectural feature)	3 ft, provided that the projection shall not exceed ½ the depth of the required setback	3 ft, provided that the projection shall not exceed ½ the depth of the required setback	3 ft, provided that the projection shall not exceed ½ the depth of the required setback
Bay window, chimney, balcony	3 ft, provided that the projection shall not exceed ½ the width of the required setback and in the aggregate, no more than 1/3 of the length of the building wall on which they are located.	3 ft, provided that the projection shall not exceed ½ the width of the required setback and in the aggregate, no more than 1/3 of the length of the building wall on which they are located.	3 ft, provided that the projection shall not exceed ½ the width of the required setback and in the aggregate, no more than 1/3 of the length of the building wall on which they are located.
Stair, unenclosed porch, necessary landing	6 ft. provided that such stair or landing, except for a railing shall not extend above the floor level of the first floor.	Not Allowed	Not Allowed
Uncovered decks less than 18 inches in height measured from grade ²	10% of required setback	10% of required setback	50% of required setback
HVAC equipment	Not Allowed	Not Allowed	Must be a minimum of 6 ft. from the rear property line.
Swimming pool, hot tub spa and associated equipment ³	Not Allowed	Must be a minimum of 6 ft. from the side property line.	Must be a minimum of 6 ft. from the rear property line.
Fire Escape	4 ½ ft	4 ½ ft	4 ½ ft
Ramps for accessibility and similar access facilities for the disabled	As determined by the Director and required for Fire and Building Code	As determined by the Director and required for Fire and Building Code	As determined by the Director and required for Fire and Building Code

1. No projection shall extend into a public utility easement.
2. Decks that exceed 18 inches in height measured from grade shall comply with the setbacks required for the primary structure.
3. See Section 7.080 for requirements for pools, spas, and hot tubs.

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 13

Placement of Fences and Walls

13.010 - Applicability

The regulations for fences and walls contained in this chapter apply to the OSP, AG, RR, R1, R2, R3, R4, R5, C1, C2, MU1A, MU1B, MU1C, MU2, BP, I, and CF zoning districts. Fences and walls are prohibited in the Floodway zoning district. For properties zoned PUD and PCD, the height, location and design of fencing is determined by the PUD/PCD Development Standards for the specific PUD/PCD in which the property is located.

13.020 - Location and Height of Fencing

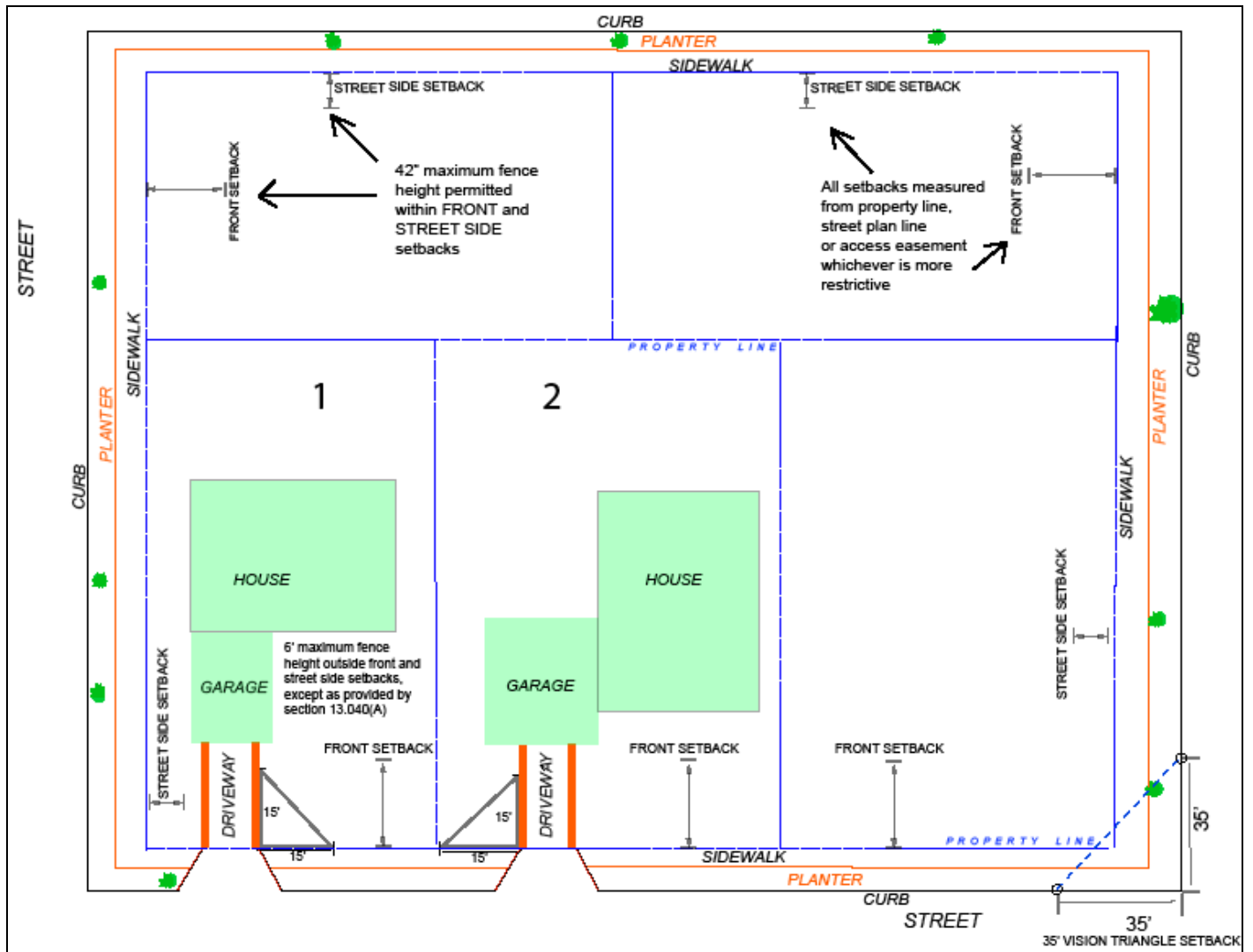
The location and height of fencing and walls is determined by the setback for the zoning district in which the property is located (Tables 4.6 through 4.13). The permitted height and location of fencing and walls shall be as indicated in Table 13.1 subject to the required setback of the applicable zoning district.

Table 13.1

Location of Fence or Wall	Maximum Height
Within required front setback or on the front property line	42 inches Minor decorative entry treatments (e.g. arbor, trellis, etc.)
Within required street side setback ¹ or on the street side property line	42 inches
Within required interior side or rear setback ²	6 ft solid ² or open fencing 2 ft of additional screening at least 50% open
Outside of a required setback	6 ft solid or open fencing 2 ft of additional screening at least 50% open
Within a zone where no setback is required:	
Within 15 feet of a front property line	42 inches
Within 5 feet of a street side property line	42 inches
15 feet or more to the rear of a front property line	6 ft solid or open fencing 2 ft of additional screening at least 50% open
5 feet or more from a street side property line	6 ft solid or open fencing 2 ft of additional screening at least 50% open
At intersections of alleys, streets and driveways within the sight visibility triangle ³	42 inches
Floodway	Walls and fences are not permitted in the floodway

1. As prescribed in Section 13.025(B).
2. As prescribed in Section 13.025(C).
3. On a corner lot, the site visibility triangle is determined by the triangular area formed by the curb lines and their projection and a line connecting them at points 35 feet from the intersection of the projected curb lines (See Figure 13.1). For driveways, the site visibility triangle is determined by the triangular area formed as shown in Figure 13.1. For driveways, the measurement is taken from the back of the sidewalk, or where there is no sidewalk as determined by the Director.

Figure 13.1 – Fence Location Exhibit



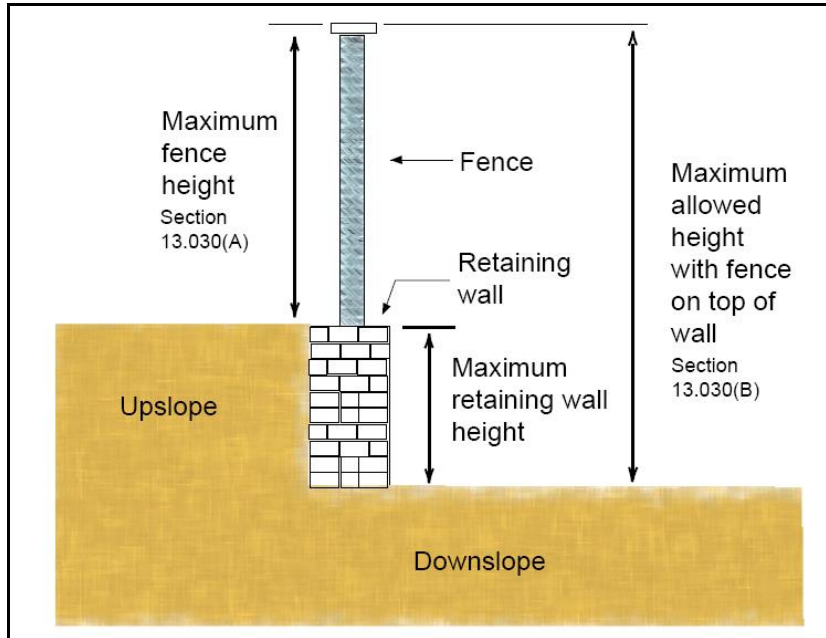
13.025 - Modifications to Fence Location and Height

- A. For flag lots, lots that are not rectangular, and parcels where the required fence setback required in Table 13.1 is not consistent with the required setback for the zoning district in which the property is located, the Director may grant a modification to the required fence location and/or height contained in this chapter.
- B. A 6 foot fence may be located in a required street side setback provided that the fence is a minimum of 5 feet from the street side property line and the area between the property line and the fence is landscaped. As part of the fence permit, a landscape plan for this area shall be submitted for this area and the landscaping shall be installed with the fence. Low water use, drought tolerant landscaping is encouraged.
- C. An additional two (2) feet of fence height may be added to any permitted six (6) foot high fence located on the rear or interior side property line of a residential lot abutting a public, quasi-public facility of potentially noxious use (e.g., school, corporation yard, bicycle paths, pump house, etc.) as determined by the Zoning Administrator.

13.030 - Measurement of Fence and Wall Height

- A. Fence height shall be measured as the vertical distance between the grade of the ground abutting the fence and the top edge of the fence material.
- B. For fences on sloping ground or on retaining walls, solid fence height of six (6) feet may be permitted as measured from the up-slope property so long as a total height, inclusive of any retaining wall, does not exceed ten (10) feet as measured from the down-slope property. See Figure 13.2

Figure 13.2 – Fence Height Measurement



13.040 - Specific Fence and Wall Requirements

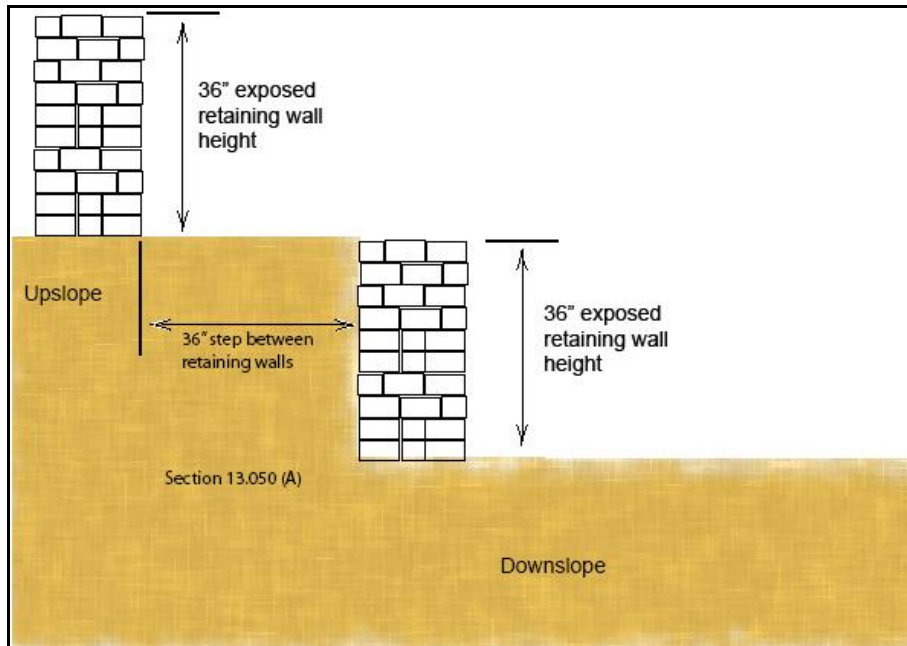
- A. **Additional Screening.** An additional two (2) feet of screening material that is at least 50% open may be placed on top of a 6-foot fence.
- B. **Temporary Security Fencing.** Temporary security fencing may be erected around construction sites during the time a valid building permit is in effect for construction with the approval of the Community Development Director. Temporary security fences are not required to comply with the location requirements of Table 13.1 and must be immediately removed upon completion of the construction authorized by the building permit.
- C. **Fencing for Outdoor Storage of Goods and Vehicles, Keeping of Livestock.** A maximum of one (1) foot of vertical barbed wire may be installed on top of fences and walls located in AG and I Districts with the approval of a fence permit by the Zoning Administrator (Community Development Director) provided that the use served includes the outdoor storage of goods or vehicles or keeping of livestock.
- D. **Fencing for Tennis Courts.** When located in a rear or side yard, up to twelve (12) feet of fence height may be permitted for tennis courts with the approval of a conditional use permit.
- E. **Fencing for Commercial Recreation Uses.** Fence height necessary to serve a commercial recreation use may be permitted by with the approval of a conditional use permit.
- F. **Swimming Pools.** Swimming pool, hot tub, spa, or the entire property on which it is located shall be walled or

fenced to prevent the uncontrolled access by children from the street or from adjacent properties.

13.050 – Retaining Walls

- A. **Retaining Walls.** Any embankment to be retained that is over 48 inches in height shall be stepped so that no individual exposed retaining wall exceeds 36 inches in height, and each intervening step is a minimum width of 36 inches.
 1. **Retaining Walls in Required Front Setback.** Retaining walls not exceeding three (3) feet, six (6) inches in height, may be permitted in the required front setback provided that the coverage does not exceed five (5) percent of the area of the required front setback. On corner lots, such structures shall not be located within thirty-five (35) feet of the intersected street lines. See Figure 13.3

Figure 13.3 – Stepped Retaining Walls



13.060 - Fence Permit Required

- A. No fence or wall shall be installed or constructed without the approval of a fence permit issued by the Community Development Department.
- B. Any person desiring to install or construct a wall or fence shall file an application with the Community Development Department. The application shall be accompanied by a plot plan drawn to scale, reflecting property lines, adjacent public streets, rights-of-way, driveways and existing buildings and structures. A dimensional detail of the proposed fence or wall shall also be provided reflecting the proposed materials and proposed height from existing and finished grade.
- C. The Community Development Director shall review the application for a fence permit for compliance with the provisions of this section and shall approve said application if it is found to be in compliance with these provisions.

Chapter 14

Landscaping and Screening

14.010 - Landscaping

Landscaping refers to planting and related improvements such as pools, walkways, rock work, sculpture, etc., provided for the purpose of beautifying and enhancing property, for the control of erosion and the reduction of glare.

- A. When an area is required to be landscaped under the terms of this Ordinance, the requirement may be met by the installation and maintenance as set forth below, of a combination of shrubs, trees, vines, lawn or other ground cover, water surfaces and paved or graveled surfaces provided that such graveled area shall not cover more than ten (10) percent of the area required to be landscaped.
- B. Plant materials shall be selected from among those species and varieties known to thrive in the Petaluma climate. The Zoning Administrator (Director) may require the substitution of any plant material which she/he has reason to believe will not survive successfully under the particular conditions of the site in question.
- C. Whenever street trees are required to be installed, such street trees shall conform to the street tree planting plan of the City of Petaluma in terms of variety, size and spacing, or if the plan is not applicable, shall be selected from a list of approved street trees supplied by the Community Development Department.

14.020 – Screening

Screening refers to a wall, fence, hedge, informal planting or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street. When required, screening may be provided by one or more of the following means:

- A. A solid masonry wall meeting the standards of the Building Code.
- B. A solid board fence of approved design with wood posts not less than four (4) inches by four (4) inches and solid board cover not less than one (1) inch in thickness. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on centers.
- C. An opaque evergreen trimmed hedge, the thickness of which shall not be less than forty (40) percent of its required or intended height.
- D. An opaque evergreen informal screen planting, the thickness of which shall not be less than fifty (50) percent of its required or intended height.
- E. An earth berm may be used in combination with any of the above types of screening, but not more than two-thirds (2/3) of the required height of such screening may be provided by the berm.

14.030 - Standards for Installation and Maintenance

- A. All planting shall be maintained in good growing conditions. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Whenever required herein or whenever the Zoning Administrator (Director) shall deem it necessary, she/he may require the installation of an appropriate automatic irrigation system. Whenever required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to insure continued regular watering of landscape areas, and health and vitality of landscape materials.
- B. Heights of plant screens or hedges specified herein indicate the height which may be expected within three (3) years of planting. The height at time of planting shall be such that in accordance with good landscape practice, the full required height may be achieved within a three (3) year period.
- C. Masonry or wood screening walls shall be maintained in good repair including painting, if required, and shall be kept free of litter or advertising.

- D. The standards set forth herein for location and height of landscaping or screening may be modified as directed by the Zoning Administrator (Director) whenever it appears that such landscaping or screening would constitute a danger to traffic by reason of impairment of vision at a street or driveway intersection.

Chapter 15 Preservation of the Cultural and Historic Environment

15.010 – Purpose

It is hereby found that structures, sites and areas of special character of special historic, architectural or aesthetic interest or value have been and continue to be unnecessarily destroyed or impaired, despite the feasibility of preserving them. It is further found that the public health, safety, and welfare require prevention of needless destruction and impairment, and promotion of the economic utilization and discouragement of the decay and desuetude of such structures, sites and areas. The purpose of this Chapter is to promote the health, safety, and general welfare of the public through.

- A. The protection, enhancement, perpetuation, and use of buildings, structures, sites, objects, and districts, including archaeological sites, that are reminders of past eras, events, and persons important to local, state, or national history, or which provide significant examples of architectural styles of the past or area landmarks in the history of architecture, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived.
- B. The development and maintenance of appropriate settings and environments for such structures.
- C. The enhancement of property values, the stabilization of neighborhoods and areas of the City, the increase of economic and financial benefits to the City and its inhabitants, and the promotion of tourist trade and interest.
- D. The enrichment of human life in its educational and cultural dimensions by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past.

15.020 - Powers and Duties of the Historic and Cultural Preservation Committee and Planning Commission

- A. The Historic and Cultural Preservation Committee:
 - 1. Shall hear and approve, approve with modifications, or disapprove permit applications for construction, alteration, demolition, and repair or maintenance work to a designated landmark site or structure in accordance with Section 15.050(A) of this Chapter.
 - 2. Shall hear and approve, approve with modifications, or disapprove applications for construction, alteration, demolition, and repair or maintenance work on structures or sites within historic districts, as provided in Sections 15.050 and 15.070 of this Chapter.
 - 3. Shall hear and make a determination on applications for demolition as provided in Section 15.060 of this Chapter.
 - 4. Shall hear and make a determination on referrals as provided in Section 15.090 of this Chapter.
 - 5. Shall hear and make a recommendation to the Planning Commission, as required by this Article, on applications for the designation of landmarks and historic districts.
 - 6. Shall hear and make a recommendation to the Planning Commission on applications for zoning amendments related to this Chapter or other associated preservation related items.
 - 7. May establish and maintain a list of structures and other landmarks deserving official recognition although not designated as landmarks or historic districts, and recommend appropriate measures for recognition.
 - 8. May, upon request of the property owner, advise with respect to any proposed work not requiring a City Permit on a designated landmark site or in a designated historic district. Examples of the work included but not limited to painting and repainting of exterior surfaces, roofing, fencing, landscaping, glazing, and installation of light fixtures. In advising, the Historic and Cultural Preservation Committee shall be guided by the purposes and standards specified in this Chapter.

- B. The Planning Commission:
 - 1. Shall, after receiving recommendation from the Historic and Cultural Preservation Committee and conducting a public hearing, make a recommendation to the City Council, concerning designation of landmarks and historic districts, as provided in Section 15.040(G) of this Chapter.
 - 2. Shall, after receiving recommendation from the Historic and Cultural Preservation Committee and conducting a public hearing, make a recommendation to the City Council concerning zoning text amendments related to this Chapter.
 - 3. Shall consider the decision of the Historic and Cultural Preservation Committee on any permit as part of a project that also requires discretionary review by the Planning Commission to avoid conflict between preservation practice and use or legislative decisions to the extent practicable.
- C. Both the Planning Commission and the Historic and Cultural Preservation Committee may consult with and shall consider the ideas and recommendations of recognized historic preservation organizations, and in cases affecting commercial property, the affected business community, and obtain professional advice as may be deemed necessary.
- D. When discretionary actions by both the Planning Commission and the Historic and Cultural Preservation Committee are required for a single project, the two bodies may consider their respective entitlements in a joint hearing as long as all applicable requirements of the ordinance and applicable law are met by such a joint hearing.

15.030- Recognized Historic Preservation Organization

Recognized historic preservation organizations are defined as registered nonprofit organizations composed of citizens interested in historic preservation.

15.040 - Designation of Landmarks and Historic District by Ordinance

- A. Landmarks shall be defined as buildings or sites listed on the State Office of Historic Preservation's directory of historic properties (i.e., Historic Properties Data Inventory), or designated by the City as a local landmark, except that buildings or sites located within the National Register Historic District shall not automatically be considered to be a landmark, unless individually so designated by the City Council in accordance with the provisions of this Chapter.
- B. The City Council may by ordinance designate:
 - 1. One or more individual structures or other features, or integrated groups of structures and features on one or more lots or sites, having a special character or special historical, architectural, or aesthetic interest or value, as landmarks, and shall designate a landmark site for each landmark.
 - 2. One or more areas containing a number of structures having special character or special historical architectural or aesthetic interesting value, and constituting distinct sections of the City, as historic districts.
- C. Each designating ordinance shall include a description of the characteristics of the landmark or historic district which justify its designation, and a list of any particular features in addition to those features which would be affected by work described in Section 15.050(A1-2) that are to be preserved, and shall specify the location and boundaries of the landmark site or historic district.
- D. The property designated as a landmark or a historic district shall be subject to the control and standards contained in this Chapter. In addition, the property shall be subject to the following further controls and standards if imposed by the designating ordinance:

1. For a publicly owned landmark, review of proposed changes in major interior architectural features.
 2. For a historic district, such further controls and standards as the City Council finds necessary or desirable, including, but not limited to, facade, setbacks, and height controls.
- E. The City Council may amend or rescind a designation only by ordinance. The procedure for amending or rescinding a designation shall be the same as that for the original designation.
- F. **Initiation of Designation.** Initiation of designation proceedings shall be by resolution of the City Council, or by the written application of the property owners. The Planning Commission or the Historic and Cultural Preservation Committee may initiate and recommend the designation of a landmark or historic district to the City Council. Applications for designations shall be filed with the Community Development Department upon forms prescribed by the Director and shall be accompanied by all data required by the Planning Commission. An application for designation of a historic district must be described by or on behalf of at least fifty-one percent (51%) of the property owners in the proposed district. The date of initiation is the date the resolution is adopted or a valid application is filed.
- G. **Procedure.** Where Planning Commission and City Council hearings are required, the proceedings for recommendation and for referral in cases where the City Council does not support the recommendation, shall be the same as those provided in Chapter 25 (Amendments) for rezoning.
- H. **Hearing by Historic and Cultural Preservation Committee and Planning Commission.** The Historic and Cultural Preservation Committee and the Planning Commission shall hold public hearings on a proposal to designate a landmark or historic district, with notice given as provided for rezonings in Section 25.050(A). Notice shall also be mailed to recognized historic preservation organizations.
1. **Action and Time Limit.** The Historic and Cultural Preservation Committee shall make a recommendation to the Planning Commission on the designation. The Planning Commission shall consider the degree of conformity of the proposed designation with the purposes and standards of this Chapter and the General Plan. The Planning Commission shall make a recommendation to the City Council to approve, approve with modifications, or disapprove the proposal within one hundred twenty (120) days after the initiation of designation proceedings. If the Planning Commission disapproves the proposal, no further action shall be required unless appealed.
 2. **Notice of Action.** The Planning Commission shall promptly notify the applicant of action taken. If the Planning Commission approves or modifies the proposed designation in whole or in part, it shall transmit the proposal, together with a copy of the resolution of approval, to the City Council.
- I. **Designation by City Council.** The City Council shall hold a public hearing concerning the designation. Notice of time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Commission. The City Council may approve, or modify and approve, or deny the designation.
- J. **Notice of Designation by City Council.** When a landmark or historic district has been designated by the City Council, the City Clerk shall promptly notify the owners of the property included therein. The City Clerk shall cause a copy of the designating ordinance, or notice thereof, to be recorded in the office of the County Recorder.
- K. **Conformity Required.** Construction, alteration, demolition, repair, maintenance, or removal work for which a City permit is required is prohibited on a designated landmark site or in a designated historic district unless reviewed by the Historic and Cultural Preservation Commission and/or approved by the Planning Commission, as provided in Section 15.050 and 15.070, or unless the work conforms with the provisions of Section 15.100(B), Unsafe or Dangerous Conditions.

15.050 - Review of Permit Applications to Construct or Alter Designated Structures or Structures in Designated Areas

- A. **Permit Required for Work to a Designated Landmark Site or Structure.** No person shall do any work listed below to a designated landmark site or structure without first obtaining review and permit approval from the Historic and Cultural Preservation Committee.

The work listed below on any structure or site within a designated historic district, shall require approval of the Historic and Cultural Preservation Committee, pursuant to procedures in Section 24.010 et al.

1. Exterior alterations, as defined below, shall be subject to review and approval by the Historic and Cultural Preservation Committee. Alterations of a minor nature, as defined below, shall be subject to administrative review and approval, and shall not require public noticing.
 2. Alteration shall be defined as any change, including repair or replacement of damaged or worn materials, to the exterior appearance of a building, and shall include, but is not limited to, finish materials; windows; doors; signs, including the removal, repair, or repainting of historic signs; awnings; threshold materials; and change in paint colors. Alteration shall also include, but is not limited to, proposals which affect the streetscape, such as landscaping; light poles; outdoor use areas; and mechanical equipment.
 3. Minor nature shall be defined to include, but is not limited to, alterations which involve routine maintenance, paint touch-up, or repainting with same colors, which does not substantially change the existing appearance of the structure. Exterior alterations of a minor nature should follow the recommendations of the Petaluma Historic Commercial District Design Guidelines.
- B. **Application for Permit.** The Department shall maintain a current record of designated landmarks and historic districts, and such lists shall be referred to by the Building Division before issuance of permits. Applications for permits to do work for which a permit is required by Section 15.050(A) shall be submitted to the Department for processing. Application shall include plans and specifications showing the proposed exterior appearance, color, and texture of materials, and the proposed architectural design of the exterior of the structure. Where required by the Historic and Cultural Preservation Committee, applications shall also show the relationship of the proposed work to the environs. If the application does not provide sufficient information for review by the Historic and Cultural Preservation Committee, the Department shall require the omitted information from the applicant.
- C. **Procedure.** Where Historic and Cultural Preservation Committee hearings are provided for by this Chapter, the proceedings for action, referral and appeal shall be the same as those provided in Section 24.030(E) and (F) for conditional use permits.
- D. **Hearing by Historic and Cultural Preservation Committee.** The Historic and Cultural Preservation Committee shall hold a public hearing on the applications for modifications to landmark sites per Section 15.050(A). Notice of such hearing is to be given as required for conditional use permits in Section 24.030(E) and (F) and shall include written notice to recognized historical preservation organizations.

15.060 - Review of Applications for Demolition Permits

- A. **Applications for Demolition Permits.** Applications for demolition permits shall be referred to the Historic and Cultural Preservation Committee for review and determination, when the Director determines that a structure has potential historic or cultural significance. The following exceptions to this provision shall apply: permits for buildings posing an immediate danger to the public safety, health and welfare, as determined by the Director and the Chief Building Official, and/or applications of a routine, minor nature not warranting further review, as determined by the Director. When demolition of a historic structure is permitted, the applicant shall be required to salvage, to the extent possible, building materials, fixtures, doors, and other items of a historic nature, for reuse or to be made available to interested parties.

When determining whether a structure has potential historic or cultural significance, the Director may require the property owner to submit an official evaluation of the property prepared by a qualified historian or archaeologist,

and may use the following California Register of Historical Resources criteria, which states that a resource may be significant if it is:

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. Associated with the lives of persons important to local, California, or national history;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic value; or
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

B. Findings.

1. **Finding of No Significance.** If the Historic and Cultural Preservation Committee determines that a structure is not culturally or historically significant, the application shall be returned to the Director with a finding of no significance and the demolition permit shall be issued.
2. **Finding of Significance.** In cases where the Historic and Cultural Preservation Committee determines the structure has cultural or historical significance, the Committee shall make the findings as outlined below, deny the application for demolition, except as provided in Section 15.080 of this Chapter, and shall forward its decision to the Director. Mandatory findings of significance are as follows:
 - a. The structure is of historical/cultural significance when listed on a local, state, or national register or survey.
 - b. The structure is eligible for listing on a local, state, or national register or survey.
 - c. Demolition of said structure will be detrimental to the aesthetic and/or economic vitality of the community.
 - d. Any of the criteria used by the Director to determine the historical or cultural significance of the property.

15.070 - Review of Applications to Construct, Alter, or Demolish Designated Structures or Structures in Designated Areas

- A. **Standards for Review.** When evaluating applications, the Historic and Cultural Preservation Committee shall use the California Register of Historic Resources criteria outlined in Section 15.060(A)(1-4), the Secretary of the Interiors Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and shall consider the architectural style of the building, design, arrangement, relationship to surrounding buildings and historic character of the area, texture, materials, color, and any other pertinent factors. Applications shall not be approved unless:
1. **Landmark Sites.** The proposed work shall not adversely affect the exterior architectural characteristics or other features of the landmark, and, where specified in the designating ordinance for a publicly owned landmark, its major interior architectural features, nor adversely affect the character or historical, architectural, or aesthetic interest or value of the landmark and its site.
 2. **Historic Districts.** The proposed work shall not adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship in terms of harmony and appropriateness with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural, or aesthetic interest or value of the district. In addition, applications shall be consistent with standards included in the designating ordinance.

15.080 - Showing of Hardship in Cases of Proposed Alteration, Demolition, or Construction

If the applicant presents facts clearly demonstrating to the satisfaction of the authorized reviewing body that failure to approve the application will cause immediate and substantial hardship because of conditions peculiar to the particular structure or other features involved and not created by an act of the owner, the reviewing body may approve such application even though it does not meet the standards set forth in either this chapter or designating ordinance. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not justifiable hardships. The reviewing body may require the applicant to provide documentation, such as structural engineering reports, verifying hardship.

15.090 – Director Referral to Historic and Cultural Preservation Committee

The Director may refer other projects which are not designated as landmarks or which are not located within an historic district, to the Historic and Cultural Preservation Committee for approval upon determining that the site or structure may be of historic or cultural significance, in accordance with any of the findings listed under Section 15.060 (A)(1-4), of this Chapter.

15.100 - Applicability and Enforcement

A. Applicability.

1. No application for a permit to construct, alter, demolish, or remove any structure or other feature on a proposed landmark site or in a proposed historic district, filed subsequent to the date of initiation or proceedings to designate the landmark site or historic district, shall be approved while the proceedings are pending; provided, however, that if final action on the designation has not been completed one hundred eighty (180) days after initiation of designation proceedings, the permit application may be approved.
2. The provisions of this Chapter shall be inapplicable to the construction, alteration, demolition, or removal of any structure or other feature of a landmark site or in a historic district, where a permit for the performance of such work was issued prior to initiation of proceedings for designation of the landmark site or historic district, and where such permit has not expired or been canceled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the Building Code.

B. Unsafe or Dangerous Conditions. None of the provisions of this Chapter shall prevent any measures or construction, alteration, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the Chief Building Official or the Fire Marshal, and where the proposed measures have been declared necessary by such official to correct the said condition; provided, however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition and as is done with due regard for preservation of the appearance of the structure involved, may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire, or other calamity, or by act of God, to such an extent that in the opinion of the aforesaid officials it cannot be reasonably repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

C. Duty to Keep in Good Repair. The owner, lessee, and other person in actual charge or possession of a landmark, a structure in a historic district, or any other cultural or historically significant property, shall keep in good repair all of the exterior portions of such landmark or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior portion.

D. Filing Fees. There shall be no filing fees beyond those required by other sections of the City Code for any application, or to commence any proceedings under this Chapter.

E. Methods of Enforcement. This section shall be enforced in accordance with the provisions of Section 26.010 and Section 26.020 of the Zoning Ordinance and Section 1.08.010 of the Petaluma Municipal Code dated January 1972. The Director shall have the authority to implement the enforcement thereof by serving notice requiring the

removal of any violation of this Chapter upon the owner, agent, tenant, or occupant of the building or land, or upon the architect, builder, contractor, or other person who commits or assists in any such violation.

15.110 - Adoption of Design Guidelines

The City Council may, by resolution, adopt design guidelines and preservation guidelines to be applied to an historic district. Major amendment to such guidelines shall be by resolution of the City Council. Minor amendments which do not affect the intent of the Guidelines or result in a substantial change to standards or recommendations may be administered by staff.

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 16

Hillside Protection

16.010 – Purpose

This chapter establishes the regulations for development and alteration of properties in hillside and ridgeline areas in order to preserve the essential scenic and natural resources that define the character of Petaluma, and to implement the following General Plan goals and policies:

A. General Plan: Land Use, Growth Management and the Built Environment Element

1. Preserve the essential scenic and natural resources of the open ridgelines and hillsides that help define the character of Petaluma. Goal 2-G-2
2. Allow development in hillside areas that preserve ridgelines and are site sensitive. Policy 2-P-16
 - a. Protect unique natural features, including landforms, mature trees and their surrounding habitat, and ridgelines, by requiring location of structures away from these assets.
 - b. Requiring architectural design that reflects the natural form of the hillside setting in order to minimize visual and environmental impacts.
 - c. Prevent the significant alteration of hillside topography through grading and paving.
 - d. Use visually unobtrusive building materials.
3. Retain ridgelines and prominent hillsides as open space through appropriate clustering and/or transfer of density to other parts of a development site. Policy 2-P-17

B. General Plan: Community Design, Character and Sustainable Building Element

1. Allow for clustering of residential units in the hills, permitting smaller lot sizes where clustering and common space is maintained and proposed development corresponds to stipulated density ranges. Policy 3-P-71
2. Reinforce the existing character of the hillside neighborhoods, preserving topography and ridgelines. Goal 3-G-12
3. Minimize grading, to all extent possible, stepping development into and with the natural topography. Policy 3-P-80
4. Preserve trees and enhance the natural woodland ecology of the South Hills subarea. Policy 3-P-81

C. General Plan: Health and Safety Element

1. On sites with slopes greater than 30 percent, require all development to be clustered outside of the 30 percent slope areas (and preferably on land less than 15 percent in slope) where possible. Policy 10-P-1
2. Ensure that new development on hillsides is constructed to reduce erosion and landslide hazards and in compliance with any hillside regulations, including but not limited to: Policy 10-P-2
 - a. Limit cut slopes to 3:1, except where an engineering geologist can establish that a steeper slope would perform satisfactorily over the long term.
 - b. Encourage the use of retaining walls or rock-filled crib walls as an alternative to high cut slopes.

- c. Ensure revegetation of cut-and-fill slopes to control erosion. Plant materials for revegetation should not be limited to hydro-seeding and mulching with annual grasses. Trees add structure to the soil and take up moisture while adding color and diversity.
- d. Ensure blending of cut-and-fill slopes within existing contours, and provision of horizontal variation, in order to mitigate the artificial appearance of engineered slopes.
- e. Ensure structural integrity of sites previously filled before approving redevelopment.

16.020 - Objectives

The following objectives are intended to ensure that all hillside development is in compliance with the goals, policies, and implementing strategies of Petaluma’s General Plan.

- A. Ensure high quality projects.
- B. Ensure that projects are designed to fit with and avoid site constraints.
- C. Minimize the potential for geologic failures, fires, and floods that result from or adversely impact new development.
- D. Maintain the natural, open space character of the hillsides.
- E. Promote public enjoyment of the hillsides, including the creation of hillside hiking/biking trails and open space.
- F. Maintain consistent visual character of Petaluma's hillside backdrop, for the community as a whole, by discouraging developments of excessive visual prominence.
- G. Ensure that development does not dominate, but rather visually blends and achieves harmony between the natural and built environment.
- H. Conserve the natural features of the site such as topography, natural drainage, vegetation (including native and significant trees), wildlife habitats, movement corridors, and other physical features.
- I. Promote sustainability.

16.030 – Applicability

This chapter applies to properties zoned RR, R1, R2, R3, R4, R5, and P.U.D. that are covered by the provisions of this Chapter. Section 16.060(B) prescribes the applicability of this Chapter to property proposed for New Development, as defined by the Chapter. Section 16.070(B) prescribes the applicability of this Chapter to property proposed for subdivision.

16.040 – Definitions

The following definitions apply to this chapter. Where there is a conflict between other definitions in this Ordinance and the definitions in this section, the definitions in this section shall apply to this Chapter.

- A. **Contour.** A line drawn on a plan which connects points of equal elevation.
- B. **Cut.** The mechanical removal of earth material.
- C. **Cut and fill.** The excavating of earth material in one place and the depositing of it as fill in an adjacent place.
- D. **Demolition.** The removal of 50% or more of the exterior walls of a building or structure. Demolition includes the relocation of a building from one parcel of land to another, and also includes the raising of an existing structure beyond what is required for a new foundation.
- E. **Density.** The number of dwelling units per net acre.

- F. **Fill.** A deposit of earth material placed by artificial means.
- G. **Grading.** To bring an existing surface to a designed form by excavating, filling, or smoothing operations.
- H. **Major Subdivision.** The subdivision of a parcel into more than four (4) parcels.
- I. **Minor Subdivision.** The subdivision of a parcel of land into 4 or fewer parcels or 4 parcels and a remainder parcel.
- J. **Natural Grade.** The contour of the ground surface before grading.
- K. **New Development.** Includes the development of a vacant parcel, new construction of a primary building on a developed parcel, and the construction of a primary building when the primary building on a parcel has been demolished.
- L. **Opportunities and Constraints Map.** A graphic characterization of the parcel and the immediately adjacent properties that includes the physical and natural amenities and limitations of the site including, but not limited to, unique natural site features, landforms, woodlands, landslides, drainage patterns, creeks, mature trees and their surrounding habitat, ridgelines, areas with a slope of more than 30 %, roads or trails, structures, and property lines and a topographic description of the site using contours at 1', 2' or 5' intervals as appropriate.
- M. **Ridgeline.** A line connecting the highest points along a ridge separating drainage basins or small scale drainage systems from one another.
- N. **Slope.** An inclined ground surface, the inclination of which is expressed as a ratio of the vertical distance (rise), or change in elevation, to the horizontal distance (run). The percent of any given slope is determined by dividing the rise by the run, multiplied by one hundred.
- O. **Slope density formula.** The size of lots allowed in a new subdivision based on a formula that increases the minimum lot size allowed as the slope of the site increases.
- P. **South Hills.** The South Hills is the area identified as the South Hills subarea on the General Plan Subareas Map (General Plan Figure 2-1, Planning Subareas).
- Q. **View Platform.** The following specific locations selected as vantage points from which field observations are made to assess the visual impact of development within the City:
- B Street easternmost (nearest the Petaluma River) terminus
 - C Street easternmost (nearest Petaluma River) terminus
 - D Street at the Petaluma River Drawbridge
 - Lakeville Street at the Rail Depot
 - Caulfield Lane Overpass
 - Corona Road Overpass
 - Bodega Avenue from the City limit to the urban growth boundary
 - D Street in the vicinity of the City limit/urban growth boundary
 - I Street from the City limit to the urban growth boundary
 - Penry Park
 - Schollenberger Park
 - Steamer Landing Park
 - Roof of the "C" Street parking garage
 - Terminated Vistas as identified in the Central Petaluma Specific Plan (shown on SMART Code Thoroughfare Map)
- R. **Visual Analysis.** A visual representation of the proposed project that includes the modifications and improvements to the site that would result from the project. The visual analysis is prepared from the vantage point of an identified

view platform. A visual analysis may be prepared using the following methods:

- Photographic exhibit
- Computer simulation
- Story poles
- Street elevations or other means of graphic representation that takes into account enough of the neighboring structures or site characteristics to provide a sense of massing and scale.
- Other methods may be approved by the decision making authority.

- S. **West Hills.** The West Hills is the area identified as the West Hills subarea on the General Plan Subareas Map (General Plan Figure 2-1, Planning Subareas).

16.050 - General Provisions

- A. **Purpose.** The purpose of this Section is to provide design direction for hillside projects in order to create development that is compatible with and appropriate for the hillside setting, and is consistent with the objectives of this chapter and the goals and policies of the General Plan.
- B. **Applicability.** Section 16.050 applies to new development as defined by this Chapter and the subdivision of property subject to the requirements of this Chapter. Section 16.060 provides specific requirements that apply to Single Lot Development. Section 16.070 provides specific requirements that apply to Hillside Subdivisions.
- C. **Opportunities and Constraints Map.** An Opportunities and Constraints Map should be prepared prior to siting any proposed improvements (structures, roads, driveways, utilities, fencing, etc.). An opportunity and constraints map includes, but is not limited to, the location of landslides, drainage patterns, creeks, trees with a trunk diameter of 4" or more and their surrounding habitat, ridgelines, existing roads and/or trails, structures, areas with a slope of more than 30 %, and property lines. The purpose of the Map is to assist in the following:
- Identifying the site features that should be preserved and retained;
 - Determining the best location for the building(s);
 - Determining the location for the road and/or driveway;
 - Determining how best to site improvements to work with the natural topography and reduce grading; and
 - Determining the best use of retaining walls to reduce the amount of grading.
- D. **Visual Analysis.** The purpose of the visual analysis is to simulate the impact of the proposed project within the context of its surroundings. When siting and designing the improvements for the project, consideration should be given to the potential visual impact of the project on community views of hillsides and ridgelines. In order to evaluate the potential impact of a project on community views, specific view platforms have been identified. When selecting a view platform(s) for the visual analysis, priority should be given to those platforms that provide the greatest community view of the project. Depending on the location and visibility of the project, a visual analysis may need to be prepared from more than one view platform. A visual analysis includes site improvements (structures, roads, driveways, etc.) and site modifications (tree removal, grading, retaining walls, fences, etc.).
- E. **Site Design.** The following should be considered in order to minimize grading, reduce the potential visual impact, and to maintain the existing features of the site.
1. Site buildings and other improvements (i.e., roads and driveways) to conform to topography and take advantage of existing site features (see Figures 16.1 and 16.2).
 2. Limit building pads to the area immediately beneath buildings or driveways, or as required by the geotechnical report or Building Code.
 3. Reduce the visual prominence of development as viewed from identified community "viewing platforms."
 4. Site buildings to allow adequate space for tree plantings or other screening.

5. Avoid fence lines that daylight ridgelines, are highly visible from a distance, and/or separate development parcels from open space (see Figure 16.3). Fences should be transparent (wire mesh, deer fencing, etc.). If chain link or wire mesh finer than 4" is used, it should be finished with a dark colored coating material.

Figure 16.1
Recommended

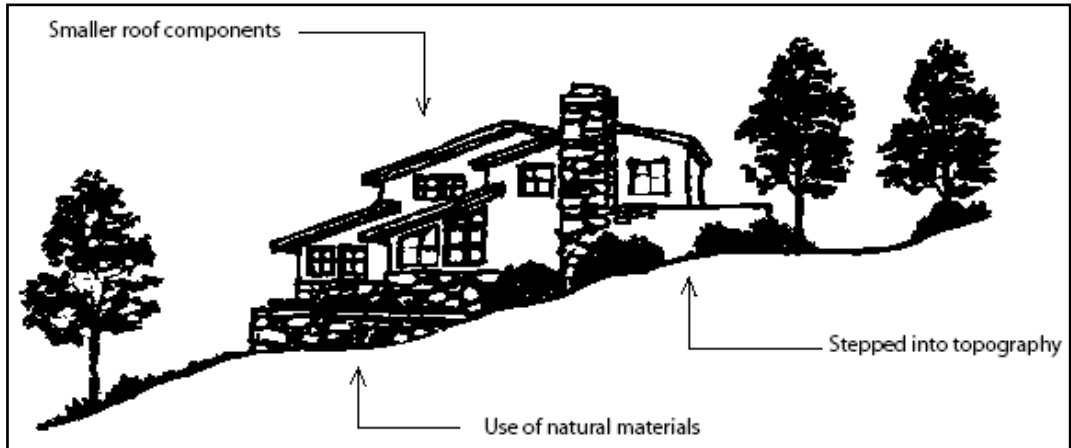


Figure 16.2
Recommended

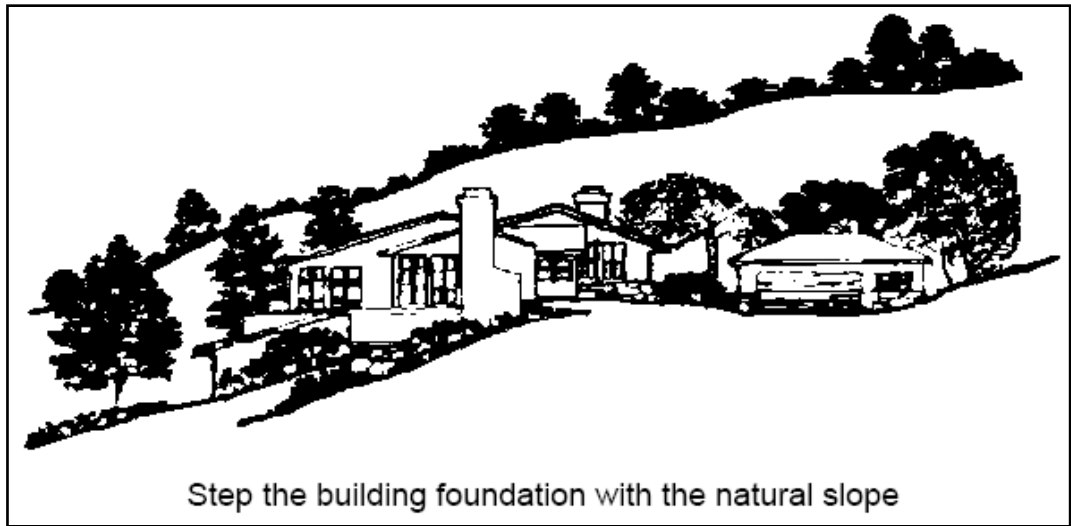


Figure 16.3
Not
Recommended



F. Grading and Retaining Walls. The following should be considered in order to minimize grading and to preserve the natural topography of the site.

1. Design grading to conserve natural topographic features and appearances by minimizing the amount of cut and fill and by means of land form grading to blend graded slopes and benches with the natural topography; straight graded cut and fill slopes are discouraged.
2. Design grading to retain major natural topographic features (i.e., canyons, knolls, ridgelines, and prominent landmarks rock outcroppings, and drainage ways).
3. Discourage building pads created on fill (see Figure 16.5). Cut pads are preferred (see Figure 16.3).
4. Utilize grading to help set structures and roads into the hillside, not to create elevated pads (see Figures 16.1 and 16.2).
5. The limited use of retaining walls may be allowed when it can be demonstrated that their use will substantially reduce the amount of grading.
6. Retaining walls should not be used to create large, flat yard areas.
7. Retaining walls should blend with the natural topography, follow existing contours, and be curvilinear to the greatest extent possible.
8. Retaining walls should not be higher than five feet. Where an additional retained portion is necessary due to unusual or extreme conditions (e.g., lot configuration, steep slope, or road design), the use of multiple-terraced, lower retaining structures is preferred.
9. Terraced retaining walls should be separated by at least a three foot planting pocket and should include appropriate landscaping.
10. Retaining walls that are visible from a public street should have a veneer of natural stone, stained concrete, or earth toned textured surface to help blend the wall with the natural hillside environment and to promote a rural character.

G. Roads and Driveways

1. Roads should be designed to minimize excessive cutting.
2. Driveway lengths should be minimized and common driveways should be planned for in subdivision and single lot site planning.
3. Roads should be pedestrian-friendly where feasible, with trails to open spaces at ridgetops, so long as the sidewalk or improvement does not create excessive grading or conflict with Fire Department or Public Works requirements.

H. Landscape Planting and Tree Preservation.

1. Compliance with Chapter 17 (Tree Preservation).
2. Submittal of an arborist's report and/or tree preservation and protection plan as required by Section 17.055 (Project Arborist Requirements).
3. Provide landscape planting adjacent to retaining walls. Such planting should include a combination of non-invasive trees, shrubs, and vines to screen the wall.

4. Avoid the use of invasive species.
5. Utilize plant materials to screen structures, frame views, disguise building edges and understories, break up expansive walls, connect structures to the land and reduce the apparent bulk of structures.
6. Shade potentially reflective surfaces with tree canopies where appropriate, except when needed as solar access for rooftop solar panels
7. Revegetate cut and fill slopes.
8. Encourage the planting of water conserving and erosion control plant materials.

16.060 - Single Lot Development

- A. **Purpose.** To ensure that the development of parcels subject to the requirements of this Chapter is consistent with the General Plan goals and policies related to hillside development, and is not visually prominent when viewed from a community “viewing platform”.
- B. **Applicability.** Section 16.060 applies to New Development, as defined by this chapter, on any parcel located in the South Hills and West Hills, as defined by this Chapter.
- C. **Site Plan and Architectural Review.** Planning Commission approval is required for new development in the South Hills and West Hills.
- D. **Development Standards.** Any parcel subject to this Chapter is also subject to the requirements of the zoning district in which the parcel is located. Where the requirements of the underlying zoning district conflict with the requirements of this chapter, the requirements of this Chapter shall control.
 1. **Building Height.** 30 vertical feet from grade to the uppermost point of the roof as calculated below (see Figures 16.3, 16.4 and 16.5). No point of any structure shall be more than 30’ above the grade directly beneath that point.

Figure 16.3

Height Limit when Graded for Foundation Only

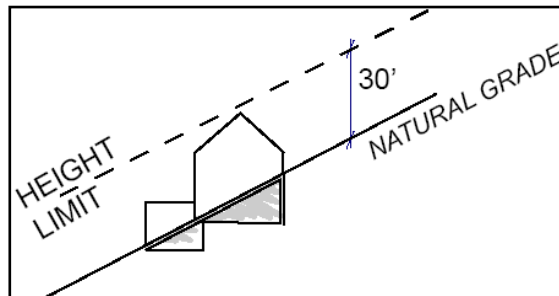


Figure 16.4

Height Limit when Graded for Flat Pad

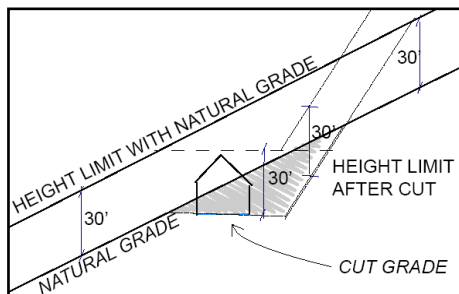
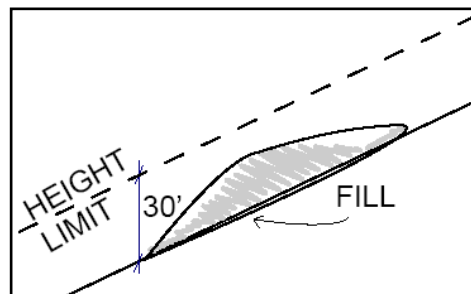


Figure 16.5

Height Limit when Adding Fill



2. **Setbacks.** As prescribed by the underlying zoning district in Tables 4.6 through 4.9.
- E. **Exception to Required Setback.** An exception to the setback required by the underlying zoning district may be provided for as follows:
1. **Primary Structure.** A primary structure may encroach into a required setback for a distance of not more than one-half of the required setback, subject to approval by the Planning Commission, if it can be found that the decrease minimizes the impact of hillside development and grading and is consistent with the guidelines contained in this chapter. If such a reduction is granted, a compensating increase in setback is required in the opposing setback. For example, a five-foot (5') reduction in a front setback would increase the rear setback by five feet (5').
 2. **Required Covered Parking.** Required covered parking may encroach into a required front and/or side yard setback if the decrease minimizes the impact of hillside development and grading and is consistent with the guidelines contained in this chapter.

Findings Required. When the Planning Commission approves a reduction in the required setback, findings to support the granting of the exception shall be provided.

- F. **Additional Setback Required.** In order to protect significant natural resources or to reduce visual prominence of a proposed development, the Planning Commission may require building setback(s) that exceed(s) the required setback of the underlying zoning district.
- G. **Exception to Retaining Wall Height (Section 13.050).** For projects subject to Section 16.060, a maximum exposed retaining wall height of five feet (5') may be permitted with Planning Commission approval.
- H. **Site Design.** The following site design guidelines shall be taken into consideration and incorporated into the design of a hillside lot whenever possible. Conformance with these guidelines will be determined by the Planning Commission.
1. Development patterns that form visually protruding or steeply cut slopes for roads or lots should be avoided.
 2. Building pads, including spaces leveled for foundations and the grading for driveways and yards, should be as small as possible.
 3. Building construction and related site grading should not significantly disturb any ephemeral or perennial watercourse on the site.
 4. Buildings should be located to take advantage of existing vegetation for screening.
- I. **Architectural Design.** The following architectural design guidelines shall be taken into consideration and incorporated into the design of a hillside lot whenever possible. Conformance with these guidelines will be determined by Planning Commission as part of project review.
1. Design buildings to conform to the natural topography and hillside setting of the site; to follow the contours of the site; and to blend with the existing terrain in order to reduce bulk and mass.
 2. Scale structures to fit the surroundings, and not visually dominate the landscape. The apparent size of exterior wall surfaces visible from off site may be minimized through the use of single story elements, split level foundations, varying setbacks and structure heights, and landscaping, all designed to break up massive forms.
 3. Design buildings to minimize bulk, mass and volume.

4. **Bulk and Mass.** Bulk and mass should be minimized when developing a hillside parcel. The following methods may be used to minimize the bulk and mass of a building.
 - a. Keep building forms simple (see Figures 16.1 and 16.2).
 - b. Avoid architectural styles that are inherently viewed as massive and bulky.
 - c. Utilize grading cuts, rather than fills, to create building pads.
 - d. Excavate or use below-grade rooms to reduce effective bulk. The visual area of the building can be minimized through a combined use of grading and landscaping techniques. Earth sheltered buildings and “living roofs” are encouraged.
 - e. Exposed understory stem walls should not exceed 5’ and should be finished with visually recessive, earth-toned materials.
 - f. Step the building foundation and roofs with the natural slope (see Figures 16.1 and 16.2).
 - g. Use horizontal and vertical building components to reduce bulk.
 - h. Avoid two story wall planes.
 - i. Step back the second story so the difference in wall planes is visible from a distance.
 - j. Vary elevations, such as stepping back second stories, to conform with topography.
 - k. Avoid overhanging decks, large staircases, and patios formed by retaining walls that make buildings appear more massive (see Figure 16.3).
 - l. Avoid use of solid wall railings that add to the mass of the design.
 - m. Create light and shadow by providing modest overhangs, projections, alcoves, and plane offsets.
 - n. Use a combination of siding materials and articulate walls to reduce expansive, continuous planes.
 - o. Use vaulted ceilings rather than high walls and ceilings to attics above to achieve a feeling of volume.
5. **Colors and Materials.** The following methods may be used to reduce the visibility of hillside development:
 - a. Use subdued and unobtrusive exterior finish materials and colors for all structures.
 - b. Minimize the use of reflective material.
 - c. Earth tones and colors that occur naturally in the Petaluma hills are encouraged.
 - d. Structures should not call undue attention to themselves when viewed from a public vantage point.

6. **Roofs.**

- a. Break roof forms and rooflines into smaller building components to reflect the irregular forms of surrounding natural features (see Figures 16.1 and 16.2).
 - b. Generally orient the slope of the main roof in the same direction as the natural slope of the terrain (see Figures 16.1 and 16.2).
 - c. Avoid large gable ends on downhill elevations.
 - d. Light colored and reflective roofing materials are discouraged.
- J. **Process.** As prescribed by Section 24.010 (Site Plan and Architectural Review)
- K. **Findings.** In addition to the considerations for review identified in Section 24.010(G) (Standards for Review of Applications), the following findings, where applicable, are also required:
- 1. The project meets or exceeds the objectives, standards, and guidelines of the Hillside Ordinance.
 - 2. The design, scale, massing, height and siting of development is compatible and complementary with the character and scale of the surrounding, developed neighborhood.
 - 3. The design and site layout of the hillside project is respectful of and protects the natural environment to the maximum extent feasible.
 - 4. Site grading has been designed to be as minimal as possible to achieve sensitive hillside design, minimize tree removal and provide safe site access and required parking.
- L. **Submittal Documents.** In addition to the submittal requirements identified on the Development Permit Application Submittal Requirements Matrix the following shall be provided as indicated:
- 1. Opportunities and Constraints Map/Site Analysis is required for all projects.
 - 2. Visual Analysis as required at the discretion of Planning staff or the decision making authority.
 - 3. Arborist Report and/or Tree Preservation and Protection Plan as required by Section 17.055.

16.070 - Hillside Subdivisions

- A. **Purpose.** To create appropriately sized, located, and configured parcels that can be developed in a manner consistent with this chapter and the General Plan goals and policies related to hillsides and ridgelines.
- B. **Applicability.** Section 16.070 applies to any subdivision of property proposed for a parcel or group of parcels located in the South Hills and West Hills, as defined by this Chapter, and any parcel of land located within the City that has an average slope of 10% or greater as determined using the Average Slope Formula contained in Section 16.070 (C1).
- C. **Minimum Parcel Size.** The minimum parcel size shall be determined by the underlying zoning district or as calculated by the slope density formula and/or table contained in Section 16.070(C2), whichever is greater.

1. **Average Slope Formula.** The average slope of the parcel shall be computed on the natural slope of the site before grading, as calculated using the following formula:

$$S = \frac{0.0023 (I)(L)}{A}$$

- I. The contour interval measured in feet.
 - L. The sum of the length of all contour lines contained within a subject parcel measured in scale feet.
 - A. The area of the parcel in acres.
 - S. The average cross slope of a specific parcel of land expressed in percent as determined by the "Average Slope" formula.
2. **Slope Density Formula.** The minimum parcel size shall be determined by the following formula, or the table below:

$$\text{Minimum Parcel Size} = \frac{1}{11.433 - .417 (S)}$$

TABLE 16.1

SLOPE	MINIMUM LOT SIZE (SQ. FT.)	SLOPE	MINIMUM LOT SIZE (SQ. FT.)
10%	6,000	18%	11,092
11%	6,636	19%	12,410
12%	6,776	20%	14,083
13%	7,246	21%	16,278
14%	7,786	22%	19,283
15%	8,413	23%	23,648
16%	9,149	24%	30,568
17%	10,028	25%	43,560

3. Above 25% slope, one additional acre or portion thereof per dwelling unit will be required for each additional 5% increase in slope.
 4. Calculations of the average slope and the minimum parcel size shall be calculated by a registered civil engineer or a licensed land surveyor using the formulas provided in Section 16.070(C1 and C2).
 5. **Modifications to Minimum Parcel Size.** In a residential Planned Unit District (PUD), the minimum parcel size may be flexible in order to respond to site conditions and to comply with General Plan goals and policies related to the clustering of development. The maximum number of dwelling units or lots shall remain as prescribed in Section 16.070(D).
- D. **Density.** The maximum number of dwelling units or lots is calculated by dividing the size of the lot to be subdivided by the minimum parcel size required by Section 16.070 (C2). No project is guaranteed the maximum density. The actual density yield shall be determined by the decision making authority. When calculating density, any fraction shall be rounded down to the next whole unit. The density shall be consistent with the General Plan density range for the site and the density as calculated by this section.
 - E. **Development Standards.** Any parcel subject to this Chapter is also subject to the requirements of the zoning district in which the parcel is located. Where the requirements of the underlying zoning district conflict with the requirements of this chapter, the requirements of this chapter shall control.

1. **Exception to Retaining Wall Height (Section 13.050).** For projects subject to Section 16.070, a maximum exposed retaining wall height of 5 feet (5') may be permitted with approval of the review authority.
- F. **Process.** The process for the subdivision of land shall be as *prescribed* in the City's Subdivision Ordinance (Municipal Code Title 20).
- G. **Submittal Documents.** In addition to the submittal requirements identified on the Development Permit Application Submittal Requirements Matrix the following are required as part of an application for a subdivision of land:
1. Topographic Survey
 2. Opportunities and Constraints Map/Site Analysis
 3. Slope Analysis: at a minimum delineating areas with slopes of 0-10%, 10%-15%, 15%-30%, >30%
 4. Soils Report
 5. If Buildings are proposed with subdivision, include the following:
 - a. Architectural drawings
 - b. Visual analysis
 - c. Landscape planting plans for common areas, tree mitigations, cut/fill slope revegetation, and typical front yards
- H. **Appeal.** As prescribed in the City Subdivision Ordinance (Municipal Code Title 20).

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 17 Tree Preservation

17.010 - Purpose

The City of Petaluma contains a variety of both native and non-native trees. Trees are a source of great beauty, provide shade and other environmental benefits, enhance property values, create community identity, and generally enhance the quality of urban life. Trees also serve to mitigate some of the known effects of global warming and climate change. The City is committed to planting new trees, as well as protecting existing trees to the greatest extent possible.

This Chapter provides regulations for the protection, preservation, and maintenance of groves and stands of mature trees, and mature trees in general. The City's objective is to establish regulations that will result in no net loss of tree canopy in the community. It is also the intent of this Chapter to promote and perpetuate the urban forest through the replacement of trees removed as a result of a new development.

17.020 - Applicability

The provisions of this Chapter shall apply to all zoning districts in the City relative to the removal or relocation of protected trees as identified in Section 17.040 (Protected Trees). Exceptions to the provisions of this Chapter are outlined in Section 17.030 (Exceptions). Public property, including the City owned rights of way, and City sponsored and/or funded projects are subject to the tree protection and preservation requirements herein.

17.030 - Exceptions

The removal or relocation of protected trees is exempt from the provisions of this Chapter under the following circumstances:

- A. **Tree removal not related to discretionary development applications or other development permits.** This exception does not include trees that were required to be preserved, relocated, or planted as a condition of approval of a previous development application or permit.
- B. **Emergency situations.** Cases of emergency where the City of Petaluma, determines that a protected tree poses an imminent threat to the public safety, or general welfare or when private property or persons are threatened by a tree it may be removed without City review or approval.
- C. **Traffic visibility obstructions.** Removal or relocation of trees necessary to maintain adequate line-of-sight distances as required by the City's Traffic Engineer or Director of Public Works.
- D. **Public utility damage.** Removal of trees for the protection of existing electrical power or communication lines.

17.035 – Tree Technical Manual

Standards, guidelines and best management practices supplementary to this Ordinance are contained in the City of Petaluma "Tree Technical Manual". This manual will be developed, maintained and periodically updated as needed by the Petaluma Tree Advisory Committee. The manual will be made available to the public and shall include but not be limited to standards and specifications regarding: (1) protection of trees during construction; (2) replacement of protected trees; (3) maintenance of protected trees; (4) format and content of tree plans/reports.

17.040 - Protected Trees

A protected tree is any of the following:

- Black Oak (*Quercus kelloggii*) four inches DBH* or greater
- Valley Oak (*Quercus lobata*) four inches DBH or greater
- Blue Oak (*Quercus douglasii*) four inches DBH or greater
- Interior Live Oak (*Quercus wislizenii*) four inches DBH or greater
- Coast Live Oak (*Quercus agrifolia*) four inches DBH or greater
- Oracle Oak (*Quercus x morehus*) four inches DBH or greater
- Oregon Oak (*Quercus garryana*) four inches DBH or greater
- Other native California Oak four inches DBH or greater
- California Buckeye (*Aesculus, californica*) six inch DBH or greater
- California Bay (*Umbellularia, californica*) twelve inch DBH or greater
- California or Coast Redwood (*Sequoia*) eighteen inches DBH or greater

- Heritage trees as approved by Council resolution per Title 8 of the Petaluma Municipal Code.
- Significant groves or stands of trees.
- Trees located in riparian corridors.
- Any tree required to be planted or preserved as environmental mitigation or condition of approval for a discretionary development application or other development permit.
- Trees in the public rights of way.

*Size is trunk diameter measured at a height of 4.5 feet or diameter at breast height (DBH) from surrounding grade. Multiple trunk trees must possess at least one trunk with the above diameter (based on species) to be considered protected. Smaller trees may also be protected under special circumstances and shall be considered on a case by case basis during the development review process.

17.050 - Preservation of Existing Trees in Development Proposals

- A. The design of every development project (that which requires a discretionary approval or other development permit) shall recognize the desirability of preserving protected trees to the greatest extent possible. The design of the grading and site improvements shall reflect consideration of the following safeguards:
 - 1. Provision of sufficient growing areas as required by individual species;
 - 2. No disruption or removal of structural roots or majority loss of feeder roots;
 - 3. Fencing of trees at or beyond their drip lines during grading and construction activities;
 - 4. No ornamental landscape, filling, cutting, development, or compaction of soils within the drip line;
 - 5. Other measures required by the particular species of tree(s) to be preserved as recommended by the consulting arborist, horticulturist, or landscape architect.
- B. It is recognized that the preservation of all existing trees on a development site may sometimes conflict with reasonable land developmental considerations (e.g., adequate drainage, grading, circulation, safety, and provision of utilities.) However, the design of the proposed development shall address preservation of the most desirable and significant of the healthy trees and the developer is encouraged to utilize creative land planning techniques to achieve this goal.
- C. Grading and landscaping plans shall implement the approved tree preservation plan. The locations of all protected trees shall be indicated on the plans by the number of the tree as described in the City approved arborist report. Notes shall identify which trees are to be preserved, and which may be removed. Plans shall be consistent with the required tree protection mitigation measures included in the project application, initial study, mitigated negative declaration, or environmental impact report and monitoring plan, and the conditions of the development approval. The precise vertical and horizontal locations (plus or minus one foot) of all protected trees to be preserved or removed shall be shown on the site plan as part of the initial application unless the project does not involve exterior alterations or construction activities.

17.055 - Project Arborist Requirements

An arborist report and/or Tree Preservation and Protection Plan shall be required to accompany all development applications that potentially affect protected trees. Arborist reports must be prepared by a certified arborist and are subject to review and approval of the City Arborist and or City designated peer review arborist at the applicant's expense. All project arborists must possess a current Certified Arborist Certificate from the International Society of Arboriculture and be a current member of the American Society of Consulting Arborists.

17.060 - Tree Removal

- A. **Permit required.** No protected tree shall be removed, cut down, or otherwise destroyed, unless a permit is issued by the Community Development Department. For site development that allows for tree removal as part of a project's conditions of approval, the written permit may be in the form of signed authorization by the Community Development Department, a tree preservation plan approved by the Community Development Department, written approval for a grading permit, encroachment permit, or other similar permit.
- B. **Tree replacement requirement.** The following conditions determine whether a protected or designated tree must be replaced.
1. **Protected Trees** – If the City authorizes the removal of a protected tree(s) because it is dead, dangerous, or a nuisance, no tree replacement is required. In all other cases, the tree(s) must be replaced, with the exception of protected trees approved for removal by the approving body in relation to a development application.
 2. **Street Trees** – If the City authorizes removal of a street tree in connection with a development project, it shall specify the replacement requirements in the permit authorizing removal.
 3. **Development Projects** - If a project applicant chooses to remove trees from a development site the project applicant will be required to replace the tree or trees. Refer to the "Tree Technical Manual" for approved forms of tree replacement. On projects where Planning Commission/City Council approval is not required, replacement will be at the direction of the Community Development Director. For development projects that require Planning Commission/City Council approval, protected trees authorized for removal will be addressed as part of the development conditions of approval. The approving body shall be the deciding factor on appropriate replacement and the project will be conditioned accordingly.
- C. **Appraisal valuations.** All trees to be replaced shall be the same native species as those removed, unless specific approval has been granted, by the Director or the appropriate approval authority. Appraisal value shall be determined by using the most recent edition of the "Guide for Plant Appraisal", published by the Council of Tree and Landscape Appraisers. The appraisals shall be completed on the most recent "Form for Northern California" published by the International Society of Arboriculture.
- D. **Location of replacement trees.** Trees will be replaced on the development site or in reasonable proximity as required by the approving authority through the development review process or as approved by the Community Development Director during the review of a development permit.
- E. **Considerations for denial of Tree Removal Permit.** A finding of any one of the following situations shall be grounds for denial of the permit.
1. Removal or damage of a healthy tree could be avoided by:
 - a. Reasonable redesign of the site plan prior to construction;
 - b. Trimming, thinning, tree surgery, or other reasonable treatment, as determined by the Community Development Director.
 2. Adequate provisions for drainage, erosion control, land stability, windscreen buffers along the road and between neighbors have not been made where these problems are anticipated as a result of the removal.
- F. **Security Deposits.** A security deposit shall be posted to cover the value of protected trees for preservation during the construction process. The security deposit will be collected with and subject to the same requirements as site

improvements. Typical methods may be improvement agreements, encroachment permit, building permit, or other similar methods used by the City to secure improvement requirements. Release of security for tree preservation shall be the same as the time frames defined within the agreement/permit method used to secure improvements. Security deposits for tree preservation shall be subject to a tiered system as defined below:

1. Up to the first \$100,000 of tree value the deposit is 20%, thereafter tree valuations in excess of \$100,000 shall be 10% of the valuation in excess of \$100,000.
2. Creeks, riparian corridors and significant groves or stands of trees are considered a significant biological resource and construction activity is restricted in these areas. Creeks, riparian corridors and significant groves or stands of trees are exempted from security deposit requirements unless required by the approving authority through the development review process.
3. City of Petaluma sponsored and/or funded projects are exempt from security deposit requirements.
4. If any tree fails to survive, or declines to a point where it is deemed to not be expected to survive, the City may use the security value of the dead or declining tree(s) to purchase new trees for on or off-site use. In the event that replacement cannot be accomplished on-site, the security will be placed in a fund for use in planting trees within public right-of-way, parks, public landscape areas, or other areas as deemed appropriate by the City of Petaluma.
5. If a tree or trees, that have been designated to be protected, are determined to have failed or died on their own and not through impacts from development, the security deposit shall not be used for replacement. This determination shall be made at the discretion of the Community Development Director and may include the requirement for an evaluation by a certified arborist and/or the City Arborist, the cost to be borne by the developer.

17.065 Tree Mitigation and Replacement

Tree mitigation may be in the form of in-kind replacement, in-lieu replacement, and/or a combination of both.

- A. **New Commercial and/or Residential (2 or more parcels) Development Projects.** In the event that there are no viable and/or practical alternatives except to remove a protected tree, the City will require replacement trees at the following ratios:

1. All protected trees, determined by the project arborist to be in good (4) or excellent (5) health, and/or with moderate (3) to good (4) structure, shall be replaced on a one-to-one trunk diameter basis. (Example: A 24-inch protected tree in good or excellent condition must be replaced with new trees totaling 24 inches in trunk diameters.)
2. All protected trees, determined by the project arborist to have fair (3) or marginal (2) health, and/or with marginal (2) structure, shall be replaced on a two-to-one trunk diameter basis. (Example: A 24-inch protected tree in fair-to-marginal condition must be replaced with new trees totaling 12 inches in trunk diameter.)
3. All protected trees, determined by the project arborist to have poor (1) health or poor (1) structure, are not required to be replaced.

c. **Tree Mitigation:**

- 1) A tree designated for preservation in a development project must have a good chance of long-term survival as determined by an assessment of proposed development impacts. Simply preserving a tree does not excuse it from designated mitigation requirements; it must, in the professional opinion of the project and/or City arborist, have a good chance to survive after all the impacts of construction are considered.

- 2) In-Kind Replacement: If the location of replacement tree planting will remain as a natural area suitable for the healthy and long-term growth of native trees, replacement of protected trees should occur in-kind. If the location of replacement tree planting will be part of an irrigated, ornamental landscape area, replacement of protected trees may occur with a species as identified by the project arborist and approved by the City arborist.
- 3) Replacement tree ratios shall be applied as follows:
 - a) 24-inch box replacement tree = 2-inch replacement trunk diameter
 - b) 36-inch box replacement tree = 3-inch trunk replacement diameter
 - c) 48-inch box replacement tree = 4-inch trunk replacement diameter

Replacement trees shall be at minimum 24-inch box size.

- 4) **In-Lieu Replacement:** In the event that a development site is insufficient in size or use to plant any or all of replacement trees, the City may accept payment of in-lieu fees by the applicant. In-lieu fees will be utilized by the City to purchase and install trees in future public open space, park space, or other areas designated for tree planting. Replacement tree costs for the purposes of satisfying in-lieu fees shall be based on the typical northern California wholesale tree cost plus average installation cost.

In-lieu fees for replacement trees shall be based on a minimum 24-inch box size.

B. Tree Protection/Removal Requirements for additions, pools, and/or other accessory structure. The City requires the land developer to protect and preserve trees during the development and/or subdivision of residential parcels. The resulting lots are then sold to property owners with the understanding that the trees should be protected. Property owners may request any number of modifications to their properties that may in turn result in impacts to the protected trees. Lots with protected trees are subject to the following requirements for additions, pools, and/or other accessory structures that may result in an impact to the protected trees.

1. An arborist report is required for all properties considering additions, pools, and/or accessory structures that may have an impact on a protected tree, including improvements within the tree protection zone.
2. In the event that there is no viable and/or practical alternative to removal of protected trees to accommodate the addition, pool, and/or accessory structure the following shall apply:
 - a. A request for a Tree Removal Permit for protected trees 15" or greater, determined by the project arborist to be in good (4) or excellent (5) health, and/or with moderate (3) to good (4) structure will require review and action by the Planning Commission at a noticed public hearing. The request will require a Tree Removal Permit, arborist report, statement justifying removal of the tree, and payment of a permit application fee. For protected trees 14" or less which are requested to be removed, the Community Development Director shall review the request and make the determination for removal. If the Community Development Director authorizes removal, mitigation shall be required either by in-kind replacement or in-lie fee payment, as defined in this ordinance. If the Community Development Director denies the request for removal, the decision may be appealed.
 - b. A request for a Tree Removal Permit for all protected trees, determined by the project arborist to be in fair (3) or marginal (2) health, and/or with marginal (2) structure may be approved and require mitigation. The Community Development Director shall review the request and make the determination for removal. If the community Development Director authorizes removal,

mitigation shall be required either by in-kind replacement or in-lieu fee payment, as defined in this ordinance. If the Community Development Director denies the request for removal, the decision may be appealed to the Planning Commission as allowed by Section 24.070(B)(3).

- c. A request for a Tree Removal Permit for a protected tree, determined by the project and/or City arborist to be in poor (1) health, poor (1) structure, or to be structurally unsafe or hazardous (1), will be approved and will not require mitigation.
- d. **In-Kind Replacement** – In-kind replacement shall be the same as outlined in Section A.1.a. The arborist report shall specify the replacement value. The applicant/owner shall include a replacement landscape plan with the Tree Removal Permit. The building permit for the addition, pool, and/or other accessory use shall be conditioned to require installation of the replacement trees, prior to building permit final.
- e. **In-Lieu Replacement** – In-lieu replacement shall be the same as outline in Section A.1.b. The arborist report shall specify the replacement value. The applicant/owner shall pay to the City the in-lieu fee with the Tree Removal Permit. The building permit for the addition, pool, and/or other accessory use shall be conditioned to require a Tree Removal Permit and payment of the in-lieu fee, prior to initiation of the work.

17.070 - Tree Protection and Preservation Plan

- A. Where an applicant proposes to remove one or more protected trees, the Community Development Director may require a tree protection and preservation plan.
- B. Tree preservation and protection plans shall be prepared by an arborist, horticulturist, or registered landscape architect.
- C. All tree protection and preservation Plans must include the following basic information:
 - 1. The location of all trees present that are greater than 4 inches in trunk diameter at a height of 4.5 feet above surrounding grade, including all that will be preserved, removed, or transplanted.
 - 2. All trees that overhang the proposed project site and are located on immediately adjacent properties.
 - 3. The report cover shall include the arborist's name, certification number, project reference name and address, and report date.
 - 4. A cover letter describing the project site, the date of inspection, and summarizing the total number of trees present, to be removed, and preserved.
 - 5. A site plan that identifies the location of each tree, including its report reference number.
 - 6. Assessment data for each tree.
 - 7. Comments and observations regarding health or structure.
 - 8. Estimate of the impacts of proposed development activities on long-term health and structural integrity.
 - 9. Recommendations for removal or preservation based on the development impacts expected from the proposed plan.
 - 10. Recommendations for modification of the proposed plan to reduce or eliminate impacts to the tree.

Refer to the "TREE TECHNICAL MANUAL" for more detailed information related to the preparation and contents of the Tree Protection and Preservation Plan.

17.080 - Tree Protection Requirements

The Community Development Director shall determine, consistent with the "Tree Technical Manual" and any applicable conditions a discretionary development approval or other development permit approval, whether and to what extent measures will be required to protect the existing trees during construction. This decision shall be based upon the proximity of the area of construction activity to existing protected trees.

The protective measures shall include, but are not limited to, the following:

- A. Prior to initiating any construction activity on a construction project, including demolition or grading, temporary protective fencing shall be installed at each site tree.
 - 1. Fencing shall be located at the Tree Protection Zone (TPZ) illustrated on the Improvement Plans.
 - 2. Fencing shall serve as a barrier to prevent encroachment of any type by construction activities, equipment, materials storage, or personnel.
- B. The Tree Protection Zone (TPZ) is illustrated on the Improvement Plans and represents the area around each tree, or group of trees, which must be protected at all times with tree protection fencing.
 - 1. No encroachment into the TPZ is allowed at any time without approval from the project arborist.
 - 2. Any unauthorized entry into the TPZ is a violation of this Ordinance and shall be subject to enforcement through civil, criminal or administrative remedies, including applicable penalties.
- C. Contractors and subcontractors shall direct all equipment and personnel to remain outside the fenced area at all times until project is complete, and shall instruct personnel and sub-contractors as to the purpose and importance of fencing and preservation.
- D. No grading shall occur within the protective barriers without prior approval by the Director.
- E. No attachments or wires other than those of a protective or non-damaging nature shall be attached to a protected tree.
- F. Excavation or landscape preparation within the protective barriers shall be limited to the use of hand tools and small hand held power tools and shall not be of a depth that could cause root damage.
- G. When the existing grade around a protected tree is to be raised the project and/or City arborist shall provide written directions on which method(s) may be used to drain liquids away from the trunk.
- H. When the existing grade around a protected tree is to be lowered the project and/or City arborist shall provide written directions on which method(s) may be used (terracing, retaining wall, etc) to allow the dripline to be left at the original grade.
- I. No equipment, solvents, paint, asphalt, or debris of any kind shall be placed, stored, or allowed within the protective barrier.

Refer to the "TREE TECHNICAL MANUAL" for additional information on tree protection requirements.

17.090 - Appeals, Extensions, Revocation

- A. **Appeals.** As prescribed in Section 24.070.
- B. **Expiration/extension.** A Tree Removal Permit shall be exercised within one year from the date of approval or other time limit established through a discretionary permit approval. If a Tree Removal Permit is not exercised within the established time frame the permit shall expire.

- C. **Performance guarantee.** The applicant/owner may be required to provide adequate performance security for the faithful performance of conditions of approval imposed as part of the Tree Removal Permit.
- D. **Construction monitoring.** Monitoring of tree protection and restoration measure specified as conditions of approval shall be performed by site inspection conducted by the Director.
- E. **Revocation.** A Tree Removal Permit may be revoked or modified with any of the following findings:
 - 1. Cannot support the original findings;
 - 2. Resulted from misrepresentation or fraud;
 - 3. Has not been implemented in a timely manner;
 - 4. Has not met, or has violated any condition of approval;
 - 5. It is in violation of any code, law, ordinance, or statute;
 - 6. Is detrimental to public health, safety, or welfare; or
 - 7. Constitutes a nuisance.

17.100 - Enforcement

- A. **Enforcement.** Any person who cuts, damages, or removes a protected tree in violation of this Chapter shall be deemed guilty of a misdemeanor. A violation of this Chapter shall also constitute a public nuisance and may be abated and/or enforced through civil, criminal, or administrative proceedings in accordance with Title 1 of the Petaluma Municipal Code. In addition to other remedies available, a violation of this Chapter during construction may result in an immediate stop-work order until permits are obtained and required mitigation procedures are in place.

If a civil or administrative action is brought by the City, a penalty may be assessed against anyone who violates any provision of this Ordinance or any approved Tree Protection and Preservation Plan.

Where a tree is illegally removed, or damaged to a degree that survival is not expected, the penalty shall include full replacement value of each tree, and shall be paid to the City. Replacement values shall be developed using the most recent edition of the "Guide for Plant Appraisal", published by the Council of Tree & Landscape Appraisers. If a violation occurs during development, appraised values for each tree will be found in the Tree Protection & Preservation Plan.

Where a tree is illegally damaged and the damage cannot be fully corrected but the tree is expected to survive, then the penalty shall include full replacement value times the percentage of the tree damaged.

A civil or administrative action may also be implemented to provide appropriate relief to abate, enjoin, or otherwise compel the cessation of such violation.

Chapter 18 Public Art

18.010 – Purpose

- A. The purpose of this chapter is to require the integration of public art into private and public development projects, and to authorize the establishment of guidelines, procedures and standards for the integration of public art into such development projects.
- B. Public art helps make cities more livable and more visually stimulating. The experience of public art makes the public areas of buildings and their grounds more welcoming. It creates a deeper interaction with the places people visit, and in which people work and live. Public art illuminates the history of a community while it points to the city's aspirations for the future. A city rich in art encourages cultural tourism which brings in visitor revenues.
- C. To achieve these goals, public art planning should be integrated into development project planning at the earliest possible stage, and artists selected should become a member of a development project's design team early in the design process.

18.020 – Authority

In adopting this chapter, the city is relying on its police power pursuant to Article II, section 5 and 7, of the California Constitution. In accordance with the case of *Erlich v. City of Culver City* (1996) 12 Cal.4th 854, the requirement to provide public art and/or pay a public art in lieu fee in accordance with this chapter is akin to traditional land-use regulations imposing design conditions, and a valid exercise of the city's traditional police power. The requirements of this chapter, including the requirement concerning providing public art in a location reasonably accessible to the public, like other design and landscaping requirements, are aesthetic controls within the city's authority.

18.030 -- Definitions

- A. **Artist.** A practicing professional artist or group of artists skilled in the design and/or creative production of aesthetic objects, with qualifications recognized by peers and/or evidenced through a record of exhibitions, public commissions, sale of works and educational attainment.
- B. **Construction cost.** The total construction cost of a development project as determined by the Community Development Director from building permit application(s), or the total cost of the above-ground elements of a park or public works project, except as specified in section 18.060. Construction cost is calculated using all relevant building permit applications, including, but not limited to, all grading, building, plumbing, mechanical, site improvement, parking lot, lighting, and electrical permit applications for a development projects, but excludes costs solely attributable to interior tenant improvements.
- C. **Construction or reconstruction.** The construction or the rehabilitation, renovation, remodeling or improvement of a building, park, or other improvement subject to the requirements of this chapter
- D. **Private construction project.** Any privately funded non-residential construction or reconstruction subject to the requirements of this chapter.
- E. **Public art.** Original works of art that meet the requirements of section 18.120, including, but not limited to, sculpture, murals, photography and original works of graphic art, water features, neon, glass, mosaics, or any combination of media. Public art may include furnishings or fixtures, permanently affixed to buildings or building grounds, including but not limited to, works fixed to or comprising gates, walls, railings, street lights walkways or seating, so long as they are created by an artist and otherwise meet the requirements of section 18.120. Public art may also include architectural features of a building, and artistic or aesthetic elements of overall building architecture or landscape design if created by an artist, so long as such features or elements otherwise meet the requirements of section 18.120. Public art for purposes of this chapter excludes:
 - 1. Objects that are mass- produced or not unique to a particular development project;

2. Decorative or functional elements or architectural details, unless designed by an artist and otherwise meeting the requirements of section 18.120;
 3. Landscape architecture and landscape gardening unless designed by the artist and otherwise meeting the requirements of section 18.120;
 4. Directional elements such as super graphics, signage, or color coding unless designed by an artist and an integral part of public art that otherwise meets the requirements of section 18.120;
 5. Logos or expressions of corporate identity that do not otherwise satisfy the definition of public art in accordance with this section and the requirements of section 18.120.
- F. **Public Art Committee.** The committee established pursuant to section 18.180 to perform the duties required pursuant to this chapter and any ordinance or resolution of the City Council pertaining to the city's public art program. The Public Art Committee is also referred to in this chapter as the Petaluma Public Art Committee or PPAC.
- G. **Public art in-lieu fee.** The fee required to be paid to the city pursuant to this chapter equal to one percent of the construction cost as defined in this section in lieu of providing public art for public or private construction as otherwise required pursuant to the requirements of this chapter.
- H. **Public art cost.** The cost of providing public art in accordance with the requirements of this chapter. Such cost may include, but is not limited to, the design, development, acquisition, execution and installation of public art, and includes the cost of administering the city's public art program, but shall not include maintenance costs.
- I. **Public art fund.** The account established pursuant to section 18.190 containing public art in lieu fees collected pursuant to this chapter and other contributions to the city's public art program for use for the limited purposes specified in section 18.190.
- J. **Public construction project.** Any publicly-funded construction or reconstruction subject to the requirements of this chapter.
- K. **Visual art professional.** Any of the following: professional artist in any medium, art curators, art critics, art historians, arts educators, architects or other design professionals with a visual arts background, and fine arts collectors.

18.040 –Duty to Provide Public Art and/or Pay Art in Lieu Fee

Developers and/or owners of public and private construction projects to which this chapter applies in accordance with section 18.050 must provide public art that meets the requirements of section 18.120 and/or pay the art in lieu fee as defined in section 18.030 in accordance with section 18.090 and this chapter, and demonstrate compliance with the requirements of this chapter in accordance with section 18.140 and 18.150.

18.050 – Applicability

The provisions of this chapter apply to all public construction projects and non-residential private construction projects with a construction cost of \$500,000 or more, (including private mixed-use construction projects that include residential development, as long as the non-residential development in the mixed-use project has a construction cost of \$500,000 or more), that will be constructed in any of the zoning districts specified in section 18.070, except those construction projects that are exempt from the requirements of this chapter in accordance with section 18.060.

18.060 - Exemptions

The requirements of this chapter do not apply to the following:

- A. Underground public works projects;
- B. Street or sidewalk repair, construction, or reconstruction;
- C. Tree planting;

- D. Remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;
- E. Affordable housing construction, remodel, repair or reconstruction projects;
- F. Seismic retrofit projects as defined by Chapter 17.34 of the Petaluma Municipal Code;
- G. Construction, remodel, repair or reconstruction of structures owned and occupied by public-serving social service and non-profit agencies;
- H. Utility pump stations and reservoirs; and
- I. Fire sprinkler installation projects as defined by Section 17.20.070 of the Petaluma Municipal Code.

18.070 -- Zoning Districts in which Public Art and/or Payment of the Public in Lieu Fee is Required

Public construction projects and non-residential private construction projects located in any of the following zoning districts are subject to the requirement to provide public art and/or pay an art in-lieu fee in accordance with section 18.040 of this chapter:

- A. Mixed Use (MU1A, MU1B, MU1C, and MU2).
- B. Commercial 1 (C1).
- C. Commercial 2 (C2).
- D. Industrial (I).
- E. Business Park (BP).
- F. Planned Unit District (PUD) and Planned Community District (PCD), except residential PUD's and PCD's; but including mixed use.
- G. T-5 and T-6 Zones, as established by the Central Petaluma Specific Plan Smart Code, except projects that are entirely residential, but including mixed use.
- H. Any City Zoning District for any public construction project as defined by this chapter.

18.080 - Voluntary Participation in Public Art Program for Residential Projects of 50 Units or More

Applicants for any private residential construction project of 50 units or more, as permitted in any applicable zoning district, are strongly encouraged to voluntarily participate in the public art program by following the procedures set forth in this chapter.

18.090 – Minimum Cost of Public Art/Public Art in Lieu Amount

Public Art provided in accordance with this chapter must have a public art cost of not less than one percent of the construction cost for a private or public construction project subject to this chapter, except as provided in this section. The public art in lieu fee that applies to private or public construction projects subject to this chapter shall be equal to one percent of the construction cost for the private or public construction project. If public art proposed for a private or public construction project subject to this chapter has a public art cost of less than one percent of the construction cost, and the public art otherwise meets the requirements of this chapter, the developer and/or owner of the private or public construction project must pay a public art in lieu fee equal to the difference between the public art cost and one percent of the construction cost.

18.100 - Location of Public Art

Public art provided in accordance with this chapter must be displayed in a manner that will enhance the general public's enjoyment of the public art, and must be located either: (1) in areas on the site of the private or public construction project clearly visible from the public right-of-way, or (2) on the site of an approved open space feature of the private or public construction project, or (3) upon the approval of the authorized public agency or agencies, on adjacent public property, or (4) in a publicly accessible area of the private or public construction project.

18.110 - Eligible Artists

Eligible artists to provide public art in accordance with this chapter may not be an employee of the architect, engineer or landscape architect for the private or public construction project subject to this chapter.

18.120 – Public Art Requirements

Public art that is proposed or provided pursuant to this chapter must satisfy all of the following requirements:

- A. The art must be designed and constructed by an artist;
- B. The art must relate in terms of scale, material, form and content to immediate and adjacent buildings and architecture, landscaping or other setting so as to complement the site and its surroundings, and must be consistent with any applicable action of the Planning Commission, or City Council as it may relate to any development entitlements for the private or public construction project;

- C. The art must demonstrate excellence in craftsmanship, originality in conception and integrity of materials;
- D. Permanent art must be a fixed asset of the public art site;
- E. Minimal maintenance must be adequate for preserving the long-terms integrity and enjoyment of the art, as evidenced by a maintenance plan submitted with the public art proposal;
- F. Art in private construction projects must be maintained by the property owner in a manner acceptable to the city in accordance with a maintenance plan submitted with the art proposal;
- G. The art must meet all applicable building code requirements.
- H. The art must be accompanied by an identifying plaque that features the artist's name, artwork title and date of completion. This plaque must be made of a durable material and be installed permanently near the art.

18.130 – Verification of Compliance with this Chapter Prior to Issuance of Building Permit

The owner and/or developer of private or public construction subject to the requirements of this chapter must demonstrate compliance with the requirements of this chapter in one of the following ways upon filing a building permit application;

- A. Payment of the full amount of the applicable public art in-lieu fee; and/or,
- B. Presentation of a valid and binding contract to commission or purchase and install the required public art on the subject development site, and a written approval of the proposed art from the PPAC that certifies that the proposed public art satisfies the requirements of section 18.120.

18.140 – Satisfaction of Public Art Requirements – Appeal

Upon a determination that the proposed public art does not comply with the requirements of section 18.120, above, the determination may be appealed to the City Council in the manner prescribed by section 24.070 of this ordinance.

18.150 – Verification of Compliance with this Chapter Prior to Issuance of Certificate of Occupancy – Proof of Installation

The owner and/or developer of private or public construction subject to the requirements of this chapter must provide the city proof of installation of the required public art in accordance with this chapter prior to the issuance of a Certificate of Occupancy for the private or public construction. The required proof of installation must include a public art maintenance plan specifying how the public art will be maintained in accordance with the requirements of section 18.120. Compliance with the public art maintenance plan must be a condition of approval of the private or public construction and the public art maintenance plan must be kept on file by the Community Development Department.

18.160 – Title to Public Art

Title to all public art provided pursuant to this chapter shall pass to the successive owners of the private or public construction subject to the requirements of this chapter so that the public art remains for the life of the construction, subject to the requirements of this chapter. Each successive owner of the private or public construction shall be responsible for the custody, protection and maintenance of the public art, and the running of this requirement with the ownership of the private or public construction must be a condition of approval of the private or public construction.

18.170 – Replacement of Public Art

The following requirements must be met before any public art is replaced:

- A. The public art cost of the replacement public art shall be equal to the public art cost of the public art to be removed in present dollars.
- B. The replacement public art must conform, in every respect, to all public art requirements in effect at the time of the replacement. Such public art requirements that replacement public art must satisfy include, but are not limited to, that the location of the replacement public art must meet the requirements for public art location in effect at the time of the replacement.
- C. The replacement public art, including its location and installation, must comply with all applicable laws, ordinances, rules and regulations.

- D. The replacement public art must be available for public viewing not more than 180 days after the replacement public art is removed, unless a longer time is approved by the Community Development Director.

18.180 - Public Art Committee

- A. A Public Arts Committee is hereby established. Terms of office for each of the Committee members shall be four-year, staggered terms. The Committee shall be comprised of seven members as follows:
 - 1. Three members shall be Visual Arts Professionals and appointed by the City Council from the community at-large.
 - 2. One member shall be a member of the Recreation, Music, and Parks Commission, as nominated by the members of the Recreation, Music, and Parks Commission and appointed by the City Council.
 - 3. One member shall be a member of the Petaluma Arts Council, as nominated by the Arts Council and appointed by the City Council.
 - 4. Two members shall be appointed by the City Council from the community-at-large.
- B. The Committee shall perform the duties required by this chapter and any other ordinance or resolution of the City Council pertaining to the City's public art program.

18.190 - Public Art Fund

- A. All fees collected pursuant to this chapter shall be held in a special fund referred to as the public art fund, maintained, managed and reviewed by the City Manager or his/her designee. In addition to fees collected pursuant to this chapter, funds acquired through gifts, grants, donations, fundraising efforts and other contributions directed to the public art program shall also be deposited in the public art fund for use in accordance with this section. Permitted uses of monies held in the public art fund are limited to the following:
 - 1. The cost of installing public art on public property, including the cost of commissioning or otherwise acquiring and providing and preparing sites for public art;
 - 2. The cost of public art lighting;
 - 3. The cost of public art identifying plaques;
 - 4. The cost of maintaining public art that is not subject to a privately-funded maintenance plan on public property;
 - 5. The cost of supporting publicly accessible art exhibits;
 - 6. The cost of documenting the city's public art program and promotion of the program through education, publicity and outreach;
 - 7. The cost of conserving the city's public art collection;
 - 8. The cost of planning and administering the city's public art program consistent with the annual budget planning process, including the cost of staff support for the Public Art Committee.
- B. The Public Arts Committee, with assistance from staff, shall, as part of the City's annual budget process, estimate the operating costs of the public art program for the given fiscal year, including, but not limited to, staff support and related expenses; curatorial services; documentation; publicity; community education and any other services or programs in accordance with this chapter. Revisions to the adopted annual budget for the Public Art Fund shall be subject to the review and approval of the City Manager, who may submit such revisions for the review and the approval of the City Council.

18.200 - City Council Review of this Chapter and the Public Art Program

The City Council shall review the provisions of this chapter, any related rules, regulations or policies and the effectiveness of the city's public art program periodically as deemed appropriate, and may amend this chapter and/or other elements of the city's public art program that in the city council's discretion may enhance the city's public art program and its benefits. As part of such review or otherwise, the city council may seek the recommendations of the Public Art Committee concerning potential improvements to the city's public art program. The Public Art Committee may also on its own initiative make recommendations to the City Council concerning improvements to the public art program.

Chapter 19 **Planned Unit District and Planned Community District**

19.010 – Purpose

The P.U.D., Planned Unit District, is designed to allow inclusion within its boundaries a mixture of uses, or unusual density, building intensity, or design characteristics which would not normally be permitted in a single use district, and to govern the development of residential projects subject to the Residential Development Control System, Chapter 17.26 of the Petaluma Municipal Code. Development in this zone is allowable only after the approval by the City Council of a complete Unit Development Plan showing the internal design of the District, the interrelationship of uses, and their relation to the surrounding area.

The P.C.D., Planned Community District, was originally designed to allow non-residential development with a mixture of uses, or unusual building density or layout, or with design characteristics which would not normally be permitted in a single commercial or industrial zoning district and which would achieve unique and innovative community design superior to that which would otherwise be allowed by applicable standards, as well as to provide long range planning for large tracts of land at the developing fringe of the City's urban area. Development was allowed in accordance with adopted regulations applicable to each individual P.C.D. The creation of new P.C.D.s is no longer adopted regulations applicable to each individual P.C.D. The creation of new P.C.D.s is no longer permitted but the historic use and continued growth and evolution of P.C.D.s, existing as of May 19, 2008, is supported by these regulations.

19.020 - Establishment of a P.U.D. District

A Planned Unit District may be established or removed from the Zoning Map in accordance with the provisions set forth herein. No minimum site area is established for a P.U.D. District provided that the findings set forth in Section 19.030 can be made for each case.

- A. **Permitted Land Uses.** Any and all compatible land uses are permitted in a P.U.D. District provided such use or uses have been shown on the Unit Development Plan for the District and approved pursuant to this chapter. All residential P.U.D.'s shall permit small family day care facilities.

- B. **Unit Development Plan.** An application for the creation of a P.U.D. District shall be filed with the Planning Commission in a form prescribed by the City and shall be accompanied by a Unit Development Plan as specified herein. The Unit Development Plan shall consist of as many of the following as are appropriate to the size and nature of the proposed P.U.D. and shall in any case provide all data required by the Planning Commission in order to be able to arrive at the findings set forth in Section 19.030:
 - 1. A map showing the street system and lot design, if any, proposed within the district. Areas proposed to be dedicated or reserved for interior circulation, parks, school sites, public buildings, and other such uses must be shown.

 - 2. **Existing Conditions and Topography Map.** A map showing the topography of the proposed P.U.D. District, with existing and proposed contour intervals sufficient to meet all the requirements of the City. Existing trees, drainage courses, and other significant topographical features shall be shown. Adjacent property lines and improvements on adjacent properties within 75 feet of the boundary of the subject site shall be reflected on the plan.

 - 3. **Land Use Plan.** A land use plan for the proposed district, precisely indicating the area or areas to be used for each particular land use.

 - 4. **Site Plan.** A professionally prepared site plan for each building site, or sites, in the proposed P.U.D. District. Said site plan shall be drawn to scale and shall show the location of all proposed buildings, including notation of minimum distances between buildings, and between buildings and building site and/or use boundaries.

 - 5. **Parking and Loading Plan.** An off-street parking and loading plan showing the ratio between off-street parking and loading spaces and building floor areas and/or the ratio of parking spaces to anticipated residents and employees, or other criterion required by the Commission. Such plan shall be supported by data demonstrating the adequacy of the parking for the demand generated by the use to which it

pertains.

6. **Circulation Plan.** A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the P.U.D. District, and to and from any adjacent public thoroughfares. Any special engineering features and traffic regulating devices needed to facilitate or insure the safety and efficiency of the circulation pattern shall be shown.
 7. **Landscaping Plan.** A professionally prepared landscape and tree planting plan.
 8. **Elevations.** Professionally prepared elevations and/or perspective drawings of all major proposed structures. Such drawings need not be the result of final architectural plans but must be in adequate detail to enable the Commission to determine, within reasonable limits, the height, bulk, materials, and arrangement of the proposed buildings and their general appearance.
 9. **Development Standards.** Development Standards for the project shall be professionally prepared and submitted with the application package. The standards shall include, but not be limited to, information regarding parking, setbacks, building heights, lot coverage, grading, landscaping, and other issues appropriate to the district.
- C. **Graphic Information.** As deemed appropriate by the Director to illustrate or highlight the overall project or a specific aspect thereof, special graphic information may be required such as project models, video simulation, photomontages, perspectives, renderings, etc.
- D. **Interior Streets.** Interior streets of a project shall be improved in accordance with City subdivision street standards. The applicant may request some interior streets to be private; however, any modifications of City street standards for interior private streets must be noted on the plan and be acceptable to the Planning Commission. All improvements of public and private streets shall be certified as meeting standards as noted on the plan as prepared by a registered civil engineer prior to final inspection and occupancy.
- E. **Covenants, Conditions and Restrictions.** If the project proponent intends to utilize formal covenants, conditions and restrictions and/or create an association of property owners in the planned unit development; covenants, conditions and restrictions (CC&R's) and a sample copy of the article of incorporation of the association shall be submitted as part of the application materials. These are subject to review and approval by the City. Covenants, conditions and restrictions or articles of incorporation of an association shall be recorded prior to the sale of any lot or prior to the issuance of a Certificate of Occupancy for any building within the P.U.D.
- F. **Development Plan and Phasing Schedule.** An application for a P.U.D. zone shall be accompanied by a development schedule and phasing plan indicating the elapsed time and date on which construction is to begin, the anticipated rate of development, and the anticipated date of completion. The development schedule, upon the recommendation of the Planning Commission, and when approved by the City Council, shall become a part of the Unit Development Plan and shall be adhered to by the owner of the property in the P.U.D. District and any successors in interest.
- G. **Application Fee.** Before an application for the creation of a P.U.D. District may be accepted for filing, the applicant shall pay a filing fee as established by resolution of the City Council from time to time hereinafter enacted.

19.030 – Findings

The Unit Development Plan, or modification of a P.C.D. General Development Plan, as defined herein, may be approved by the City Council upon recommendation of the Planning Commission. In recommending the approval, or modification, of said Plan, the Commission must find that said Plan, or modification thereof, clearly results 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 in addition to such general finds, the Planning Commission and City Council shall make the following specific findings:

- A. That any P.U.D., or modification of a P.C.D., is proposed on property which has a suitable relationship to one (1) or

more thoroughfares, and that said thoroughfares are adequate to carry any additional traffic generated by the development.

- B. That the plan, or modification thereof, for the proposed development presents a unified and organized arrangement of buildings and service facilities which are appropriate in relation to adjacent or nearby properties and that adequate landscaping and/or screening is included if necessary to insure compatibility.
- C. That the natural and scenic qualities of the site are protected, with adequate available public and private spaces designated on the Unit Development Plan or General Development Plan.
- D. That the development of the subject property, in the manner proposed by the applicant, will not be detrimental to the public welfare, will be in the best interests of the City, and will be in keeping with the general intent and spirit of the zoning regulations of the City of Petaluma, with the Petaluma General Plan, and with any applicable plans adopted by the City.

19.040 - P.U.D. and P.C.D. Procedures

A P.U.D., as set forth in this Chapter, may be established and a P.C.D. may be modified, as follows and in compliance with Chapter 25. If any conflict exists between this Chapter and Chapter 25, this Chapter shall prevail.

- A. **Planning Commission Action.** Following a public hearing, and upon making the required findings, the Planning Commission shall make a recommendation to the City Council for approval or modified approval of a proposed P.U.D. District and/or P.C.D. amendment, and shall recommend that the City Council approve the Unit Development Plan or General Development Plan as submitted or as modified. Such recommendation and a copy of the recommended Unit Development Plan or General Development Plan shall be forwarded to the City Council for its consideration.

If unable to make the required findings, the Planning Commission shall deny both the rezoning and the Unit Development Plan and no further action shall be taken thereon, except upon timely appeal.

- B. **City Council Action.** Following its hearing, the City Council may adopt an amendment to the Zoning Ordinance establishing a P.U.D. or modifying a P.C.D., may deny the proposed amendment, or may adopt the proposed amendment with modifications.
- C. **Adoption of P.U.D. or P.C.D. Amendment.** At the time of adoption of a P.U.D. District or P.C.D. amendment, the City Council shall approve, by resolution, the Unit Development Plan or General Development Plan amendment; which resolution as adopted or as may be thereafter modified, in accordance with this section, shall establish the regulations for said P.U.D. or P.C.D. and shall become part thereof. Upon the adoption of a P.U.D. or P.C.D. amendment, and approval of the Unit Development Plan or General Development Plan amendment, the proposals and standards of said plan shall become the official development policy of the City of Petaluma within the boundaries of the P.U.D. or P.C.D.
- D. **Development in a Planned Unit District or Planned Community District.** Following the adoption of the P.U.D. or P.C.D. amendment and the approval of the Unit Development Plan or General Development Plan, all development within the District shall be in conformity with the said adopted Unit Development Plan or such modifications thereto as may have been approved.
- E. **Modifications of the P.U.D. Unit Development Plan or P.C.D. General Development Plan.** From time to time, it may be necessary and desirable to modify the approved Unit Development Plan or General Development Plan. Modifications of such plans may be initiated by the City Council, the Planning Commission, or by the property owner, his authorized agent or developer.

- 1. **Requests for Modifications.** Requests for modifications shall be submitted to the Community Development Director in written form and shall be accompanied by such additional maps, statements, or other information as may be required to support the proposed modification.

2. **Public Hearing.** If the proposed modification involves an addition of a new use or group of uses not shown on the original Unit Development Plan or General Development Plan, or if the Community Development Director for any other reason deems it necessary, a public hearing shall be held on the proposed modification, and a recommendation made thereon to the City Council.
3. **City Council Resolution Required.** Modification of an approved Unit Development Plan or General Development Plan shall be made only by resolution of the City Council. After receipt of a recommendation from the Planning Commission, the City Council shall approve or deny the proposed modification.
4. **Minor Modification to Approved Unit Development Plan or General Development Plan.** As determined by the Director, modification which is minor in nature and clearly inconsequential may be made administratively or, in the judgment of the Director may be referred to the Planning Commission for review and approval. Minor modification within a P.U.D. includes modification to unit architecture and site design so long as no significant alteration to road alignment is made and no increase in unit yield results. Up to 20% of the individual dwelling units in residential P.U.D.'s may be substituted for other previously approved units if the resulting substitutions do not substantially alter the intent of the P.U.D. as originally approved.
5. **Findings.** Modification of the P.U.D. Unit Development Plan shall be subject to the same findings as were required for the original approval of the Plan. Modifications to a P.C.D. General Development Plan shall require findings as set forth in Section 19.030, rather than findings required prior to May 19, 2008 as part of the original P.C.D. approval.

19.050 - Permits

Upon the approval of a P.U.D. District as provided herein, no building permit, zoning permit, or any other type of permit shall be issued for any use or structure in a P.U.D. District unless such use or structure conforms in all respects to the Unit Development Plan as approved by the City Council.

19.060 - Model Homes

Upon approval of a P.U.D. District, building permits may be issued for the construction of a model home complex consistent with the approved P.U.D. plan prior to the approval of the Final Subdivision Map.

19.070 - Changes in the Unit Development Plan or General Development Plan

Changes in the Unit Development Plan or General Development Plan shall be considered as changes in the Zoning Map and shall be made in accordance with the provisions of this Chapter and Ordinance.

Chapter 20 Signs and Sign Structures

20.010 - Purposes

- A. To protect the public health, safety, and general welfare of the City by ensuring that the number, type, size, and design of all signs in Petaluma will not detract from the attractiveness and orderliness of the City's appearance.
- B. To protect the general welfare of the merchants and property owners in Petaluma by avoiding wasteful and costly competition among sign users which can result from the uncontrolled use of signs.

20.020 - Definitions

- A. **Area of signing.** The total area of all non-exempt permanent signs related to a single occupant.
- B. **Building frontage.** The primary wall or walls of a building facing a public street or streets (not including freeways).
- C. **Cabinet Sign. Internally Illuminated.** A box sign regular in shape with a single transparent or translucent material such as a Plexiglas / lexan face mounted on the façade of a building or freestanding, and that provides for internal illumination within the box.
- D. **Chief Building Official.** The Chief Building Official of the City of Petaluma or his designated representative.
- E. **City.** The City of Petaluma.
- F. **City Council.** The Petaluma City Council.
- G. **Community Development Director.** The Community Development Director of the City of Petaluma or a designated representative.
- H. **Erect.** To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.
- I. **Free-standing sign.** Any sign standing on the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts or similar uprights.
- J. **Freeway-oriented sign.** Any sign mounted to the primary wall(s) or façade of a building facing the freeway with no other building located in the visibility window between the subject building and the freeway. This excludes building facades on frontage roads adjacent to the freeway.
- K. **Illuminated Signs.** Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes.
- L. **Illumination, direct.** Light source is an external part of the sign.
- M. **Illumination, indirect.** Light source is an internal part of the sign.
- N. **Individual letters.** A type of sign construction where individual letters or images are cut out into separate shapes.
- O. **Individually illuminated letters.** Individual letters either internally illuminated or backlighted solid letters (reverse channel).
- P. **Marquee.** Any permanent roofed structure attached to and supported by a building.
- Q. **Master Sign Program.** A master sign program is a comprehensive sign program for approval of all signs in a multi-tenant shopping center, retail center, commercial or industrial complex or other use stipulating size, design, criteria,

and location. A Master Sign Program is processed as a Site Plan and Architectural Review application at the discretion of the Planning Commission and when found consistent with requirements in Section 24.101.G. When a unique, cohesive approach to project signage is warranted, some flexibility in design requirements may be approved by the Planning Commission if it is found that the master sign program is in conformance with the purposes stated in Section 20.010.

- R. **Occupant.** One who occupies a group of buildings, one building, or each substantially separate physical division of a building.
- S. **One foot lambert.** Equal in brightness to one lumen per square foot reflected from a surface. One lumen per square foot is equal to a square foot illuminated evenly by one foot candle at any point.
- T. **Outdoor advertising structure.** Any device which is used or designed to direct attention to a business, profession, commodity, service, or entertainment which is conducted, sold, or offered elsewhere than upon the lot where such sign is located.
- U. **Planning Commission.** The City of Petaluma Planning Commission.
- V. **Projecting Sign.** Any sign, other than a wall sign, which is suspended from or supported by a building or wall and which projects outward therefrom. Any sign suspended under a marquee, porch, walkway covering or similar covering structure and in a place approximately perpendicular to the wall of the adjoining building shall be deemed to be a projecting sign.
- W. **Raceway.** An aluminum junction box containing wiring and conduit that is mounted in one piece to the wall or building.
- X. **Reverse Channel Lit / Halo letters.** Individually illuminated (LED) letters installed directly on a wall emitting light from the channel in back of the letter onto the wall giving it a "Halo" effect.
- Y. **Roof sign.** Any sign erected upon or over the roof or parapet of any building or eave of any building, including the roof of any porch, walkway covering, or similar covering structure, and supported by or connected to the building or roof.
- Z. **Shopping center.** Any combination of five (5) or more separately owned and operated retail businesses on a single or commonly owned or leased parcel of land, or a commercial use of commercial complex occupying and operated as a single site of at least two (2) acres. An existing building situated on a single parcel of land which is converted into separate retail businesses is not for the purpose of this section defined as a shopping center.
- AA. **Sign.** Any writing, pictorial representation, symbol, banner, or any other figure of similar character of whatever material which is used to identify, announce, direct attention to or advertise or communicate, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle or on any place whatsoever and which is visible from outside a building. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, stringing, or otherwise fastening, affixing, or making visible in any manner whatsoever.
- BB. **Sign area.** The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign, or of one face of a double face sign.
- CC. **Street.** A public right-of-way thirty (30) feet or more in width which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, freeway, or any other similar term, but not alley. The term shall include the total width of the dedicated right-of-way.
- DD. **Trailblazer Sign.** An identification or directional sign to specific sites or uses that are of regional importance or have a regional draw and provide a public benefit.

- EE. **Wall sign.** Any sign posted or painted on, suspended from or otherwise affixed to the wall of any building or structure in an essentially flat position, or with the exposed face of the sign in a place approximately parallel to the plane of such wall. Any sign suspended from and placed approximately parallel to the front of a canopy, porch, or similar covering structure shall be deemed to be a wall sign. Excludes banners and pennants.
- FF. **Window sign.** Any sign placed on, or inside an exterior window. This shall include but not be limited to: decals, stickers, readerboards, neon tubing signs, signs painted directly on the glass surface, and signs made of wood, plastic, metal, composite materials, paper, or cardboard.

20.030 - General Provisions

No sign, outdoor advertising structure or display shall be permitted except in conformity with the following regulations:

- A. **East Washington Street signs.** All freestanding signs for properties with an East Washington Street frontage shall be a monument, low-profile style not exceeding five (5) feet in height measured from the grade of the nearest public sidewalk.
- B. **Hazardous signs.** No sign or outdoor advertising structure shall be erected in such a manner that it will, or reasonably may be expected to interfere with, obstruct, confuse, or mislead traffic or create a safety hazard.
- C. **Lighting.** An illuminated sign within five hundred (500) feet of an R District measured along the radius of one hundred eighty (180) degree arc in front of a face of the sign, shall not be directly lighted, but may be indirectly lighted, provided that the surface brightness shall not be greater than thirty (30) foot lamberts.
- D. **Lighting of free-standing signs.** All free-standing signs shall be illuminated indirectly with white light and no light filament or tubing shall be visible from the front of the sign or from beyond the property line.
- E. **Marquee signs.** No sign shall be placed upon the roof or on the face of any marquee unless integrated as part of the building architecture.
- F. **Moving and novelty signs; pennants.** Moving signs, sign structures, and flashing lights are prohibited, except for official flags and symbols, clocks, thermometers, and traditional type barber poles that rotate. Pennants shall be included in the total sign area permitted for a particular use or site.
- G. **On-site sign locations.** All signs and displays shall be located on the same site as the use they identify or advertise, except subdivisions.
- H. **Roof signs.** No sign or sign structure shall be painted or located upon or above the roof of any building, unless integrated as part of the building architecture.
- I. **Signs in Planned Unit Developments.** Signs in P.U.D. (Planned Unit Development) Districts shall comply with the regulations prescribed in this section for the districts with which they are combined.
- J. **Signs near street intersections.** No sign shall be erected at the intersection of any street improved for vehicular traffic, within a triangular area formed by the curb lines and their projection, and a line connecting them at points thirty-five (35) feet from the intersection of the projected curb lines, unless in compliance with the provisions of this ordinance, has a clearance of at least ten (10) feet above curb grade.
- K. **Sign obstruction.** No sign shall be erected in such a manner than any portion of the sign or its support is attached to or will interfere with the free use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator, or window.
- L. **Sign visibility.** Not more than three (3) permanent signs for any one (1) occupant shall be visible from any one (1) ground vantage point.

- M. **Vertical clearance.** There shall not be less than ten (10) feet of clearance between the bottom of an overhanging sign and ground level, except that marquee signs not exceeding six (6) square feet in area may be erected with a minimum vertical clearance of eight and one-half (8-1/2) feet.
- N. **Wall and projecting signs.** A wall or projecting sign attached to a building shall not extend above the top of the wall upon or in front of which it is situated, or in the case of buildings having sloping roofs, above the eave of the roof.

20.040 – Signs in Open Space and Parks, Agricultural, Residential, and Civic Facilities Districts

Conformity with Regulations: No sign, outdoor advertising structure, or display with any character shall be permitted in an AG, OSP, or R District except the following:

- A. **Permanent tract signs.** One (1) permanent tract identification sign may be erected at the main entrance of a tract, provided that it does not exceed five (5) feet in height and twenty-five (25) square feet in area. Such sign may be indirectly illuminated in white light, provided the intensity does not exceed ten (10) foot lamberts.
- B. **Real estate signs.** One (1) non-illuminated real estate sign advertising the sale, rental, or lease of the premises on which it is maintained. For each ten (10) feet of lot(s) width, one (1) square foot of sign area is permitted, but in no case shall such area exceed thirty (30) square feet. All such signs shall be set back from every street lot line at least a distance in feet equal to one-half (1/2) the number of square feet in area of the sign, but each setback shall not be less than any required front yard.
- C. **Free-standing signs.** One free-standing identification sign not directly lighted, not exceeding twenty (20) square feet in area or a height of five (5) feet on the site of a public building or grounds, a private institution, a church, a club or lodge, or a professional office building, clinic or laboratory.
- D. **Wall sign.** One (1) wall identification sign not directly lighted, not exceeding twelve (12) square feet in area on the site of a church, school, community center or other public or institutional building.
- E. **Announcement signs.** One (1) non-illuminated announcement sign or bulletin board not over twelve (12) square feet in area on the site of a church, school, community center or other public or institutional building which sign, if not attached flat against a building, shall be at least twelve (12) feet from all street curb or pavement lines.
 - 1. **Announcement Signs for Public and Private Academic Schools.** One (1) non-illuminated announcement sign or bulletin board not over thirty-two (32) feet in area on the site of a public or private academic school. Which sign, if not attached flat against a building, shall be at least twelve (12) feet from all street curb or pavement lines. Announcement signs may not project over two (2) feet from any wall surface in compliance with Section 20.050(A)(6). Messages on these signs shall be related to school activities. The school shall be responsible for maintaining the sign in an attractive and well kept condition. Unauthorized messages and/or graffiti shall be removed from the sign in a timely manner.
 - 2. **Announcement Signs for Churches, Community Centers or Other Public or Institutional Buildings Other Than Public and Private Academic Schools.** One (1) non-illuminated announcement sign or bulletin board not over twelve (12) square feet in area on the site of a church, community center or other public or institution building other than a public or private academic school. Which sign, if not attached flat against a building, shall be at least twelve (12) feet from all street curb or pavement lines. Announcement signs may not project over two (2) feet from any wall surface in compliance with Section 20.050(A)(6).
- F. **Temporary signs.** Temporary construction and subdivision signs, in accordance with the provisions of Section 20.050(B).
- G. **Lighting of signs.** No sign in an AG or R District shall be constructed in such a way that any light filament or tubing is visible from the front of the sign or from beyond the property line.

- H. **Bed and Breakfast Inns.** One (1) identification sign, on the site of a bed and breakfast inn, not internally lighted, not exceeding six (6) square feet in area, of distinctive design and in keeping with the character of the structure and neighborhood.

20.050 – Signs in Commercial, Mixed Use, Business Park and Industrial Districts

- A. **Permitted Sign Types.** No sign, outdoor advertising structure, or display of any character shall be permitted in a C, MU, BP, or I District except the following:

1. **Exempted signs.** Signs exempted from sign permits.
2. **Sale, lease and rental signs.** One (1) sign pertaining to the sale, lease, rental, or display of a structure or land, not exceeding six (6) square feet in a C1 District or twenty (20) square feet in a C2, MU1, MU2, BP or I District.
3. **Shopping center free-standing signs.** One (1) free-standing sign not exceeding thirty (30) feet in height and two hundred (200) square feet in area on the site of a shopping center, with a maximum height of ten (10) feet from the bottom to top of the sign face, provided that all buildings are set back not less than thirty (30) feet from the curb or street pavement edge on which the shopping center fronts. Shopping centers fronting on two (2) or more public streets shall be allowed one (1) additional free-standing sign for each additional frontage. Such signs shall not exceed twenty-five (25) square feet in area nor a height of fifteen (15) feet.
4. **Other free-standing signs.** One (1) free-standing sign not exceeding the height of the main building, or twenty (20) feet, whichever is lower, provided that all buildings are set back not less than twenty-five (25) feet from the curb or street pavement edge on which the use fronts; or one (1) free-standing sign not exceeding five (5) feet in height and twenty (20) square feet in area provided that all buildings are set back not less than fifteen (15) feet from the curb or street pavement edge on which the use fronts and the sign blends architecturally with the main building on the lot.
5. **Wall signs.** No more than two (2) wall signs for each primary building face (no building shall be deemed to have more than four [4] primary building faces), not exceeding a thickness of ten (10) inches, including any light box or other structural part, in all C, MU, BP or I Districts. Refer to section 20.140 for Freeway Oriented Sign standards.
6. **Projecting signs.** One (1) projecting sign for each building frontage not exceeding ten (10) square feet in area and not projecting over two (2) feet from any wall surface. Exception: any sign suspended under a marquee, porch, walkway or similar covering structure may project more than two (2) feet from any wall surface but shall not project beyond the walkway covering structure.
7. **Temporary signs.** One (1) temporary construction sign not exceeding forty (40) square feet in area nor eight (8) feet in height on the site of the structure while under construction and shall contain only names of persons, firms and information pertaining to the structure.

- B. **Permitted Area of Signing.** For all C (Commercial), MU (Mixed Use), BP (Business Park), and I (Industrial) zoning districts exclusive of shopping centers, the maximum permitted area of signing for any occupant shall be the following:

1. One (1) square foot of sign area for every ground level linear foot of building frontage; or in the case of buildings with multiple building frontages, one (1) square foot of sign area for every ground level linear foot of the longest building frontage plus one-half (1/2) square foot of signing for every linear foot of additional frontage, where no building exists the maximum allowable sign area shall be derived from the allowable building envelope (area exclusive of setback), not to exceed the maximum stated in Subsection 3 below.

2. Buildings fronting on more than one (1) public right-of-way may not combine permissible sign area for one frontage with another frontage.
3. No sign or combination of signs on a parcel located in said districts shall exceed two hundred (200) square feet nor shall be restricted to less than twenty (20) square feet of permanent signing.
4. One (1) directory sign not exceeding twelve (12) square feet in area to identify occupants of the upper floors in a multi-story building, in addition to the maximum stated in subsection 3 hereof.
5. The sign area for all uses located in a shopping center shall be allotted in accordance with the following procedures:
 - a. Multiply the number of businesses within the center by one hundred (100) square feet to determine the total aggregate sign area.
 - b. Subtract the area of the free-standing shopping center signs, if any. The maximum allowable area of the main free-standing sign shall not exceed two hundred (200) square feet, and other permitted free-standing signs shall not exceed twenty-five (25) square feet.
 - c. Multiply the number of businesses within the center by twenty (20) square feet (a sign area constant available to each business in a shopping center to assure that businesses with very small floor areas will have adequate sign area for identification) and subtract the result from the balance of the aggregate sign area.
 - d. Determine the total floor area for all businesses in the center, then determine what percentage each store represents of the total floor area.
 - e. Use the floor area percentage ratio to determine the percentage of the balance of the sign area to be allotted to each store, and add the "constant" twenty (20) square foot area.

20.060 - Signs in Mobile Home Districts

One (1) non-flashing lighted or unlighted identification sign, not exceeding sixteen (16) square feet, shall be permitted on the site of a mobile home park.

20.070 - Temporary Subdivision and Construction Signs - Conformity with Regulations

Temporary subdivision signs shall be permitted in an R (Residential) District, provided that they conform to the following regulations:

- A. **Subdivision signs.** One (1) non-illuminated sign pertaining to a subdivision and not exceeding sixty (60) square feet in area may be erected or displayed for each ten (10) acres in the subdivision. If a subdivision has an area of less than ten (10) acres, one (1) such sign may be erected or displayed. The total number of signs shall not exceed four (4) and shall be spaced at a distance of no less than seven hundred (700) feet.
- B. **Model home signs; temporary sales office signs.** One (1) non-illuminated sign pertaining to a model home and not exceeding six (6) square feet in area may be erected or displayed on the site of each model home in a subdivision. One sign identifying a temporary sales office may be erected or displayed in the subdivision, and shall not exceed six (6) square feet in area.
- C. **Directional signs.** Not more than two (2) non-illuminated directional signs, each not more than six (6) square feet in area, may be erected or displayed for each ten (10) acres in a subdivision, and may be located off the site. If a subdivision has an area of less than ten (10) acres, two (2) signs may be erected or displayed. No more than six (6) such signs shall be allowed per subdivision.
- D. **Temporary construction signs.** One (1) non-illuminated temporary construction sign may be erected or displayed on the site of a structure that is not part of a subdivision, while under construction or alteration. Such a

sign shall not exceed twenty (20) square feet for every street frontage of the site and shall contain only names of persons, firms, and information pertaining to the structure.

- E. **Sign permits.** For any temporary subdivision or construction sign, a permit may be issued by the Director any time after recordation of the final subdivision map, or issuance of the building permit, if no subdivision is involved, and shall become void one (1) year following the date on which the permit was issued. The sign shall then be removed, unless prior to the expiration date, renewal of the permit for a period of not more than one (1) year shall be approved by the Community Development Director.

20.080 - Outdoor Advertising Structures

- A. **Conditional use permit required; subject to restrictions.** No outdoor advertising structures are permitted except when approved as conditional uses in the C2, BP, and I Districts. No such signs shall be erected or maintained in violation of Sections 20.130, 20.140, and 20.210 of this Ordinance.
- B. **Distance separation.** A minimum distance of fifteen hundred (1500) feet between outdoor advertising structures shall be maintained, measured along the nearest street right-of-way.
- C. **Signs near residential districts.** No sign or sign structures other than identification signs shall be permitted which face the front or side lot line of any lot in any R District or within two hundred (200) feet of such lot line, or which face any public parkway, entrance to any public park, school, library, church, civic center or building, hospital, or similar institution, within two hundred (200) feet thereof.
- D. **Area requirements.** No outdoor advertising structure shall exceed three hundred (300) square feet in area.

20.090 - Trailblazer Signs

- A. **Locations Permitted.** Trailblazer identification and directional signs may be installed only within the public right-of-way of arterial status roads or on other public property, except when adjacent to Caltrans right-of-way; trailblazer signs may be permitted on private property provided that the sign is not designed to be viewed primarily from the main traveled roadway of a freeway or the ingress ramps thereto. Trailblazer signs may be visible from the freeway egress ramps.
- B. **Design of Signs.** Trailblazer identification and direction signs shall conform to the master sign design (historic street lamp) for such signs and shall be provided (at the cost of the applicant) with an underground utility connection to the nearest City street light, as required by the Directors of Community Development and Public Works.
- C. **Regional Importance/Draw.** The Community Development Director shall insure that listed uses and locations are of a regional importance or have a regional draw and provide a public benefit. The Community Development Director will refer requests to the Planning Commission for their determination of eligibility - consideration will be on Planning Commission consent agenda.
- D. **Approvals Necessary.** No Trailblazer identification (light pole or attached sign) shall be installed without first receiving administrative Site Plan and Architectural Review approval. Placement of the lamp post shall also require an encroachment permit prior to their installation.

20.100 - Political and Campaign Signs

No political or campaign signs shall be permitted except in conformity with the following regulations:

- A. **R (Residential District).** In residential districts, there are permitted stationary, unlighted, temporary signs on behalf of candidates for public office or measures on an election ballot, provided that:

1. Any such sign shall be erected not earlier than ninety (90) days prior to the election and shall be removed within fifteen (15) days after such election.
 2. Any such sign shall not be more than twenty (20) square feet in area and, if detached, not more than six (6) feet in height.
 3. No such sign shall be located closer than five (5) feet to any property line.
 4. No such sign shall be a roof sign.
- B. AG (Agricultural), C (Commercial), MU (Mixed Use), BP (Business Park), and I (Industrial) Districts.** In any AG, C, MU, BP or I Districts, there are permitted one (1) or more political or campaign signs on a parcel of land on behalf of candidates for public office or measures on an election ballot, provided that:
1. Any such sign shall be erected not earlier than ninety (90) days prior to the election and removed within fifteen (15) days after such election.
 2. The total area of such sign, or signs, on any one (1) parcel shall not exceed fifty (50) square feet, except that larger signs may be placed upon any legally existing sign structure.
 3. No such sign shall be a roof sign except upon a legally existing sign structure.
 4. Signs on behalf of political candidates who are successful in primary elections may be retained for general election purposes until fifteen (15) days following the date of such general election; provided that they are maintained in good condition and are removed at such time.
- C. Removal of signs.** It shall be the responsibility of the property owner to remove the political sign within fifteen (15) days after the sign has served its purpose. If such signs are not removed within fifteen (15) days, they may be abated by the City. It is unlawful to erect a sign in conflict with this Chapter.
- D. Prohibited on public property.** Political or campaign signs may not be erected or installed upon public property, or upon public utility property, and may be abated by the City without notice.

20.110 - Signs Exempted from Permit

- A. Normal maintenance.** No approval or permit is required for normal sign maintenance other than changes in color, type of lighting, or design.
- B. Exempted signs.** The following signs do not require a sign permit:
 1. One (1) non-illuminated real estate sign advertising the sale, rental, or lease of the premises on which it is maintained and not over six (6) square feet in area.
 2. Signs showing the location of public telephones, restrooms and underground facilities.
 3. One (1) street address sign, not directly lighted, and less than two (2) square feet in area.
 4. One (1) occupancy identification sign for each street frontage, not directly lighted, and not exceeding two (2) square feet in area in any AG or R District.
 5. One (1) non-illuminated professional name plate not exceeding two (2) square feet in area.

6. One (1) non-illuminated sign identifying a home occupation not more than one and one-half (1-1/2) square feet in area, which may be used to identify the occupant and his "home occupation"; said name plate shall be affixed flat against the outside wall of the dwelling.
7. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
8. Any sign, posting, notice, etc., placed by or required by a government entity in carrying out its responsibility to protect the general health and welfare of the community.
9. Window signs in business establishments, located in C (Commercial), Mixed Use, (MU), Business Park (BP), and I (Industrial) Districts.
10. Political campaign signs in conformance with the regulations herein.
11. Two (2) non-illuminated temporary identification signs not exceeding thirty (30) square feet in area each on sites occupied by temporary uses such as Christmas tree lots, circuses, carnivals and charity booths. Such signs may be maintained for a period of fourteen (14) days or the duration of such use, whichever is less, with the exception of Christmas tree lots, for which such period shall not exceed forty (40) days.
12. Directional signs for off-street parking and loading facilities not exceeding four (4) square feet in area nor a height of three (3) feet and limited to two (2) such signs per driveway entrance to off-street parking facilities.
13. One (1) permanent directional sign identifying institutions of an educational, religious, charitable, governmental or civic nature, not to exceed four (4) square feet in area and situated on an arterial street. Additional directional signs may be approved subject to the granting of a use permit.
14. Pennants or banners for a period or periods not exceeding 21 days aggregate per year, on the site of businesses located in C1, C2, MU1, and MU2 Districts.

20.120 – Appeal

As prescribed in Section 24.070.

20.130 - Sign Permit

The purpose of the sign permit is to allow erection of signs in conformity with the provisions of this Ordinance, and to establish that nonconforming signs were lawfully erected in compliance with regulations at the time they were constructed.

- A. **Application for Permit.** Application for permits shall be made upon forms provided by the City and shall contain or have attached hereto the information requested on the application; or additional information as deemed necessary by the Director to process the application.
- B. **Issuance - Validity Period.** It shall be the duty of the Zoning Administrator or his/her authorized representative upon the filing of an application for a sign permit to examine such plans, specifications, other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all of the requirements of this chapter and all other laws of the City, he/she shall then issue the permit. If the work authorized under a permit has not been completed within six months after date of issuance, such permit shall become null and void.
- C. **Compliance with Building and Zoning Regulations.** All signs erected within the City shall be erected in accordance with and in compliance with the uniform building, electrical and other codes and laws as applicable, including the Zoning Ordinance.

20.140 – Freeway Oriented Signs

- A. **Procedure for Permit to Erect Freeway Oriented Signs.** A permit shall not be issued to erect, construct or relocate any sign, billboard or other advertising structure, regardless of location, unless the Zoning Administrator shall have first determined that such sign, billboard or other advertising structure is designed to have the advertising thereon maintained primarily to be viewed from the main traveled roadway of a freeway or the ingress or egress ramps of the freeway except in the case of freeway oriented wall signs approved as part of a master sign program for a retail shopping center with Highway 101 building frontage. For purposes of this section, building frontage includes the primary wall(s) or façade of a building facing the freeway with no other building in the visibility window between the subject building and the highway. This provision excludes building facades on frontage roads adjacent to the freeway.
- B. **Master Sign Program.** Freeway oriented wall signs may be considered by the Planning Commission as part of a master sign program for a retail shopping center, as defined in Section 20.020.Q. with direct freeway frontage, in accordance with subsections 20.140.C and 20.140.D. The master sign program shall address material, size, color, lighting, attachment, and placement. The Planning Commission shall consider if the master sign program meets the Site Plan and Architectural Review (SPAR) standards contained in Subsection 24.010.G, and make the additional findings contained in subsection 20.140.D below. Existing retail centers applying for freeway oriented signs shall resubmit the Master Sign Program.
- C. **Determination and Appeal.** Except as part of a master sign program for a retail shopping center with freeway frontage pursuant to this Section, every application for a permit to erect, construct, or relocate a sign, billboard or other advertising structure within five hundred feet of a main traveled roadway of a freeway, shall be considered by the Zoning Administrator, and the Administrator shall determine whether the proposed sign, billboard or other advertising structure is designed to be viewed from a main traveled roadway of a freeway or the ingress or egress ramps thereto. If the Zoning Administrator determines that the proposed sign, billboard or other advertising structure is designed to have the advertising thereon so maintained, the application for a permit shall be denied. If the Zoning Administrator determines that the sign, billboard or other advertising structure is not designed to have the advertising thereon so maintained and that the same does not violate any other provision of this title, the permit shall be granted. Procedures for the notice, hearing and appeal of the decision of the Zoning Administrator hereunder shall be the same as are set out in Section 24.070.
- D. **Freeway Oriented Sign Standards.** In addition to finding that the master sign program meets the Site Plan and Architectural Review standards in subsection 24.010.G.1, the Planning Commission shall make the following findings as part of Site Plan and Architectural Review prior to approval of any freeway oriented wall signs for retail shopping centers with freeway frontage.
1. Freeway oriented signs shall be limited to permanent wall-mounted signs as defined in subsection 20.020.EE.
 2. Freestanding freeway oriented signs shall be prohibited.
 3. Building elevations on which freeway oriented signs are proposed shall be consistent with Site Plan and Architectural Review standards contained in subsection 24.010.G.1. Building and/or site improvements may be required by the Planning Commission to ensure conformance with the Site Plan and Architectural Review standards and required findings. For purposes of this section, building frontage includes the primary wall(s) of a building facing Highway 101.
 4. The wall-mounted font shall not exceed two feet (2'-0") in height. Logos, flourishes and other symbols also shall not exceed 2'-0" in height.
 5. Freeway oriented signs shall only be considered for tenants in retail shopping centers with a façade that abuts the freeway and under the following square footage thresholds and associated maximum letter height:

- a. 8,000 – 19,999 square foot tenant allowed a maximum letter height of 18 inches
- b. 20,000 square foot or larger tenant allowed a maximum letter height of 24 inches

Only one freeway oriented sign may be allowed per tenant meeting the above criteria.

6. Sign area shall be calculated based on 1 square foot of sign area per linear foot of building façade with direct freeway frontage up to 60 square feet.
 7. Maximum sign length shall not exceed 30 feet.
 8. The sign area of freeway oriented signs shall be included in the total maximum sign area for the retail shopping center as prescribed in subsection 20.050.B.5. The addition of freeway oriented signs shall not increase the allowable sign area or number of signs for a specific tenant or overall shopping center beyond that permitted in the Master Sign Program. Size of freeway facing signs shall be consistent with the maximum sign area per tenant per existing criteria for shopping centers.
 9. Freeway oriented wall signs shall consist of individual letters, individual letters may be mounted directly on the building wall or on a narrow raceway mounted to the wall and painted the same color as the wall.
 10. Cabinet signs are prohibited.
 11. Lighting for freeway oriented signs shall minimize glare and distractions to motorists on the rights-of-way and adjacent properties, especially residential areas. Freeway oriented signs shall not blink, flash, flutter, or change light intensity or color.
 12. Signs may have individually illuminated letters, either internally illuminated or backlit solid letters (reverse channel/halo) or use external, direct illumination. The light shall be LED technology or other sustainable technology providing white light.
 13. Temporary signage as described in Section 20.050.A.7 and 20.110.B.14 shall not be permitted as freeway oriented signs.
 14. The same detail and design criteria shall be applied to all signs proposed on freeway oriented building frontages of the subject retail shopping center.
- E. **Caltrans Compliance.** All freeway oriented signs shall comply with the California Outdoor Advertising Act, Business and Professions Code Section 5200 or as subsequently revised and shall be referred to Caltrans as appropriate for comment prior to Planning Commission review of the master sign program.
- F. **Design Considerations.** The following items are design considerations to increase the effectiveness of freeway oriented signs and to enhance the built environment. The design of the proposed freeway oriented signs shall visually complement and be compatible with the scale and architectural style of the primary structures on the site.
1. Signs should be placed and sized consistent with the proportions of the building's façade.
 2. Colors should relate to and complement the materials or paint scheme of the buildings, including accent and trim colors. The Planning Commission is encouraged to consider uniform colors for sign programs for freeway facing signs.
 3. Electrical raceways should be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway shall be as narrow as possible and finished to match the background wall, or integrated into the overall design of the sign.

20.150 - Nearest to Freeways Restricted

Other than signs approved as part of a master sign program for a retail shopping center with freeway frontage pursuant to Section 20.140, no outdoor advertising structure, sign, or other advertising structure shall be erected, constructed, relocated or maintained, regardless of the zone or district in which it is located:

- A. If such structure, sign or other advertising structure is designed to have or has the advertising thereon maintained primarily to be viewed from a main traveled roadway of a freeway or the ingress or egress ramps thereto; or
- B. If such structure, sign or other advertising structure, because of its location, size, nature or type, constitutes or tends to constitute a hazard to the safe and efficient operation of vehicles upon a freeway, or creates a condition which endangers the safety of persons or property thereon.

20.160 - Unsafe and Insecure Signs

If the Zoning Administrator or his/her authorized representative shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he/she shall give written notice to the permittee thereof. The procedure for notice, hearing, and appeal of an order of the Zoning Administrator shall be as set out in the Section on appeals contained in the latest edition of the Building Code as adopted by the City. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth, or as set forth within any of the building codes lawfully in existence of this City within ten (10) days after such notice and after exhausting of any appeals, such sign or other advertising structure may be removed or altered to comply by the Zoning Administrator or his/her authorized representative at the expense of the permittee or owner of the real property upon which it is located, and shall be a lien on said real property and shall be collectible in the same manner as taxes on said real property. No permit shall be issued to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

20.170 - Removal of Unused Signs

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the Zoning Administrator, and, upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is authorized to cause removal of such sign, and any expenses incident thereto shall be paid by the owner of the building or structure to which such sign is attached, pursuant to the same procedure set out in Section 20.150.

20.180 - Obstructions Prohibited - Attaching to Certain Items Prohibited

No sign shall be erected, relocated or maintained so as to prevent the free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

20.190 - Traffic Hazard Prohibited

No sign or other advertising structure as regulated by this Chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop", "Look", "Drive-in", "Danger", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

20.200 - When Sign Surface to be Smooth

All signs or other advertising structures which are constructed on street lines, or within five feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom, except electric reflectors and devices which may extend over the top and in front of the advertising structure.

20.210 - Projecting Signs

Every projecting sign shall be placed at least twelve feet above the public sidewalk over which it is erected, and a distance not greater than two feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto, nor

shall any sign or point thereof extend nearer the curb line than three feet. No permit shall be issued for a projecting sign over public right-of-way unless an encroachment permit is first obtained from the City. The total projection from any wall surface shall not exceed four (4) feet, including bracket.

20.220 - Existing Signs

All signs, billboards, or other advertising structures which do not conform to the regulations of this Chapter, but which were constructed in compliance with previous rules and regulations, shall be regarded as nonconforming and may be continued, pursuant to Section 20.220 except that:

- A. The provisions of this section shall not be construed as authorizing the continued maintenance of any sign, billboard or other advertising structure which is required to be removed by the provisions of Section 20.160.
- B. No such nonconforming sign originally erected without a permit shall be allowed to continue more than ninety (90) days from the effective date of this Section, unless the owner shall provide such proof as is necessary to establish the date when said sign was erected, and shall apply for a permit hereunder. Said permit shall be granted if it appears that said sign was constructed in compliance with the rules and regulations effective at the time it was erected, and shall thereafter be treated as a nonconforming sign.

20.230 - Non-Conforming Signs

Signs and advertising structures not in conformity with Sections 20.010 through 20.110 are deemed sufficiently objectionable, undesirable, and out of character in the district in which such use is located so as to depreciate the value of other property and uses permitted in the district, and impair the proper and orderly development and general welfare of such district and the community. Therefore, each such non-conforming sign use or structure shall be discontinued within ninety (90) days unless a sign permit is obtained pursuant to Sections 20.120 here in, or was obtained pursuant to prior ordinance. The time period shall be measured from the effective date of this section. Non-conforming signs for which sign permits have been obtained shall be subject to all other requirements of this chapter.

Billboards, outdoor advertising structures:

- A. Painted on buildings, walls or fences, two (2) years.
- B. All other signs and outdoor advertising structures, three (3) years.

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 21 Performance Standards

21.010 - Purpose of Performance Standards

This Chapter is intended to permit objective and precise measurement of the impact of nuisances; to establish permissible limits for each nuisance; to ensure that all industries will provide necessary control measures to protect the community from hazards and nuisances; and to protect any industry from arbitrary exclusion.

21.020 – General

No land or building in any district shall be used or occupied in such a manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold dampness, electrical or other substances, conditions or elements which would affect adversely the surrounding area or adjoining premises; the foregoing are hereinafter referred to as “dangerous or objectionable elements”. No use shall be undertaken or maintained unless it conforms to the regulations of this Section in addition to the regulations set forth for the district in which such use is situated.

- A. **Performance standards procedure.** Every use in the City of Petaluma must conform with the performance standards set forth below. Provisions to enforce compliance with performance standards shall be invoked by the Community Development Director or his designee against any use if there are reasonable grounds to believe that performance standards are being violated by such use.
- B. **Locations where determinations are to be made for enforcement of performance standards.** Measurements necessary for enforcement of performance standards set forth in Section 21.040(A-D), shall be taken at the following points:
 - 1. At the lot line of the establishment or use in any district except in I and BP Districts.
 - 2. In the I and BP Districts, five hundred (500) feet from the establishment or use, or at the boundary of the district, if closer to the establishment or use, or at any point within an adjacent non-industrial district.

21.030 – Non-Residential Uses Abutting Residential Uses

In order to address the potential impacts (noise, glare, odors, etc.) non-residential uses may have on abutting residential uses, the following shall apply to any non-residential that abuts a residential use located in a residential zone (RR, R1, R2, R3, R4, R5 or residential Planned Unit District):

- A. Hours of operation are limited to Monday through Friday from 7:00 to 10:00 p.m. and Saturday, Sunday, and holidays recognized by the City from 9:00 a.m. to 10:00 pm.
- B. The hours of operation may be expanded beyond the hours permitted by Section 21.030(A) with approval of a conditional use permit as prescribed by Section 24.030.

21.040 - Dangerous and Objectionable Elements

A. Noise Regulations

- 1. **Purpose.** It is declared to be the policy of the City, in the exercise of its police power, to protect properties and the general health, safety and welfare of persons from unnecessary, excessive and annoying noise disturbances. In accordance with this policy, the City of Petaluma is hereby designated a quiet city. At certain levels, noises are detrimental to the health and welfare of the citizenry and, in the public interest, shall be prohibited. It is the purpose of this chapter to implement the goals of the Health and Safety Element of the General Plan by prescribing standards prohibiting detrimental levels of noise and by providing an effective and readily available remedy for violations. The provisions of this chapter and the remedies contained herein shall be cumulative and are not intended to replace any otherwise

available remedies for public, private or mixed nuisances, nor any other civil or criminal remedies otherwise available. In addition, the regulations contained herein are not intended to substitute for any noise analysis conducted as a part of the City's environmental review process for discretionary permit approvals, nor is it intended to limit more strict noise control requirements for discretionary permit approvals should more strict measures be found to be necessary in order to maintain noise levels that are not detrimental to the health and welfare of the citizenry.

2. Definitions.

- a. **Ambient noise.** The composite of noise from all sources within a given area. Ambient noise constitutes the existing level of environmental noise at a given location.
- b. **Noise disturbance.** Any sound which, because of its loudness (amplitude), duration, or character, disturbs, injures or endangers the public comfort, health, peace or safety within the limits of the City of Petaluma.
- c. **Decibel (dB).** The measurement unit used for loudness of sound/noise.
- d. **A-Weighted Sound Level (dBA).** A decibel scale that approximates the way the human ear responds to frequency levels.
- e. **Equivalent Sound Level (Leq).** A term used to assign a single value A-weighted decibel level to the measured average sound exposure over a period of time.
- f. **Noise Control Officer.** The City of Petaluma Community Development Director and the City of Petaluma Police Chief or his/her designee.
- g. **Quiet City.** A City that strives to minimize the amount of noise to which the community, particularly a residential area, is exposed through the implementation of enforceable noise standards.

3. Noise Regulations Generally.

- a. The following specific acts, subject to the exemptions provided in Section 21.040(A)(5), are declared to be public nuisances and are prohibited:
 - 1) The operation or use of any of the following before 7:00 a.m. or after 10:00 p.m. daily (except Saturday, Sunday and State, Federal or Local Holidays, when the prohibited time shall be before 9:00 a.m. and after 10:00 p.m.):
 - 2) A hammer or any other device or implement used to repeatedly pound or strike an object.
 - 3) An impact wrench, or other tool or equipment powered by compressed air.
 - 4) Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower. Except as specifically included in this Ordinance, motor vehicles, powered by an internal-combustion engine and subject to the State of California vehicle code, are excluded from this prohibition.
 - 5) Any electrically or battery powered tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as but not limited to a saw, drill, lathe or router.

- 6) Any of the following: the operation and/or loading or unloading of heavy equipment (such as but not limited to bulldozer, road grader, back hoe), ground drilling and boring equipment, hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump and the like.
 - 7) Construction, demolition, excavation, erection, alteration or repair activity.
 - 8) Operating or permitting the operation of powered model vehicles including but not limited to cars, aircraft and boats.
 - 9) Using or operating for any purpose any loudspeaker, loudspeaker system or similar device in such a manner as to create a noise disturbance. Any permit issued pursuant to PMC Section 13.28.050 (amplified sound permit within a public park) is exempt from this section.
 - 10) The use of truck/tractor trailer "Jake Brakes" on any public street under the jurisdiction of the City of Petaluma Police Department.
- b. In the case of urgent necessity and in the interest of public health and safety, the Noise Control Officer may issue a permit for exemption from the requirements with subsection 21.040(A)(3). Such period shall not exceed ten (10) working days in length but may be renewed for successive periods of thirty (30) days or less, not to exceed a total of 90 days while the emergency continues. Requests for exemptions beyond 90 days shall require public hearing approval. The Noise Control Officer may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
 - c. The operation of any licensed motor vehicle in violation of the State Vehicle Code or the operation of stereo, public address or other such amplified equipment on or within a motor vehicle in violation of the State Vehicle Code.
 - d. Continued or repeated operation of a Public Address System between the hours of 10:00 a.m. and 7:00 p.m. daily shall not exceed a decibel level of 5 dBA above the measured ambient of the area in which this activity is occurring. Unless specifically approved by the City of Petaluma (i.e. Use Permit, Parks Director, Exception or Exemption from this Code Sec.) no Public Address System shall be permitted during the hours of 7:00 p.m. to 10:00 a.m.
4. **Noise Measurement:** Utilizing the "A" weighting scale of a sound level meter and the "slow" meter response (use "fast" response for impulsive type sounds), the ambient noise level shall first be measured at a position or positions at any point on the receiver's property which can include private and public property. In general, the microphone shall be located four to five feet above the ground; ten feet or more from the nearest reflective surface where possible. If possible, the ambient noise shall be measured with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least 10dB below the ambient in order that only the ambient level be measured.
- a. If the measured ambient level is greater than 60dB, the Maximum Noise Exposure standard shall be adjusted in 5dB increments for each time period as appropriate to encompass or reflect the measured ambient noise level. In no case shall the maximum allowed threshold exceed 75dB after adjustments are made.

- b. In the event the measured ambient noise level is 70dB or greater, the maximum allowable noise level shall be increased to reflect the maximum ambient noise level. In this case, adjustments for loudness and time as contained in Table I shall not be permitted.
- c. No person shall cause or allow to cause, any source of sound at any location within the incorporated City or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which when measured on the property where the noise disturbance is being experienced within public or private open/outdoor spaces, exceeds the noise level of Table 21.1.

TABLE 21.1: Maximum Exterior Noise Exposure (Leq, dBA)

	Time: 10 p.m. to 7 a.m. M-F 10 p.m. to 8 a.m. S, S and Holidays	Time: 7 a.m. to 10 p.m. M-F 8 a.m. to 10 p.m. S, S and Holidays
General Plan Ambient	60	60
Cumulative period of 15 minutes or more in one hour	65	70
Cumulative period of 5 minutes or more in one hour	70	75
Cumulative period of 1 minute or more in one hour	75	80

5. Exemptions.

- a. Aerial warning devices which are required by law to protect the health, safety and welfare of the community shall be exempt from the provisions of this chapter.
- b. Emergency vehicle responses and all necessary equipment utilized for the purpose of responding to a declared state of emergency are exempt from this chapter.
- c. Airport, river operations that significantly contribute to commercial and industrial tonnage figures on the Petaluma River, and railroad operations.
- d. The operation of garbage collection and other municipal or utility vehicles.
- e. Uses established through the discretionary review process containing specific noise conditions of approval and/or mitigation measures.

6. Exceptions.

- a. **Authorities.** The Noise Control Officer is authorized to grant exceptions from any provision of this chapter, subject to limitations of proximity to noise sensitive uses, noise levels, time limits and other terms and conditions as the Noise Control Officer determines are appropriate to protect the public health, safety and welfare from the noise emanating therefrom. This section shall in no way affect the duty to obtain any permit or license required by law for such activities.
- b. **Application.** Any person seeking an exception pursuant to this section shall file an application with the Noise Control Officer consistent with the provisions and requirements of Section 24.030(M) (Minor Conditional Permits). The application shall contain information which demonstrates that bringing the source of sound or activity for which the exception is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. The application shall be accompanied by a fee as established by Council Resolution. A separate application shall be filed for each noise source;

provided, however, that several mobile sources under common ownership, or several fixed sources on a single property may be combined into one application. Any individual who claims to be adversely affected by allowance of the exception may file a statement with the Noise Control Officer containing any information to support his/her claim. If at any time the Noise Control Officer finds that a sufficient controversy exists regarding an application, a public hearing before the Planning Commission may be held.

- c. **Decision Criteria.** In determining whether to grant or deny the exception application, the Noise Control Officer shall balance denial as a hardship on the applicant against:
 - 1) The adverse impact on the health, safety and welfare of other persons affected;
 - 2) The reasonableness of compliance with this code given the existing conditions and scope of the necessary improvements to comply;
 - 3) The adverse impact on property affected;
 - 4) Any other adverse impacts of granting the exception; and,
 - 5) Consistency with the General Plan.

Applicants for exceptions and persons contesting exceptions shall be required to submit such information as the Noise Control Officer may reasonably require to adequately address the above five areas of consideration.

- d. **Approval/Findings.** Exceptions shall be granted by notice to the applicant containing all necessary conditions. The exception shall not become effective until all conditions (if any) are agreed to in writing by the applicant. Noncompliance with any condition of the exception shall terminate the exception and subject the person holding it to those provisions of this chapter for which the exception was granted.
- e. **Term of Exception.** The term of the exception shall run continuously with the associated use and shall terminate upon cessation of the use for a period of six (6) months or more. An exception shall only be transferred to a similar use at the same location upon the Noise Control Officer receiving sufficient information to find that: the new use is of the same or lesser intensity; and, the new use will not substantially alter the pattern of noise generation established by the previous use (i.e., increase evening or morning noise over the previous use).

7. **Noise Control Officer.** The Community Development Director and the Chief of Police are hereby appointed the Noise Control Officers of the City. It shall be the responsibility of the Noise Control Officers or his/her designated representative to enforce the provisions of this section and to perform all other functions required of the Noise Control Officer by this section. Such duties shall include, but not be limited to, investigating potential violations of this section and referring evidence of such violations either to the Police Department or City Attorney for initiation of legal action.

8. **Interrelationship Of Provisions.** It is the purpose of this chapter to provide maximum noise level limitations for otherwise lawful activities. Nothing contained in this section shall be deemed to authorize any otherwise prohibited activity nor to supersede existing land use/zoning limitations. In the event of a conflict between the standards contained in this chapter and any other provision of law, the more restrictive shall govern.

B. **Vibration.** No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at the points of measurement specified in Section 21.120(B) nor shall any vibration produced

exceed 0.002g peak at up to fifty (50) cps frequency, measured at the point of measurement specified in Section 21.120(B) using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than fifty (50) cps frequency or a periodic vibration shall not induce accelerations exceeding .001g. Single impulse periodic vibrations occurring at an average interval greater than five (5) minutes shall not induce accelerations exceeding .01g.

- C. **Odors.** No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the points of measurement specified in Section 21.120(B) or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds", in Chapter 5, "Air Pollution Abatement Manual", copyright 1959, by Manufacturing Chemists' Association, Inc., Washington, D.C., and said manual, and/or table as subsequently amended.

D. **Glare**

1. **Direct Glare.** Direct glare is defined for the purpose of this Ordinance as illumination visible at the points of measurement specified in Section 21.120(B) caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding, or petroleum or metallurgical refining.

No such direct glare shall be permitted with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be sixty (60) degrees if the luminary is not less than six (6) feet above the ground. Such luminary shall be placed no higher than the principal structure on the site if attached to said structure and, if not attached to the principal structure, no higher than twenty (20) feet unless the Zoning Administrator determines that special operational circumstances of the subject property require higher light standards. The maximum illumination at ground level shall not be in excess of three (3) foot candles.

2. **Indirect Glare.** Indirect glare is defined for the purpose of this ordinance as illumination visible at the points of measurement specified in Section 21.120(B) caused by diffuse reflection from a surface such as a wall or roof of a structure. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface not to exceed:

.3 foot candles (maximum)
.1 foot candle (average)

Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited without the issuance of a temporary sign permit.

- E. **Fire and Explosion Hazards.** All activities involving and all storage of inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State and local laws and regulations shall also apply.
- F. **Heat.** For the purpose of this ordinance, heat is defined as thermal energy of a radioactive, conductive or convective nature. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of ten (10) degrees F., whether such change be in the air or on the ground, in a natural stream or lake, or in any structure on such adjacent property.
- G. **Radioactivity or Electric Disturbance.** No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of

such disturbance.

- H. **Smoke, Fumes, Gases, Dust, Particulate Matter.** No emission shall be permitted at any point which would violate the current regulation for such emission as established by the Bay Area Air Quality Management District.
- I. **Liquid or Solid Wastes.** No discharge shall be permitted at any point into any public sewer, private sewage system, or stream or into the ground, except in accord with standards approved by the State and County Departments of Health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 22 Non-Conforming Uses

22.010 - Purpose

The purpose of the regulation of non-conforming uses is to control, reduce, or eliminate conflicts arising from the presence in any district of uses or structures not conforming to district regulations. Where the degree of conflict is sufficiently great as to constitute an impairment of public welfare, peace, or safety, it is the intent of this Chapter to provide an equitable process for the removal of such uses or structures.

22.020 - Definitions

- A. **Non-conforming use.** A non-conforming use is one which was originally legal, but which does not presently conform to the provisions of the district in which it is situated. Any previously existing use for which district regulations now require a use permit shall be deemed to be non-conforming until such a permit is secured.
- B. **Non-conforming structure.** A non-conforming structure is one which was legal at the time of construction, but which does not presently conform to the provisions of the district in which it is situated. Any previously existing structure, including a sign or sign structure, for which district regulations now require a use permit, shall be deemed to be non-conforming until such a permit is secured.

22.030 - Regulation of Non-conforming Uses and Structures

All non-conforming uses or shall be subject to the following regulations:

- A. **Modifications to Non-Conforming Uses and Structures.** A non-conforming use or structure shall not be enlarged, extended, or moved to a different portion of the lot or parcel of land occupied by such use, except that a non-conforming structure may be reconstructed in such a way as to make it conforming, and residential and accessory structures located in appropriate residential districts which have non-conforming setbacks may be altered or added to, provided that such alterations and additions would not result in a greater non-conformity of setbacks and provided further that minimum setback of ten (10) feet are maintained for a principal structure's front and rear setbacks, three (3) feet for a principal structure's side setback, and three (3) feet side and rear setbacks for accessory structures, including telecommunications facilities (except for exempt facilities).
- B. **Change of Use.** No non-conforming use shall be changed to another non-conforming use without approval by the Planning Commission and then only to a use which, in the opinion of the Commission, is of the same or of a more restricted nature.
- C. **Discontinuation of a Non-Conforming Use of a Structure.** A non-conforming use of a structure shall not be re-established if such use has been discontinued for a period of twelve (12) months or more, or has been changed to, or replaced by, a conforming use. Intent to resume use of a non-conforming structure shall not confer the right to do so.
- D. **Discontinuation of a Non-Conforming Use of Land.** A non-conforming use of land, not involving a structure other than fences, signs, and buildings less than four hundred (400) square feet in area shall not be re-established if such use of land has been discontinued for a period of three (3) months or more, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use of land shall not confer the right to do so.
- E. **Damage to a Non-Conforming Structure.** A non-conforming structure which is damaged by fire, flood, or act of God to an extent exceeding fifty (50) percent of its value, as determined by a methodology based on comparable neighborhood values as approved by the Director, shall not be restored or reconstructed except in such a manner and for such a use as will conform to the regulations for the district in which it is situated.
- F. **Maintenance and Repair.** Notwithstanding any of the foregoing regulations, nothing in this section shall be deemed to prevent normal maintenance and repair of any use or structure or the carrying out upon the issuance of a building permit or major structural alterations or demolitions necessary in the interest of public safety. In granting such a building permit, the Building Official shall state the precise reason why such alterations were deemed

necessary.

22.040 - Non-Conformity by Reason of Non-Compliance with Performance Standards or Absence of a Conditional Use Permit

- A. Any use which is non-conforming at the time of the adoption of this Ordinance by reason of non-compliance with performance standards established in Chapter 21 shall adopt measures necessary to conform therewith within five (5) years of the adoption of this Ordinance.
- B. Any use which is non-conforming by reason of failure to secure a use permit shall be subject to the regulations of Section 22.030 until such time as a use permit is secured.

22.050 - Construction Approved Prior to Ordinance

A building, structure or part thereof which does not conform to the regulations for the district in which it is situated, but for which a building permit was issued prior to the enactment of this Ordinance may be completed providing work is prosecuted continuously and without delay. Such building, structure or part thereof shall be deemed to be a non-conforming use and shall thereafter be subject to the restrictions set forth herein.

Chapter 23 Development Agreements

23.010 - Purpose

The purpose of this article is to permit development agreements pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4 of Title 7 of the Government Code. In connection therewith, the City Council hereby finds as follows:

- A. The lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of housing and other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.
- B. Assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules, and regulations, and subject to conditions of approval, will strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

23.020 - Where Used: Nature of Agreement

Development agreements as defined herein may be used in any zoning district authorized by this Zoning Ordinance. Said agreements shall be considered a combining zone with the existing district, and their approval shall be a legislative act, subject to referendum.

23.030 - Development Agreement Authorized

The City may enter into a development agreement with any person having a legal or equitable interest in real property for the development of such property as provided in this article, so long as such person's interest entitles him to engage in such development.

23.040 - Procedures

The procedures stated in this article shall govern the issuance of development agreements.

23.050 – Application

Application for a development agreement shall be made in the same fashion as an application for an amendment to the Zoning Ordinance, as stated in Chapter 25 hereof, together with the additional requirements of this Chapter, to the extent that requirements of said Chapter 25 conflict with this Chapter, this Chapter shall prevail. In cases where both rezoning and a development agreement are applied for, duplicate documents need not be submitted.

23.060 - Additional Requirements

In addition to the requirements of Section 23.050, the following shall be submitted:

- A. A copy of the proposed development agreement, or a substantive summary of the terms proposed to be included in the agreement by the applicant.
- B. A statement signed by the applicant setting out the justification for the agreement, including a statement of special financial or long-term project considerations which make preservation of existing zoning requirements desirable throughout the life of the project.
- C. Submission of the filing fee as established by City Council resolution. In the absence of such resolution, the fee shall be the same as for a rezoning application.

23.070 - Hearings Required

Notwithstanding other provisions of the Zoning Ordinance, a public hearing on an application for a development agreement shall be held by the Planning Commission and by the City Council. Notice of intention to consider adoption of a development agreement shall be given as provided in Sections 65854, 65854.5, and 65856 of the Government Code, in addition to such other notice as may be required by law for other actions to be considered concurrently with the development agreement.

23.080 - Periodic Review

At least every 12 months the Director shall review the project for good faith compliance with the terms of the agreement by the applicant or successor in interest thereto. In the event the Director determines that there is not good faith compliance, he shall refer the matter to the City Council, which shall determine, after a hearing, if good faith compliance has occurred. If the City Council finds that good faith compliance has not occurred, it may, in its sole discretion, terminate or modify the agreement in order to best preserve the public health, safety and welfare.

23.090 - Requirements of Agreement

A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time. No such agreement shall conflict with the requirements of the zone in which the project is located at the time the agreement is approved, and all such agreements must be in conformity with the General Plan as it exists at the time the agreement is approved.

23.100 - Enforceability, Remedies

Unless amended or canceled pursuant to Sections 23.080 or 23.120, a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the City, which alters or amends the rules, regulations or policies specified in Section 23.110. The remedies stated in this article shall not be construed as limiting any other remedy provided by the Zoning Ordinance for violation thereof.

23.110 - Effect of Agreement

Unless otherwise provided by the development agreement, rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement. A development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property as set forth herein, nor shall a development agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

23.120- Amendment: Cancellation

A development agreement may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successors in interest. Notice of intention to amend or cancel any portion of the agreement shall be given in the manner provided by Section 23.110. An amendment to an agreement shall be subject to the provisions of Section 23.020.

23.130 - Recordation

No later than 10 days after the City enters into a development agreement, the City Clerk shall record with the County Recorder a copy of the agreement, which shall describe the land subject thereto. From and after the time of such recordation, the agreement shall impart such notice thereof to all persons as is afforded by the recording laws of this state. The burdens of the agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement, but the parties may specify that the agreement cannot be assigned without written consent of the City.

23.140 - Conflicting Regulations

In the event that applicable state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

Chapter 24

Administrative Procedures

24.010- Site Plan and Architectural Review

- A. **Purpose.** The purpose of site plan and architectural approval is to secure compliance with the Zoning Ordinance and to promote the orderly and harmonious development of the City of Petaluma. No city permit or license shall be issued for any of the following uses until site plan and architectural approval has been obtained:
- public buildings and grounds;
 - public and private schools, colleges, libraries, art galleries and museums;
 - public and private hospitals and other institutions;
 - churches and other religious buildings and grounds;
 - clubs, lodges, mortuaries, meeting halls, and other places of public assembly;
 - motels and hotels;
 - office buildings;
 - all commercial and industrial uses;
 - mobile home parks;
 - parking lots;
 - public utilities structures and installations, except poles and towers carrying overhead lines;
 - more than one dwelling unit per lot except for accessory dwellings;
 - subdivisions with five or more single household dwellings.
- B. **Administrative Site Plan and Architectural Review.** The Director may grant administrative site plan and architectural approval for nonproduction residential units in approved subdivisions of five or more lots, all residential developments of less than five units, and all minor additions or modifications to industrial, commercial or office buildings, or may refer said development proposals to the Planning Commission. For purposes of this section, the term “nonproduction residential units” shall mean houses not substantially similar to other houses within view of one another as determined by the Director, or houses within a subdivision where the same floor plan or exterior design is used less than three times.
- C. **Application.** Application shall be made to the Community Development Department on a form prescribed for this purpose by the Department.
- D. **Accompanying Maps and Drawings Required.** The application shall be accompanied by such maps and supporting documents, including a statement of the colors to be used, the types of materials proposed to be used, site plans, all elevations and other drawings.
- E. **Investigation and Report.** The Director shall determine from data submitted whether the proposed use will meet the requirements of this Ordinance and shall either (1) administratively approve, disapprove, or approve with modifications the subject project where appropriate; or (2) when in his/her discretion he/she deems it necessary, prepare a report with recommendations and submit said report to the appropriate reviewing body.
- F. **Procedure.** On matters to be reviewed by the Planning Commission, or when the Director refers an application to the Planning Commission with recommendations, the applicant shall be so notified and a hearing date shall be established. On the date for said hearing, the Planning Commission shall consider the Director’s report and any additional staff comment and shall permit the applicant or any other affected person to present any evidence which the Planning Commission deems to be relevant to said applicant. The Planning Commission shall approve, disapprove, or approve with modifications to projects for which the Planning Commission is the entitling body, or recommend approval, disapproval, or approval with modifications or give other appropriate recommendation to the City Council, concerning projects for which the Planning Commission is an advisory body.
- G. **Standards for Review of Applications.** The appropriate reviewing body shall review the exhibits, together with the reports of the Director, and based on these documents, evidence submitted, and the considerations set forth

below, may approve the project as applied for, approve the project with modifications, or disapprove the project. In taking action, the reviewing body shall consider the following:

1. It is the intent of this Section that any controls be exercised to achieve a satisfactory quality of design in the individual building and its site, appropriateness of the building to its intended use, and the harmony of the development with its surroundings. Satisfactory design quality and harmony will involve among other things:
 - a. The appropriate use of quality materials and harmony and proportion of the overall design.
 - b. The architectural style which should be appropriate for the project in question, and compatible with the overall character of the neighborhood.
 - c. The siting of the structure on the property, as compared to the siting of other structures in the immediate neighborhood.
 - d. The size, location, design, color, number, lighting, and materials of all signs and outdoor advertising structures.
 - e. The bulk, height, and color of the proposed structure as compared to the bulk, height, and color of other structures in the immediate neighborhood.
2. Landscaping to approved City standards shall be required on the site and shall be in keeping with the character or design of the site. Existing trees shall be preserved wherever possible, and shall not be removed unless approved by the Planning Commission.
3. Ingress, egress, internal circulation for bicycles and automobiles, off-street automobiles and bicycle parking facilities and pedestrian ways shall be so designed as to promote safety and convenience, and shall conform to approved City standards. Any plans pertaining to pedestrian, bicycle, or automobile circulation shall be routed to the PBAC for review and approval or recommendation.
4. It is recognized that good design character may require participation by a recognized professional designer, such as an architect, landscape architect or other practicing urban designer and the reviewing body shall have the authority to require that an applicant hire such a professional, when deemed necessary to achieve good design character.

H. **Appeal.** As prescribed in Section 24.070.

I. **Expiration of Permits.** Site Plan and Architectural Review approval shall automatically expire twelve (12) months after approval unless the permit has been exercised or unless an extension of time is approved in compliance with subsection J. The approval shall not be deemed "exercised" until the permittee has commenced the approved use on the site in compliance with the conditions of approval or an application for building permit has been submitted in compliance with the conditions of approval. The approval shall remain valid after it has been exercised as long as a building permit remains active or a final building inspection or certificate of occupancy has been granted. Upon expiration of Site Plan and Architectural Review approval, no further work shall be done on the site until a new approval is first obtained.

J. **Extension of Time.** Upon submittal of an application to the Community Development Department on a form prescribed for this purpose by the Department, the Director may extend the time limit established in subsection 24.010.I for Site Plan and Architectural Review approval.

1. The application filed shall include a written request for an extension of time and shall be filed at least 30 days prior to the expiration of the Site Plan and Architectural Review approval, together with the filing fee required by the adopted Fee Schedule.

2. The Director shall determine whether the applicant has made a good faith effort to exercise the approval. The applicant shall provide substantial evidence that circumstances beyond the control of the applicant have created an inability to commence the use or apply for a building permit within the time period in subsection 24.010.1. For purposes of this subsection only, such circumstances may include but are not limited to financial hardship, temporary delay or unavailability of funding, unanticipated delays in securing necessary property rights for the project and/or unanticipated or abnormal weather conditions sufficient to delay commencement or completion of construction or pre-construction activities. The requirements of this subsection requiring the provision of substantial evidence shall not apply to city public facility projects.
 3. The Director may grant up to three 12-month extensions to the expiration date of the original approval only upon the Director's determination separately for each extension that conditions of the site and in the vicinity of the project are substantially the same as when the permit or approval was originally granted and/or that any changes which have occurred do not affect the validity of the findings for the original approval, that the project remains in general conformance with General Plan and zoning ordinance requirements and that the applicant has made a good faith effort to exercise the approval. Only one 12-month extension may be granted at a time. More than three extensions may be granted for city public facilities projects.
- K. **Reactivation.** Expired site plan and architectural review approvals may be granted reactivation by the Director upon a determination that the conditions stated for granting extensions pursuant to subsection L above are met. The application for reactivation shall be in general conformance with General Plan goals and policies and zoning ordinance requirements in effect at the time of application for reactivation. Any reactivated project must comply with said requirements and with current building codes. The property owner/applicant must request reactivation by July 31, 2012 by submittal of an application and payment of application fee, which shall be the same as the fee for an extension of time. Applications for reactivation submitted later than July 31, 2012 shall not be accepted. This subsection shall expire after July 31, 2012 and shall be of no force or effect thereafter, unless otherwise amended.

24.020 - Zoning Administrator

- A. **Creation of Zoning Administrator.** In order to achieve improved coordination in the administration of the Zoning Ordinance; to increase the efficiency of the zoning enforcement proceedings; to reduce the time consumed in processing applications for the various permits and review prescribed herein and to relieve the Planning Commission of certain routine functions in order that it may give its attention to its primary responsibility of comprehensive planning, there is hereby created in the Community Development Department, a Zoning Administrator. The Zoning Administrator shall be the Director or he/she may delegate some person within his/her department to act in his/her stead. The Zoning Administrator shall have the powers and duties set forth below:
1. Accomplish all administrative actions required by the ordinance, including the giving of notice, preparing reports, reviewing Site Plan and Architectural approval applications, conditional use permit applications, and Planned Community and Planned Unit Development Plan submittals, receiving and processing appeals and receiving and accounting for fees.
 2. Supervise staff members assigned to zoning administration.
 3. Maintain the Zoning Ordinance, Zoning Map, and all records of zoning actions and cases.
 4. Interpret the Zoning Ordinance to members of the public, to City departments and other branches of City government, including preliminary negotiation with and advice to applicants for zoning administration action, subject to the policy of the Planning Commission and City Council.
 5. Issue variances as provided herein.

6. Issue zoning permits for uses subject to the performance standards procedure, as provided herein.
7. Report regularly to the Planning Commission on the conduct of his/her office including number of cases handled and their disposal and recommendations for changes and improvements in ordinance regulations and procedures.

B. **Appeal.** As prescribed in Section 24.070.

24.030 - Conditional Use Permits

- A. **Purpose.** The purpose of the conditional use permit is to ensure the proper integration of uses which, because of their special nature, may be suitable only in certain locations and only provided such uses are arranged or operated in a particular manner. In addition to the review described herein, any proposed conditional use shall be subject to site standards set forth in Section 24.010 (Site Plan and Architectural Review). Additional application shall be required and additional fee shall be charged for site plan and architectural review.
- B. **Application.** Application for a conditional use permit shall be made by the property owner or certified agent thereof to the Planning Commission on a form prescribed for this purpose by the City of Petaluma and shall be accompanied by such additional documents or supporting material as may be required for review of the proposed use, including where appropriate, the plans, drawings, and information to permit a site plan and architectural review in accordance with the procedure in Section 24.010(E) (Investigation & Report).
- C. **Fee.** The fee for a conditional use shall be established by resolution of the City Council from time to time hereinafter enacted.
- D. **Investigation and Report.** The Zoning Administrator (Director) shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning Commission.
- E. **Public Hearing.** The Planning Commission shall hold at least one (1) public hearing on each application for a conditional use permit, except for minor conditional use permits as provided in subsection P hereof.
- F. **Notice of Public Hearing.** The Planning Commission shall publish a notice of hearing in a newspaper of general circulation in the City of Petaluma not less than ten (10) days prior to the date of such hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken. In addition, the Commission may publicize the hearing in any other manner as it sees fit.
- G. **Considerations for Review of Applications.** In reviewing an application for a conditional use permit, the Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures, and to the following general and specific requirements:
 1. The siting of the building or use, and in particular:
 - a. The adequacy of the site to accommodate the proposed use or building and all related activities.
 - b. The location and possible screening of all outdoor activities.
 - c. The relation of the proposed building or use to any adjoining building with particular attention to protection of outlook, light, air, and peace and quiet.
 - d. The location and character of any display of goods and services and the size, nature, and lighting of any signs.
 - e. The intensity of activity.

2. Traffic circulation and parking, and in particular:
 - a. The type of street serving the proposed use in relation to the amount of traffic expected to be generated.
 - b. The adequacy, convenience, and safety of provisions for vehicular access and parking, including the location of driveway entrance and exits.
 - c. The amount, timing, and nature of any associated truck traffic.
 3. The compatibility of the proposed building or use with its environment, and in particular:
 - a. The number of customers or users and the suitability of the resulting activity level to the surrounding uses and especially to any neighboring uses of unusual public importance such as schools, libraries, playgrounds, churches, and hospitals.
 - b. Hours of operation.
 - c. Adequacy of provisions for the control of any off-site effects such as noise, dust, odors, light, or glare, etc.
 - d. Adequacy of provisions for protection of the public against any special hazards arising from the intended use.
 - e. The proportion of total space utilized.
 4. The expected duration of the proposed building, whether temporary or permanent, and the setting of time limits when appropriate.
 5. The degree to which the location of the particular use in the particular location can be considered a matter of public convenience and necessity.
- H. **Findings.** The Planning Commission shall approve a conditional use permit only when it has found in writing that the proposed structure or use, subject to any conditions which it may have attached, will conform to the requirements and the intent of this Ordinance and the Petaluma General Plan, and that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the public welfare of the community. These findings shall be based on substantial evidence in view of the whole record to justify the decision.
- I. **Conditions.** The Commission may impose such requirements and conditions with respect to location, construction, maintenance, operation, and duration as may be deemed necessary for the protection of adjacent properties and the public interest.
- J. **Revocation.** Upon violation of any applicable provision of this Ordinance, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a certified letter shall be sent to the permittee informing the permittee of the facts constituting noncompliance and siting that the permittee has twenty (20) calendar days from the date the letter is received to comply with the provisions and conditions of the use permit. If after twenty (20) days has elapsed from the date of said notice, the permittee has failed to comply with the provisions and conditions of the use permit, the Director shall send a second certified letter to the permittee suspending the use permit and advising the permittee of the permittee's right to be heard by filing an appeal pursuant to Section 24.070 within twenty (20) days of the second notice letter. The suspension will be in effect for twenty (20) calendar days from the date of notification. If, after the twenty (20) days suspension the violation has

not been remedied, or the permittee has failed to file a timely appeal, the use permit shall be deemed revoked and shall be null and void without further action by the City.

- K. **Expiration of Permit.** A conditional use permit shall automatically expire twelve (12) months after approval unless the permit has been exercised or unless an extension of time is approved in compliance with subsection L. The approval shall not be deemed "exercised" until the permittee has commenced the approved use on the site in compliance with the conditions of approval or an application for building permit has been submitted in compliance with the conditions of approval.
- L. **Extension of Time.** Upon submittal of an application to the Community Development Department on a form prescribed for this purpose by the Department, the Director may extend the time limit established in Subsection 24.030.K for the initial life of an approved conditional use permit which has not been exercised.
1. The application filed shall include a written request for an extension of time and shall be filed at least 30 days prior to the expiration of the conditional use permit, together with the filling fee required by the adopted fee schedule.
 2. The Director shall determine whether the applicant has made a good faith effort to exercise the approval. The applicant shall provide substantial evidence that circumstances beyond the control of the applicant have created an inability to commence the use or apply for a building permit within the time period in subsection K hereof. For purposes of this subsection only, such circumstances may include but are not limited to financial hardship, temporary unavailability, or delay in funding, unanticipated delays in securing necessary property rights for the project, unanticipated or abnormal weather conditions sufficient to delay commencement or completion of construction or pre-construction activities. These circumstances apply only to the extension of time for commencement of use under a newly issued use permit and not to cessation of activity for purposes of abandonment of a use permit, pursuant to Section 24.030.M. The provisions of this subsection shall not apply to city public facility projects.
 3. The Director may grant up to three 12-month extensions to the expiration date of the original approval only upon the Director's determination separately for each extensions that conditions of the site and in the vicinity of the project are substantially the same as when the permit or approval was originally granted and/or that any changes which have occurred do not affect the validity of the findings for the original approval, that the project remains in general conformance with General Plan and zoning ordinance requirements, and that the applicant has made a good faith effort to exercise the approval. Only one 12-month extension may be granted at a time. More than three extensions may be granted for city public facilities projects.
- M. **Abandonment.** Whenever the use permitted by a conditional use permit has been abandoned, the permit shall be deemed revoked, and shall be null and void. For purposes of this section, "abandonment" means:
1. Cessation of the use permitted by the permit for a period of one year.
 2. Institution of a different use which does not include the use which is the subject of the permit.
 3. Receipt of and commencement of use under a new use permit for a use or combination of uses not previously permitted.
 4. Except in the case of an extension pursuant to Subsection 24.030.L, or reactivation pursuant to Subsection 24.030.S, cessation of diligent activity to construct the permitted use for a period of one year or more, once begun, unless the cessation of activity is due to factors beyond the control of the property owner. For purposes of this subsection only lack of adequate financing, bankruptcy or financial failure of the owner or his agent, employees, contractors, or investors will be deemed to be within the control of the owner.

Upon abandonment, any affected owner may apply for a new conditional use permit, which shall be governed by regulations in effect at the time of approval thereof, if such approval is forthcoming.

- N. **New Application.** Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same conditional use on the same site shall be filed within one (1) year from the date of denial or revocation of the use permit. The Zoning Administrator shall determine in his/her discretion whether the proposed use is the same or substantially the same for the purposes of this subsection.
- O. **Use Permit to Run with Land.** A use permit granted pursuant to the provisions of this Chapter shall run with the land and shall be valid for the successors in interest of the original grantee.
- P. **Minor Use Permits.** For minor use permits, the Zoning Administrator is hereby empowered to receive applications, notify pursuant to Section 24.030(F), offer the opportunity for public hearings, and approve subject to the same findings and conditions as required of the Planning Commission. For purposes of this section, "minor use permits" include minor exterior modifications or enlargements to existing use permits, said modifications or enlargements being inconsequential in nature and not involving a significant change in operations; minor extension of operating hours to existing use permits where the business has no appreciable outside noise and/or does not affect an abutting residential district; new use permits where the use is of the same or more restricted nature as the previous use occupying the site; new use permits to authorize dwelling groups, in accordance with the provisions of Section 7.040; new use permits for tasting rooms pursuant to Section 8.035; new use permits to authorize the establishment of conditional uses in commercial and industrial districts where the Zoning Administrator finds that the use will be compatible with adjacent uses and is in conformance with typical development standards, e.g., parking, landscaping, fencing, etc., and applicable performance standards; new use permits to authorize existing single-household dwellings or to reestablish single-household dwellings in selected commercial districts; previously approved use permits which have expired within the past twenty-four months; minor telecommunications facilities in accordance with the provisions of Petaluma Municipal Code 14.44.20.
- Q. **Referral to Planning Commission.** The Zoning Administrator may refer to the Planning Commission for a public hearing any project and projects for which adverse impacts have been identified as the result of information received in response to public notification and in the determination of the Zoning Administrator, the identified impacts cannot be adequately controlled or mitigated.
- R. **Appeal.** As prescribed in Section 24.070.
- S. **Reactivation.** Expired or abandoned conditional use permits may be granted reactivation by the Director upon a determination that the conditions stated for granting extensions pursuant to subsection L above are met. The application for reactivation shall be in general conformance with General Plan goals and policies and zoning ordinance requirements in effect at the time of application for reactivation. Any reactivated project must comply with said requirements and with current building codes. The property owner/applicant must request reactivation by July 31, 2012 by submittal of an application and payment of application fee, which shall be the same as the fee for an extension of time. Applications for reactivation submitted later than July 31, 2012 shall not be accepted. This subsection shall expire after July 31, 2012 and shall be of no force or effect thereafter, unless otherwise amended.

24.040 - Exceptions to Required Setbacks

- A. **Exception – Principal Dwelling/Building.** The Community Development Director may grant an exception for the principal dwelling/building, in the same manner as provided in Section 24.030(M) (conditional use permit), from the development standards regulating building encroachment into required setbacks in residential districts when the following can be demonstrated:
 - 1. The encroachment is consistent with the prevalent development pattern in the immediate area;
 - 2. The encroachment will not adversely affect the privacy of adjacent properties;

3. The encroachment will not significantly increase shading of adjacent properties; and
 4. Provisions will be in place to accommodate maintenance and drainage needs.
- B. **Exception – Accessory Building.** The Community Development Director may grant an exception for the reconstruction, renovation or expansion of existing accessory buildings and structures, in the same manner as provided in Section 24.030(M) (conditional use permit), from the required setbacks for accessory buildings and structures contained in Tables 4.6 through 4.13.
1. The setback to be provided will be consistent with the prevalent development pattern for similar building uses in the immediate area;
 2. The location of the accessory building or structure with setback to be provided will not adversely affect the privacy of adjacent properties;
 3. The location of the accessory building or structure with the setback to be provided will not significantly increase shading of adjacent properties;
 4. Provisions will be in place to accommodate maintenance and drainage needs; and
 5. The design of the accessory building or structure is compatible with that of the principal dwelling and will not detract from appearance of the immediate area.

24.050 - Variances

- A. **Purpose.** The purpose of the variance is to allow variation from the strict application of the terms of this Ordinance where by reason of the exceptional narrowness, shallowness, or unusual shape of a parcel of property on the effective date of this Ordinance; or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such parcel; or by reason of the use or development of property immediately adjoining the parcel in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship unnecessary to carry out the spirit and purpose of this Ordinance. In no case shall a variance be granted to permit a use other than a use permitted in the district in which the property in question is situated.
- B. **Application.** Application shall be made by the property owner to the Zoning Administrator (Director) on a form provided by the City of Petaluma and shall be accompanied by maps, drawings and information required to demonstrate that the conditions set forth in this section apply to subject property, together with any other data necessary to permit the Zoning Administrator (Director) or the Planning Commission to make the findings required herein.
- C. **Fee.** The fee for a variance shall be established by resolution of the City Council from time to time hereinafter enacted.
- D. **Conditions Necessary for a Variance.** The Zoning Administrator (Director) shall grant a variance only when he/she finds the following conditions to exist:
1. That there are peculiar and unusual conditions inherent in the property in question sufficient to cause a hardship, and that such conditions are not common to all or most of the properties in the immediate area.
 2. That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family or financial difficulties, loss of prospective profits, and neighboring violations are not hardships justifying a variance.

3. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the vicinity, and that a variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors.
4. That the authorizing of such variance shall not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance or the public interest.

24.060 Variances in Floodways

- A. Variances in Floodway means a grant of relief from the requirements of Chapter 6 which permits construction in a manner otherwise prohibited by Chapter 6, which variance is issued in accordance with the standards set out in Sections 24.060(A-F).
- B. Within Floodway zoned lands variances may be issued only in compliance with Sections 24.060(A-F). In passing upon such applications, the approving authority shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance and:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The necessity to the facility of a waterfront location where applicable;
 5. The importance of the services provided by the proposed facility to the community;
 6. The availability of alternative locations, for the proposed use, which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (B1-11) above have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- D. Upon consideration of the 11 factors above and the purpose of this Ordinance, the approving authority may attach such additional conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

- E. The approving authority shall maintain the records of all appeal actions and report any variances to the Federal Flood Insurance Administration.
- F. **Conditions for Variances in Floodways.**
1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 3. Variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 4. Variance shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 6.080(D), or conflict with existing local laws or ordinances.
 5. Any applicant to whom a variance is granted shall be given written notice that if any structure is permitted to be replaced with a lowest floor elevation below the base flood elevation that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Floodplain Administrator in the office of the Sonoma County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- G. **Referral or Appeal to Planning Commission.** The Zoning Administrator (Director) may refer any application for a variance to the Planning Commission for action; or any person who disagrees with a ruling of the Zoning Administrator may appeal such ruling pursuant to the procedures set forth in Section 24.070.
- H. **Action of Administrator or Planning Commission.** The Zoning Administrator (Director) or Planning Commission may grant the variance, or may grant the variance subject to specified conditions, or may deny the variance. The Zoning Administrator shall notify the applicant forthwith of any action taken.
- I. **Public Notice.** All property owners within five hundred (500) feet of the boundaries of the property at issue shall be notified of a proposed variance.
- J. **Recurrent Conditions.** No variance shall be granted if the Zoning Administrator (Director) or the Planning Commission finds that the condition of the specific piece of property, or the intended use of said property, for which variance is sought, is so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for such condition.
- K. **Lapse of Variance.** A variance shall lapse and shall become void after (1) year following the date on which the variance became effective unless prior to the expiration of one (1) year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application or a zoning permit is issued authorizing occupancy of the site or structure which was the subject of the variance application. A variance may be renewed for an additional period of one (1) year provided that prior to the

expiration of one (1) year from the date when the variance originally became effective, an application for renewal of the variance is made to the Zoning Administrator (Director). The Zoning Administrator may grant or deny any application for renewal of a variance.

- L. **Enforcement.** Violation of a variance, or of any conditions attached thereto, shall constitute a violation of this Ordinance and shall be cause for enforcement action in accordance with Chapter 26.
- M. **Transferability.** Unless specified otherwise at the time the variance is granted pursuant to the provisions of this Chapter, it shall run with the land and shall be valid for the successors in interest of the original grantee.
- N. **New Application.** Following the denial or revocation of a variance, no application for the same or a substantially similar variance on the same site shall be filed within one (1) year unless it can be shown that there has been a substantial change in conditions or environs.
- O. **Appeal.** As prescribed in Section 24.070.

24.070 - Appeals

- A. **Purpose.** This section establishes procedures for the appeal and review of determinations and decisions.
- B. **Appeal Subjects and Jurisdiction.**
 - 1. A decision on an administrative site plan and architectural review application or historic and cultural preservation application may be appealed to the Planning Commission.
 - 2. A decision on an administrative historic and cultural preservation application may be appealed to the Historic and Cultural Preservation Committee.
 - 3. A decision on an administrative conditional use permit, exception, or variance application may be appealed to the Planning Commission.
 - 4. A decision by the Community Development Director/Zoning Administrator may be appealed to the Planning Commission.
 - 5. A decision by the Planning Commission may be appealed to City Council.
- C. **Eligibility.** The applicant or any other interested party may file an appeal.
- D. **Timing and Form of Appeal.** An appeal shall be submitted in writing and filed with the City Clerk on a City application form within 14 days of the date of the decision. The appeal shall state the pertinent facts, the basis for the appeal, and the relief sought by the appellant. The appeal shall be addressed to the review authority as identified in Section 24.070(B). If no appeal is made within the time limits, the decision shall be final.
- E. **Report and Scheduling of Hearing.** When an appeal has been filed, the Director shall prepare a report on the matter and schedule the matter for a public hearing by the appropriate review authority as identified in Section 24.070(B). The appeal shall be scheduled in a timely manner.
- F. **Public Notice.** Public notice of the hearing shall be provided at least 10 days prior to the hearing by mailing to the applicant and all owners and occupants of property within 500 feet of the boundaries of the site that is the subject of the appeal.
- G. **Decision.** At hearing on an appeal, the review authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal. The review authority may:
 - 1. Affirm, affirm in part, or reverse the action, determination, or decision that is the subject of the appeal;

2. Disapprove the land use permit approved by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval; and
3. Adopt additional conditions of approval that may address issues or concerns other than the subject of the appeal.

H. **City Council Approval.** Approval of a land use permit by the City Council shall become effective immediately after it is granted by the Council.

24.080 - Issuance of Permit or License

A permit or license (building permit, grading permit, business license, etc.) shall not be issued until the appeal period for the approved application has expired.

Chapter 25

Amendments

25.010 - Amendment

This Ordinance may be amended by changing the boundaries of any district or by changing any other provision thereof whenever the public necessity and convenience and general welfare require such amendment. No amendment to provisions of this ordinance that regulate matters listed in Government Code section 65850, as from time to time amended, shall be made unless the Planning Commission and City Council find the amendment to be in conformity with the General Plan. The City Council, in its sole discretion, may direct that amendments to provisions of this Ordinance that regulate matters other than those listed in Government Code section 65850, as from time to time amended, be submitted to the Planning Commission for a finding of conformity with the General Plan.

25.020 - Application for Amendment

Amendment may be initiated by the City Council, the Planning Commission, the Zoning Administrator (Director) or by an application of one or more owners of property affected by the proposed amendment. An application made by one or more owners shall be accompanied by a fee as established by resolution of the City Council from time to time hereinafter enacted.

25.030 - Accompanying Maps and Data

An application for an amendment shall be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in conformance with the Petaluma General Plan, and that public necessity, convenience and general welfare require or permit the adoption of the proposed amendment. An accurate legal description and map of the land and any pertinent existing buildings shall be submitted with the application. The map shall include the following information:

- A. All parcels of land, any parts of which are closer than five hundred (500) feet to any part of the property proposed to be rezoned.
- B. Names and last known addresses of the recorded legal owners of all properties shown on the map.
- C. Existing streets, streets proposed by an officially adopted plan of the City of Petaluma and all surface drainage channels.
- D. Existing zoning of all land within five hundred (500) feet of the property proposed to be rezoned.
- E. The maps submitted with an application for an amendment to increase the amount of land zoned C-Commercial shall include the following information:
 1. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, streets, bikeways, driveways, pedestrian ways, parking and loading areas, landscaped areas, fences and walls. The site plan shall indicate the locations of entrances and exits and the direction of traffic flow for automobiles, bicycles, and pedestrians into and out of parking and loading areas, the location of each automobile and bicycle parking space and each loading berth, and areas for turning and maneuvering vehicles.
 2. Architectural drawings or sketches drawn to scale showing all elevations of proposed structures as they will appear upon completion. Materials and colors of all exterior finish shall be specified, and the size, location, material, colors, and illumination of all signs shall be indicated.
 3. A landscape plan for the site showing the locations of existing trees proposed to be retained, and the locations and design of landscaped areas.

25.040 - Investigation and Report

The Zoning Administrator (Director) shall make an investigation of the proposed amendment and shall prepare a report thereon which shall be submitted to the City body or bodies with jurisdiction over the proposed amendment.

25.050 - Public Hearings of the Planning Commission

For proposed amendments subject to Planning Commission review in accordance with section 25.010, the Planning Commission shall hold a public hearing in accordance with this section.

- A. **Notice of public hearing.** Notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Petaluma, at least ten (10) days prior to said public hearing, or by mailing, postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the latest adopted tax roll of Sonoma County as owning property within five hundred (500) feet of the boundaries of the property that is the subject of the hearing.
- B. **Action by the Planning Commission at conclusion of hearing.** If, at the conclusion of the hearing, the Planning Commission shall find the amendment to be in conformance with the Petaluma General Plan, and consistent with the public necessity, convenience, and general welfare, it may recommend amendment of this Ordinance. The recommendation shall be by resolution of the Planning Commission, carried by the affirmative votes of a majority of the total members present, including any member disqualified to vote for reason of conflict of interest. Denial of an application shall in all cases, except an amendment initiated by the City Council, terminate the proceedings unless such decision is appealed to the City Council as provided below.
- C. **Modification by Planning Commission.** After a public hearing, the City Planning Commission may modify any proposed amendment by changing the wording of a proposed text amendment, reducing or enlarging the area, or changing the proposed district classification initially considered if it shall deem such modification necessary or desirable in the light of the required findings set forth in Section 24.050(B). If such a modification is recommended, the reasons therefore, along with a statement as to the initial proposal, shall be transmitted to the City Council with the recommendation.

25.060 - Submission of Recommended Amendment to City Council

The recommendation of the Planning Commission shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearings, and all data submitted with the application.

25.065 – Public Hearings of the City Council

The City Council shall hold public hearings in accordance with this section to consider proposed amendments subject to Planning Commission review in accordance with section 25.010. The City Council may, in its sole discretion, hold public hearings in accordance with this section on proposed amendments for which Planning Commission review is not required in accordance with section 25.010.

- A. **Notice of public hearing.** Notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Petaluma, at least ten (10) days prior to said public hearing, or by mailing postage prepaid, a notice of the time and place of the hearing to all persons whose names appear on the last adopted tax roll of Sonoma County as owning property within five hundred (500) feet of the boundaries of the property that is the subject of the hearing.
- B. **Action by the City Council at conclusion of hearing.** If, at the conclusion of the hearing, the City Council finds the amendment to be in conformance with the findings specified in section 25.070, the City Council may adopt the amendment.

25.070 - Findings by City Council

In order to amend the ordinance, the City Council shall find the following:

- A. That the proposed amendment is in general conformity with the Petaluma General Plan and any applicable plans; and
- B. That the public necessity, convenience, and general welfare require or clearly permit the adoption of the proposed amendment.

25.080 - Changes by City Council

If the City Council proposes to alter a proposed zoning amendment recommended by the Planning Commission, or to alter or adopt an amendment which has been denied by the Planning Commission, or to alter a proposed zoning amendment for which Planning Commission review is not required in accordance with section 25.010, the City Council, in its sole discretion, may either: refer the proposed altered amendment back to the Planning Commission for report and recommendation before adoption, or adopt the proposed altered amendment. Failure of the Planning Commission to report to the City Council within thirty (30) days of the City Council's referral shall be deemed approval by the Planning Commission of the proposed amendment.

25.090 - Effect of Denial of Application

In case an application for an amendment to the Zoning Ordinance is denied, said application shall not be eligible for reconsideration for one (1) year subsequent to such denial, except that a new application affecting or including all or part of the same property which is determined to be substantially different from the application denied, or an application denied without prejudice, may be eligible for consideration within one (1) year of the denial of the original application.

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 26 Enforcement, Violations, Penalties, Enactment

26.010 - Enforcement

All department officials and public employees of the City of Petaluma vested with the duty or authority to issue permits shall conform to the provisions of this Ordinance and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this Ordinance; and any such permit, certificate, or license issued in conflict with the provisions of this Ordinance, intentionally or otherwise, shall be null and void. It shall be the duty of the Zoning Administrator (Director) and the Building Official of the City of Petaluma to enforce the provisions of this ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure and the use of any land, building, or premise.

26.020 - Violations and Penalties

- A. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ordinance, any use of the land, building or premise established, conducted, operated or maintained contrary to the provisions of this ordinance, shall be and same hereby is declared to be, unlawful and a public nuisance; and the City Attorney of the City of Petaluma shall, upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall supply to such Courts as may have jurisdiction to grant relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this ordinance.

- B. The remedies provided for herein shall be cumulative and not exclusive.

26.030 - Enactment

- A. Earlier ordinance repeal. The Zoning Ordinance of the City of Petaluma, adopted by the City Council on the seventeenth day of January, 1973, and any and all amendments thereto, are hereby repealed. Such repeal shall not affect impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred, prior to the time such repeal takes effect, but the same may be enjoined, asserted, enforced, prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected.

- B. The City Clerk is hereby directed to post this ordinance for the period and in the manner as required by the City Charter.

THIS PAGE INTENTIONALLY LEFT BLANK

Chapter 27 Residential Density Bonus

27.010 – Purpose and Intent

This chapter is intended to provide incentives for the production of housing for Very Low, Lower Income, Moderate or Senior Housing in accordance with California state law.

The purpose of this chapter is to:

- A. Comply with the state density bonus law in accordance with the requirements California Government Code Section 65915 and amendments and successor statutes.
- B. Establish procedures for implementing the state density bonus requirements as set forth in California Government Code Section 65915, as amended.
- C. Facilitate the development of affordable housing consistent with the goals, policies, and programs of the City's Housing Element.

27.020 – Definitions

Whenever the following terms are used in this chapter, they shall have the meaning established by this section:

- A. **Affordable Rent.** Monthly housing expenses, including a reasonable allowance for utilities, for Rental Restricted Affordable Units reserved for Very Low or Lower Income Households, not exceeding the following calculations:
 1. Very Low Income: 50 percent of the area median income for Sonoma County, adjusted for household size, multiplied by 30 percent and divided by 12.
 2. Lower Income: 60 percent of the area median income for Sonoma County, adjusted for household size, multiplied by 30 percent and divided by 12.
- B. **Child Care Center.** See the definition of "Child Care Center" in Glossary.
- C. **Concession or Incentive.** Used interchangeably means such regulatory concessions as specified in California Government Code Section 65915 subdivisions (d) and (h) including, but not limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed use zoning in conjunction with the Housing Development, or any other regulatory incentive which would result in identifiable cost avoidance or reductions that are offered in addition to a Density Bonus. See Section 27.070 of this chapter.
- D. **Density Bonus.** A density increase for residential units over the otherwise allowed residential density under the applicable zoning and land use designation on the date an application is deemed complete.
- E. **Density Bonus Housing Agreement.** A legally binding agreement between a developer and the City to ensure that the requirements of this chapter are satisfied. The agreement, among other things, shall establish: the number of Restricted Affordable Units, their size, location, terms and conditions of affordability, and production schedule. See Section 27.070 of this Chapter.
- F. **Density Bonus Units.** Those residential units granted pursuant to the provisions of this chapter which exceed the otherwise Maximum Residential Density for the development site.
- G. **Housing Cost.** The sum of actual or projected monthly payments for all of the following associated with for-sale Restricted Affordable Units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities.
- H. **Housing Development.** Construction projects consisting of five or more residential units, including single family, multifamily, and mobilehomes for sale or rent, pursuant to this chapter.

- I. **Low Income Household.** Households whose income does not exceed the lower income limits applicable to Sonoma County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.
- J. **Maximum Residential Density.** The maximum number of residential units permitted by the City's General Plan Land Use Element and Zoning Ordinance at the time of application, excluding the provisions of this chapter. If the housing development is within a planned unit development zone, the maximum residential density shall be determined on the basis of the general plan and the maximum density of the underlying zone.
- K. **Moderate Income Household.** A household whose gross income does not exceed 120 percent of the area median income for Sonoma County as published and periodically updated by the State Department of Housing and Community Development pursuant to Sections 50079.5 and 50052.5 of the California Health and Safety Code.
- L. **Non-Restricted Unit.** All units within a Housing Development excluding the Restricted Affordable Units.
- M. **Qualifying Resident.** Senior citizens or other persons eligible to reside in Senior Citizen Housing.
- N. **Restricted Affordable Unit.** A dwelling unit within a Housing Development which will be available for Moderate Income Households or Very Low and/or Low Income Households.
- O. **Senior Citizen Housing.** A Housing Development consistent with the California Fair Employment and Housing Act (Government Code Section 12900 et. seq., including 12955.9 in particular), which has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons" as that phrase is used in the federal Fair Housing Amendments Act of 1988 (P.L. 100-430) and implementing regulations (24 CFR, part 100, subpart E), and as that phrase is used in California Civil Code Section 51.2 and 51.3.
- P. **Very Low Income Household.** Households whose income does not exceed the very low income limits applicable to Sonoma County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

27.030 – Eligibility Criteria

- A. The City shall grant either: a Density Bonus, or a Density Bonus with a Concession or Incentive(s), as set forth in Section 27.070 of this Chapter, to an applicant or developer of a Housing Development, who agrees to provide one of the following:
 - 1. At least ten percent of the total units of the Housing Development as Restricted Affordable Units affordable to Lower Income Households; or
 - 2. At least five percent of the total units of the Housing Development as Restricted Affordable Units affordable to Very Low Income Households; or
 - 3. A Senior Citizen Housing Development, as defined herein; or
 - 4. Ten percent of the total dwelling units in a common interest development as defined in Civil Code section 4100 for persons and families of Moderate Income Households as defined herein, provided that all units in the development are offered to the public for purchase.

27.040 – Density Bonus and Incentive or Concession Calculation

- A. The City will allow a Housing Development a Density Bonus and/or a Concessions or Incentive if it meets all the applicable requirements of this chapter. In the event that the minimum requirements for granting a Density Bonus or Concessions or Incentives as set forth in California Government Code section 65915 are amended or modified after the adoption of this chapter by the City, then the lowest applicable minimum requirements in section 65915 or successor statutes shall apply.
- B. When calculating the required number of Restricted Affordable Units, any resulting decimal fraction shall be rounded to the next larger integer.

- C. **Density Bonus for Low Income Households.** If a housing developer elects to construct units for Low Income Households, the Housing Development shall be entitled to a density bonus according to the following Density Bonus calculation:

Provision of Low Income Units		
Percentage Low Income Units	Percentage Density Bonus	Number of Incentives or Concessions
10%	20%	1
11%	21.5%	1
12%	23%	1
13%	24.5%	1
14%	26%	1
15%	27.5%	1
16%	29%	1
17%	30.5%	1
18%	32%	1
19%	33.5%	1
20%	35%	2
30%	35%	3

- D. **Density Bonus for Very Low Income Households.** If a housing developer elects to construct units for Very Low Income Households, the Housing Development shall be entitled to a density bonus according to the following Density Bonus calculation:

Provision of Very Low Income Units		
Percentage Very Low Income Units	Percentage Density Bonus	Number of Incentives or Concessions
5%	20%	1
6%	22.5%	1
7%	25%	1
8%	27.5%	1
9%	30%	1
10%	32.5%	2
11%	35%	2
15%	35%	3

- E. **Density Bonus for Moderate Income Households.** If a housing developer elects to construct units for Moderate Income Households, the Housing Development shall be entitled to a density bonus based on the following Density Bonus calculation:

Provision of Moderate Income Units		
Percentage Moderate Income Units	Percentage Density Bonus	Number of Incentives or Concessions
10%	5%	1
11%	6%	1
12%	7%	1
13%	8%	1
14%	9%	1
15%	10%	1
16%	11%	1
17%	12%	1
18%	13%	1
19%	14%	1
20%	15%	2
21%	16%	2
22%	17%	2
23%	18%	2
24%	19%	2
25%	20%	2
26%	21%	2
27%	22%	2
28%	23%	2
29%	24%	2
30%	25%	3
31%	26%	3
32%	27%	3
33%	28%	3
34%	29%	3
35%	30%	3
36%	31%	3
37%	32%	3
38%	33%	3
39%	34%	3
40%	35%	3

- F. **Density Bonus for Land Donation.** When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land that satisfies the requirements as set forth in subsection 3 of this section, the applicant shall be entitled to a fifteen percent density increase above the otherwise maximum allowable residential density for the entire development calculated as follows:

Land Donation	
Percentage Low Income Units	Percentage Density Bonus
10%	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%
17%	22%

18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%
28%	33%
29%	34%
30%	35%

1. Nothing in this chapter shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.
2. The Density Bonus for land dedication shall be in addition to any other Density Bonus earned pursuant to this section, up to a maximum combined increased density of thirty-five percent above the otherwise maximum allowable residential density for the entire development.
3. An applicant donating land shall be eligible for the increased Density Bonus described in this Section if all the following conditions are met:
 - a. The applicant donates and transfers the land to the City, or to a housing developer approved by the City, no later than the date of approval of the City of the final subdivision map, parcel map, or Housing Development Application for the proposed Housing Development seeking the Density Bonus.
 - b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to Very Low Income Households in an amount not less than ten percent of the number of residential units of the proposed Housing Development seeking the Density Bonus.
 - c. The land proposed to be donated to the City:
 - i. is at least one acre in size or sufficient size to permit development of at least 40 residential units; and
 - ii. has the appropriate General Plan designation and is appropriately zoned for development at the density described in paragraph (3) of subsection (c) of Government Code section 65583.2 and successor statutes; and
 - iii. is or will be served by adequate public facilities and infrastructure; and
 - iv. is donated no later than the date of approval of the final subdivision map, parcel map or Housing Development application seeking a Density Bonus and has all of the permits and approvals, other than building permits, necessary for the development of the Very Low Income housing units on the transferred land; and
 - v. is within the boundary of the proposed development or within one-quarter mile of the boundary of the proposed development; and
 - vi. has a proposed source of funding for the very low income units prior to the approval of the final subdivision map, parcel map, or Housing Development application seeking the Density Bonus.

27.050 – Development Standards for Affordable Units

- A. Restricted Affordable Units shall be constructed concurrently with Non-Restricted Units unless both the City and the applicant agree within the Density Bonus Housing Agreement to an alternative schedule for development.
- B. Restricted Affordable Units shall remain restricted and affordable for a period of 30 years. The City may require a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.
- C. In determining the maximum Affordable Rent or Affordable Sales Price of Restricted Affordable Units, the presumed household size as set forth in the City's Housing Program shall be used, unless the Housing Development is subject to different assumptions imposed by other federal or state regulations.
- D. Restricted Affordable Units shall be built on-site and be dispersed within the Housing Development, except as permitted in subsection E of this Section. The number of bedrooms of the Restricted Affordable Units shall be equivalent to the bedroom mix of the Non-Restricted Units in the Housing Development; except that the applicant may include a higher proportion of Restricted Affordable Units with more bedrooms. The design, appearance and general quality of the Restricted Affordable Units shall be comparable and compatible with the design of the Non-Restricted Units in the Development. The Development shall comply with all applicable Development Standards, except those which may be modified as provided by this chapter.
- E. Circumstances may arise in which the public interest would be served by allowing some or all of the Restricted Affordable Units associated with one Housing Development to be produced and operated at an alternative development site. Where the applicant and the City so agree, the resulting linked developments shall be considered a single development for purposes of this chapter. Under these circumstances, the applicant shall be subject to the same requirements of this chapter for the Restricted Affordable Units to be provided on the alternative site.
- F. A Density Bonus Housing Agreement, as described in Section 27.090, shall be made a condition of the discretionary permits for all Developments subject to this chapter. The Density Bonus Housing Agreement shall be recorded as a deed restriction on the parcel or parcels on which the Restricted Affordable Units will be constructed.

27.060 – Density Bonus for Development of Child Care Center

- A. A Housing Development meeting the requirements of Sections 27.030, 27.040, and 27.050 above and including a Child Care Center that will be located on the premises of, as part of, or adjacent to, such a Housing Development shall receive either of the following:
 - 1. An additional Density Bonus in an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Child Care Center; or
 - 2. An additional Incentive or Concession pursuant to Section 27.070 which results in an identifiable cost reduction or avoidance.
- B. When a Housing Development is providing a Child Care Center in accordance with this chapter, then the project conditions of approval shall require that:
 - 1. The Child Care Center care shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable; and
 - 2. Of the children who attend the Child Care Center, the children of Very Low Income Households, Lower Income Households, or persons or families of Moderate Income shall equal a percentage that is equal to or greater than the percentage of affordable units that are required pursuant to Section 27.040.
- C. The City shall not be required to provide a Density Bonus or Incentive or Concession for a Child Care Center if it makes a written finding, based upon substantial evidence, that the City has adequate Child Care Centers.

27.070 – Development Concessions and Incentives

- A. Subject to subsection B of this Section, the City shall provide a Concession or Incentive, for qualified Housing Developments, upon the written request of an applicant. The number of Concessions or Incentives provided shall be as follows:
1. For a Housing Development that provides either 5% of the units affordable to Very Low income households, or 10% of the units affordable to Lower income households, the developer is entitled to one Concession or Incentive.
 2. When the number of affordable units is increased to 10% Very Low income units, or 20% Lower income units, the developer is entitled to two Concessions or Incentives.
 3. When the number of affordable units is increased to 15% Very Low income, or 30% Lower income, the number of Concessions or Incentives is increased to three.
- B. The City may grant any one of the following as a Concession or Incentive:
1. A waiver or modification of site development standards or a modification of zoning code or architectural design requirements. These include one or more of the following (each item below is considered a Concession or Incentive):
 - a. Reduced minimum lot sizes and/or dimensions.
 - b. Reduced minimum lot setbacks
 - c. Reduced minimum outdoor and/or private outdoor living area.
 - d. Increased maximum lot coverage
 - e. Increased maximum building height and/or stories.
 - f. Reduced on-site parking standards, including the number or size of spaces and garage requirements.
 - g. Reduced minimum building separation requirements.
 - h. Reduced street standards, e.g., reduced minimum street widths.
 2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 3. Other Incentives or Concessions proposed by the developer or the City which result in identifiable cost reductions or avoidance.
- C. Upon request by the applicant, the City shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following:
1. Zero to one bedrooms: one onsite parking space.
 2. Two to three bedrooms: two onsite parking spaces.
 3. Four and more bedrooms: two and one-half parking spaces.

If the total number of parking spaces required for a Housing Development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a Housing

Development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking.

- D. The City shall grant Incentive(s) or Concession(s) requested by the applicant unless the City can make a written finding, based upon substantial evidence, of any of the following:
1. The Incentive or Concession is not required in order to provide for affordable housing to Very Low, Low, or Moderate Income Households.
 2. The Incentive or Concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or any real property that is listed on the California Register of Historical Resources and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the Housing Development unaffordable to Very Low, Low, and/or Moderate Income Households.
 3. The Incentive or Concession would be contrary to state or federal law.

27.080 – General Application Requirements

- A. An application for a Density Bonus, Incentive or Concession shall be made as follows:
1. An application for a density bonus, incentive, concession, waiver, modification or revised standard shall be submitted with the first application for a permit for a Housing Development and shall be processed concurrently with those permits. The application shall be on a form prescribed by the Community Development Director and shall include the following information:
 - a. A brief description of the proposed Housing Development, including the total number of dwelling units, Restricted Affordable Units, and Density Bonus Units proposed.
 - b. The zoning and general plan designations and assessor's parcel number(s) of the project site, and a description of any Density Bonus, Incentive, or Concession, requested.
 - c. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout.
 - d. If a Concession or Incentive is requested, the application shall provide evidence as to why the Concession or Incentive is necessary to provide the Restricted Affordable Units in accordance with Section 27.070 of this Chapter. Such evidence shall include, but is not limited to an explanation as to the actual cost reduction achieved through the concession or incentive and how the cost reduction allows the applicant to provide the Restricted Affordable Units, and any supporting documentation.
 - e. Level of affordability of the Restricted Affordable Units and proposed method to ensure affordability.
 - f. If a Density Bonus or Concession or Incentive is requested for a land donation, the application shall show the location of the land to be dedicated, provide proof of site control, and provide evidence that all of the requirements and each of the findings included in Government Code Section 65915(g) and Section 27.040 (F) can be made.
 2. In accordance with State law, neither the granting of a Concession or Incentive, nor the granting of a Density Bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, variance, or other discretionary approval.
 3. This Chapter implements State Density Bonus Law. Any Density Bonus, Incentive or Concession sought by an Applicant shall be made pursuant to this chapter and may not be combined with similar requests under State Density Bonus law.

27.090 – Density Bonus Housing Agreement

- A. Applicants for a Density Bonus, Incentive or Concession shall enter into a Density Bonus Housing Agreement (Agreement) with the City, approved by the City Council.
- B. Following execution of the Agreement by all parties, the completed Agreement shall be recorded and the conditions filed and recorded on the parcel to be developed and/or an alternative site for the proposed Housing Development, if the Housing Development is off-site.
- C. The approval of the Agreement shall take place prior to tentative map approval, and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to Site Plan and Architectural Review.
- D. The Agreement shall run with land to be developed and/or the alternative site for the proposed Housing Development and be binding on all future owners and successors in interest and shall include at a minimum, the following:
 1. The total number of units approved for the Development, including the number of Restricted Affordable Units.
 2. A description of the household income group to be accommodated by the Restricted Affordable Units, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price.
 3. The proposed location, dwelling unit sizes (square feet), and number of bedrooms of the Restricted Affordable Units.
 4. Term of use restrictions for Restricted Affordable Units of at least 30 years for Low and Very Low units.
 5. A schedule for completion and occupancy of Restricted Affordable Units.
 6. A description of any Concession or Incentive, if any, being provided by the City.
 7. A description for remedies of breach of the agreement by either party (the City may identify tenants or qualified purchasers as third party beneficiaries under the Agreement).
 8. Other provisions to ensure implementation and compliance with this chapter.
- E. In the case of for-sale Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the initial sale and use of Restricted Affordable Units during the applicable use restriction period:
 1. Restricted Affordable Units shall, upon initial sale, be sold to eligible Moderate Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents (i.e., maintained as Senior citizen housing) as defined by this chapter.
 2. Restricted Affordable Unit shall be initially owner-occupied by eligible Moderate Income Households or by Qualified Residents in the case of Senior citizen housing.
 3. The initial purchaser of each Restricted Affordable Unit shall execute an instrument or agreement approved by the City restricting the sale of the Restricted Affordable Unit in accordance with this chapter during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the Restricted Affordable Unit and shall contain such provisions as the City may require ensuring continued compliance with this chapter and the state Density Bonus Law.
- F. In the case of rental Housing Developments, the Density Bonus Housing Agreement shall provide for the following conditions governing the use of Restricted Affordable Units during the use restriction period:
 1. The rules and procedures for qualifying tenants, establish Affordable Rent, filling vacancies, and maintaining Restricted Affordable Units for qualified tenants;

2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter.
3. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying Restricted Affordable Units, and which identifies the bedroom size and monthly rent or cost of each Restricted Affordable Unit.

Chapter 28

Glossary

28.010 - Purpose

The chapter establishes the definitions of terms and phrases that are technical or specialized or that may not reflect common usage. If a word is not defined in this chapter, or in another chapter of this Ordinance, the Director shall determine the correct definition.

28.020 – Definitions of Specialized Terms and Phrases

As used in this Ordinance, the following terms shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

Abut. Adjoin or border on.

Adult oriented business. As defined in Chapter 10.

Adult Day Program. Any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.

Alcoholic Beverage Establishment. A commercial and non-commercial establishment wherein alcoholic beverages are sold, served, or given away for consumption on the premises, excluding full-service restaurants. Typical alcoholic beverage establishments include but are not limited to the following recognized types of establishments: bars, cocktail lounges, ballrooms, dance bars, piano bars, billiard or game parlors, bowling alleys and nightclubs.

Alley. A public or private way which affords only secondary access to abutting property.

Arborist. 1) A person currently certified by the Western Article of the International Society of Arboriculture as an expert on the care of trees; 2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or 3) other qualified professionals who the Director determines have gained through experience the qualifications to identify, remove, or replace trees.

Artisan Shop. A retail store selling art glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

Artisan/Craft Product Manufacturing. Establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery, ceramics, small glass and metal art, and craft products. May also include small scale artisanal food and beverage product manufacturing.

Automated Teller Machine (ATM). Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations.

Auto Parts Sales. Stores that sell new automobile parts and accessories. Establishments that provide installation services are instead included under "Vehicle Services - Repair and Maintenance - Minor." Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

Auto and Vehicle Sales and Rental. A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers and motorcycles (bicycle sales are included under "General Retail"). May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Gas Stations," which are separately defined.

B. Definitions, "B."

Bank, Financial Services. Financial institutions including:

banks and trust companies	other investment companies
credit agencies	securities/commodity contract brokers and dealers
holding (but not primarily operating) companies	security and commodity exchanges
lending and thrift institutions	vehicle finance (equity) leasing agencies

See also, "Automated Teller Machine."

Bar/Tavern. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery. Does not include adult oriented businesses (also see "Night Club").

Bed and Breakfast Inn (B&B). A residential structure with one household in permanent residence, with three or more bedrooms furnished for compensation for overnight lodging, where meals may be provided subject to applicable Health Department regulations. Does not include room rental, which is separately defined (see "Rooming, Lodging, Boarding House, or Short-Term Vacation Rental").

Bedroom. Any space in the conditioned area of a dwelling unit or accessory structure located along an exterior wall, but not including the following: hall; bathroom; kitchen; living room, dining room, family room, laundry room, closet/dressing room opening off of a bedroom. If a home office, library or similar room is proposed, it may be exempted from being considered a bedroom if there is no closet and at least one of the following is present: a) a minimum 4 foot opening, without doors, into another room; or b) a half wall (4 foot maximum height) between the room and another room. A detached building which contains only a half bath will not routinely be considered as having a bedroom unless it is specifically identified and permitted as a guest house.

Block. The properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, or watercourse.

Building. See "structure"

Building Height. Measured as the vertical distance between the average finish grade and the midpoint between the eaves and ridge of a gambrel, hip or gable roof, or the highest point of a flat or shed roof, or the ridge of the roofline of a mansard roof. When either of the following occurs, a dormer shall also be considered a roof for the purposes of determining building height:

- the width of the roof of the dormer exceeds 49% of the width of the roof of the building; or
- the width of the dormer measured from building wall to building wall exceeds 49% of the width of the building measured from building wall to building wall.

All building elevations are required to comply with the height limit for the zoning district in which the property is located.

Building and Landscape Materials Sales-Indoor. See "General Retail"

Building and Landscape Materials Sales-Outdoor. See "Storage-Yard, Outdoor"

Business Support Service. An establishment within a building that provides services to other businesses. Examples of these services include:

blueprinting	film processing and photo finishing (retail)
computer related services (rental, repair)	protective services
copying and quick printing services	security systems service

C. Definitions, "C."

Catering. A business that prepares and delivers food for consumption on the premises of a client. Does not include mobile food vendors.

Child Care Center. A child day care facility (other than a family day care home) as defined in Government Code Section 65915, subdivision (h), paragraph (4) and successor statutes including, but not limited to, infant centers, preschools, extended day care facilities and school age child care centers that provides non-medical care and supervision for minor children for periods of less than 24 hours and is licensed by the California State Department of Social Services. Excludes "Child Day Care," below.

Child Day Care. Facilities that provide care, protection and supervision of children, in the care giver's home, for periods of less than 24 hours per day, while the parents or authorized representatives are away. These facilities include the following, all of which are required to be licensed by the State of California Department of Social Services.

1. **Large Family.** A home that provides family child care for up to 12 children, or for up to 14 children. These capacities include children under age 10 who live in the licensee's home and the assistant provider's children under age 10. A large family day care home is required to comply with the requirements of Section 7.060.
2. **Small Family.** A home that provides family child care for up to six children, or for up to eight children. These capacities include children under age 10 who live in the licensee's home.

Combining District. Special regulations to be invoked where appropriate or necessary in addition to basic district regulations.

Commercial Recreation - Indoor. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

bowling alleys	electronic game arcades (video games, pinball, etc.)
coin-operated amusement arcades	ice skating and roller skating
dance halls, clubs and ballrooms	pool and billiard rooms as primary uses

This use does not include adult oriented businesses, which are separately defined. Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three or fewer machines are not considered a land use separate from the primary use of the site.

Commercial Recreation - Outdoor. Facilities for various outdoor recreational activities, where a fee is charged for use. Examples include:

amusement and theme parks	miniature golf courses
go-cart tracks	water slides
golf driving ranges	

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

Community Meeting Facility. A multi-purpose meeting and/or recreational facility typically consisting of one or more meeting or multi-purpose rooms, which may also include kitchen and/or outdoor cooking or eating facilities, that area available for use by various groups for such activities as meetings, parties, receptions, dances, etc. Community meeting facilities include community center and the following.

1. **Club, Lodge, Private Meeting Hall.** Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

business associations	political organizations
civic, social and fraternal organizations	professional membership organizations
labor unions and similar organizations	other membership organizations

2. **Religious Facility.** A facility operated by a religious organization to provide a place for worship, or the promotion of religious activities. This use includes: churches, mosques, synagogues, temples, etc., and their accessory uses on the same site, such as living quarters for staff, fund-raising sales, bazaars, dinners, parties, or other outdoor events on the same site. Other uses defined in the Implementing Zoning Ordinance and identified in Tables 4.1 through 4.5, which may be maintained by religious organizations, such as full-time educational institutions, hospitals, or recreational camps, shall be permitted as set forth in Tables 4.1 through 4.5 of the Implementing Zoning Ordinance.

Conference/Convention Facility. One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

Coverage. The percent of the total site area covered by structures, open or enclosed, excluding uncovered steps, patios and terraces.

Crop Production, Horticulture, Orchard, Vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

flowers and seeds	ornamental crops
tree nuts	field crops
trees and sod	melons
vegetables	grains
wine and table grapes	fruits

Also includes associated crop preparation services and harvesting activities: mechanical soil preparation; irrigation system construction; spraying. May also include the sale of products grown on site. Does not include greenhouses which are instead defined under "Plant Nursery" or containerized crop production, which is instead defined under "Plant Nursery."

D. Definitions, "D."

Demolition. The removal of 50% or more of the exterior walls of a building or structure or the relocation of a building from one parcel of land to another or the raising of an existing structure beyond what is required for a new foundation. The initial determination of demolition is made by the Community Development Director.

Development Project. Any project which would, if carried out, establish or permit to be established any new or changed use of any real property, building, structure or sign.

Driveway, Residential. A way that is typically paved and provides direct access from a public or private street to an individual dwelling unit or to the garage or parking area for the residential unit.

Dwelling, Accessory. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons with permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as that on which the single household dwelling is situated and meeting the requirements of Section 7.030.

Dwelling, Attached. A building containing a single dwelling unit and having one or more walls in common with another such unit with each unit located on a separate lot.

Dwelling, Caretaker. A permanent residence that is secondary or accessory to the primary use of the property and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes.

Dwelling, Detached. A building designed for and/or occupied exclusively by one household that has no walls in common with any other structure or dwelling unit.

Dwelling, Group. A group of two (2) or more detached dwellings located on one parcel of land in one (1) ownership and meeting the requirements of Section 7.040. No more than three (3) dwelling units shall be erected in a dwelling group. An accessory dwelling is not included as a dwelling for the purposes of a dwelling group.

Dwelling, Junior Accessory. A unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure and meeting the requirements of Section 7.035. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Dwelling, Multiple. A building designed or used exclusively as a residence including two or more separate dwelling units. This definition includes but is not limited to duplexes, triplexes, apartments, and condominiums under a common ownership.

Dwelling, Single Household. A freestanding building designed for and/or occupied by one household.

Dwelling, Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

E. Definitions, "E."

Emergency Shelter. Emergency shelter means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

F. Definitions, "F."

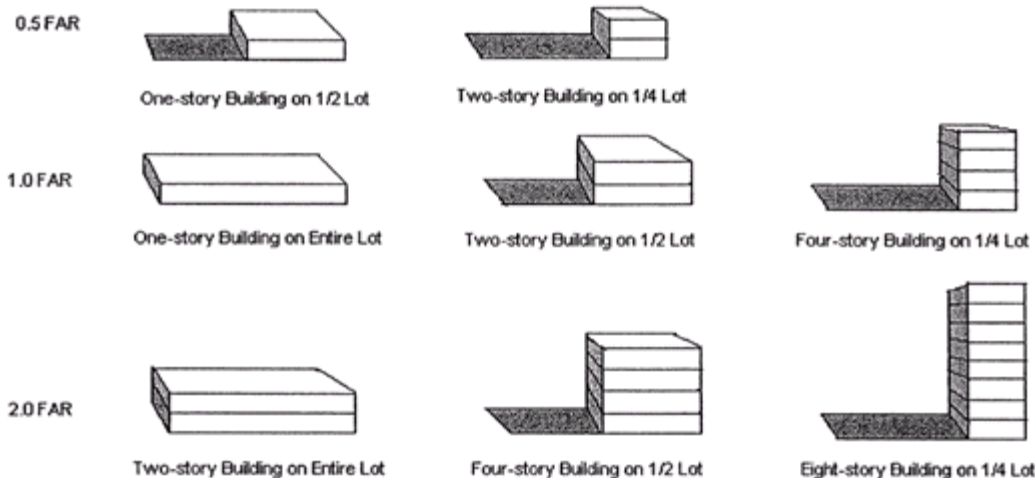
Farm Animal Keeping. Raising of livestock and poultry, dairying, or animal husbandry.

Fence. A device or portion thereof designed to separate or screen property areas and not to carry super-imposed load.

Fitness/ Health Facility. A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses.

Floor area, Gross. The entire area within the walls of a building, measured in a horizontal plane from the outside edge of exterior wall to exterior wall, in square feet.

Floor Area Ratio. The gross floor area of all buildings on a lot divided by the building site area (see exhibit below).



Fueling Station/Gas Station. A retail business selling gasoline and/or other motor vehicle fuels, and related products. A gas station may also include a convenience store, vehicle services, and restaurant facilities.

Furniture/Fixtures Manufacturing, Cabinet Shop. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Manufacturing - Heavy."

G. Definitions, "G."

Garage, or Carport. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Section 11.070(l) (Parking Stall Size).

1. A garage is a completely enclosed attached or detached accessory structure with an operational door

2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

A garage or carport complies with the requirements of this Zoning Code for "covered" parking spaces.

Garage Sale. A sale of articles belonging to one or more households, held for a period not to exceed three consecutive days, at a frequency not to exceed once every two months at any single location.

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include, but are not limited to:

antique stores	drug stores and pharmacies
art galleries, retail	furniture, furnishings, and appliances
artists' supplies	toys and games
jewelry	musical instruments, parts and accessories
auto parts sales	second hand stores
bicycles	specialty shops
books, magazines, and newspapers	sporting goods and equipment
building and landscape materials indoor	department stores
cameras and photographic supplies	wine shops
clothing, shoes, and accessories	convenience stores

Golf Course, Country Club. Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

Grade, Finish. The ground surface immediately adjacent to the exterior base of a structure.

Grade, Natural or Existing. The contour of the ground surface before grading.

Groceries, Specialty Foods. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store.

Guest House. A detached living quarters of permanent construction, without kitchen or cooking facilities, clearly subordinate and incidental to the main building on the same lot, and intended for use by occasional guests of the occupants of the main building.

H. Definitions, "H."

Home Occupation. A commercial activity conducted in a dwelling located in a Residential, Mixed Use, or Commercial zoning district, which is clearly incidental and secondary to the use of the dwelling for residential purposes and in accordance with the provisions of Section 7.050.

Hotel or Motel. A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Household. A person or group of people who live together in a single dwelling unit, but not including the renting of rooms.

I. Definitions, "I."

No definitions beginning with "I"

J. Definitions, "J."

No definitions beginning with "J"

K. Definitions, "K."

Kennel, Animal Boarding. A commercial facility for the grooming, keeping, boarding or maintaining of four or more dogs (four months of age or older), or four dogs or cats for sale in pet shops or patients in animal hospitals. See also "Veterinary Clinic, Animal Hospital."

Kitchen. A room or space within a building used or intended to be used for cooking or preparation of food, which included any of the following: stove, oven, range top.

L. Definitions, "L."

Laboratory - Medical, Analytical, Testing. A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

Laboratory – Cannabis. Testing laboratories that offer or perform testing of cannabis or cannabis products in accordance with Petaluma Municipal Code sections 10.15.020 and 10.15.040, and the current City of Petaluma Cannabis Permit Regulations.

Laundry, Dry Cleaning Plant. A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

Library, Museum, Art Gallery. A public or quasi-public facility, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

Lot or Parcel. A recorded lot or parcel of real property lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including this Zoning Ordinance. Types of lots include the following:

Corner Lot. A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is an interior lot.

Flag Lot. A lot having access from the building site to a public street by means of private right-of-way strip.

Interior Lot. A lot abutting only one street.

Reverse Corner Lot. A corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear.

Double Frontage Lot. An interior lot with frontage on two generally parallel streets.

Lot Area. Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way. Net lot area is the gross area of the lot, exclusive of:

1. Easements for streets or driveways that are not for the exclusive use of the lot on which the easement is located;
2. The access strip required to serve a flag lot.

Lot, Depth. The average linear (or mean horizontal) distance between the front and rear lot line lines or between the front lot line and the intersection of the two side lot lines if there is no rear lot line.

Lot Frontage. The property line of a site abutting a street, other than the street side line of a corner lot.

Lot, Width. The horizontal distance between the side lot lines.

Lot Line or Property Line. Any recorded boundary of a lot. The types of lot lines are as follows:

Front Lot Line. On an interior lot, the property line separating the parcel from the street. The front line on a corner lot is the line with the shortest frontage. If the street fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director. On a double frontage lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.

Interior Lot Line. Any lot line not abutting a street that is not a rear lot line.

Rear Lot Line. A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

Side Lot Line. Any lot line that is not a front or a rear lot line.

Street Side Lot Line. On a corner lot, the lot line with the longest frontage.

M. Definitions, "M."

Maintenance/Repair Service - Client Site Services. Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and maintenance/repair services for appliances, computers, electronics, elevators, equipment, HVAC, instrument, where the service is provided on the client site.

Maintenance/Repair Service - Equipment, Appliances. A business that provides repair and/or maintenance services for appliances, computers, electronics, and other types of non-vehicular related equipment that is brought to the facility by the client. These businesses do not operate on the same site as a retail establishment that sells the product being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

Manufactured/Mobile Home. A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part. California Health and Safety Code Section 18007.

Manufacturing – Cannabis. Businesses that manufacture and sell topical or edible cannabis products using cannabis infusions, infusion processes, or cannabis concentrates only business to business (non-retail) in accordance with Petaluma Municipal Code section 10.15.040 and the current City of Petaluma Commercial Cannabis Permit Regulations. Excludes manufacturing of cannabis products involving volatile solvents, and repackaging cannabis or cannabis products or re-labeling cannabis or cannabis product containers.

Manufacturing/Processing - Light. A facility accommodating manufacturing processes and establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include, but are not limited to, the following:

clothing and fabric product manufacturing
electronics, equipment, and appliance manufacturing
food and beverage product manufacturing

metal products fabrication, machine and welding shops
paper product manufacturing

Manufacturing/Processing - Medium Intensity. A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing - Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of medium intensity manufacturing uses include, but are not limited to, the following:

lumber and wood product manufacturing
machinery manufacturing
motor vehicles and transportation equipment

stone and cut stone product manufacturing
structural clay and pottery product manufacturing

Manufacturing/Processing - Heavy Intensity. A facility accommodating processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community.

Meals Assembly. A facility that provides a location for clients to assemble meals from ingredients and take them offsite for cooking and consumption. Meals may also be assembled onsite for clients to pickup at the facility. No eating facilities are provided.

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production.

Medical Service - Health Care Facility. A facility, place, or building that is maintained and operated to provide medical care. Includes nursing homes, intermediate care facilities, medical clinics, and home health agencies, all of which are licensed by the California State Department of Health Services, and defined in Health and Safety Code Section 1200 et seq.

Medical Service - Minor. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. Includes medical offices (for example offices for chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists/psychiatrists, etc.), outpatient facilities which may include surgery, urgent care facilities, dental laboratories, and medical laboratories. May include massage therapy and acupuncture when not part of a personal service or spa establishment.

Medical Service - Major. Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

Mobile Home, RV, and Boat Sales. Retail establishments selling both mobile home dwelling units, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.

Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or cremation, funeral services may be conducted.

N. Definitions, "N."

Night Club. A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. (also see "Bar/Tavern").

O. Definitions, "O."

Office. This Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Minor").

1. **Accessory.** An office facility incidental and accessory to another business or sales activity that is the primary use. These are permitted accessory to any other use allowed in all zones established by this code.
2. **Government.** An administrative, clerical, or public contact and/or service office of a local, state, or federal government agency. Includes post offices, but not bulk mailing distribution centers, which are under "Truck or Freight Terminal."
4. **High Employee.** An office-type facility characterized by high employee concentration, and occupied by businesses engaged in information processing. Examples of these uses include, but are not limited to:

airline, lodging chain, and rental car company reservation centers
consumer credit reporting
data processing services
health management organization (HMO) offices where no medical services are provided
insurance claim processing
mail order and electronic commerce transaction processing
telemarketing

5. **Professional/Administrative.** An office-type facility occupied by businesses that provide direct professional services and/or is engaged in the production of intellectual property. Examples of these uses include, but are not limited to:

accounting, auditing and bookkeeping services	financial management and investment counseling
advertising agencies	single or small group psychologists/psychiatrists/counselors
attorneys	management and public relations services
commercial art and design services	media production services
construction contractors (office facilities only)	design services including architecture, engineering,
photographers and photography studios	landscape architecture, urban planning
court reporting services	educational, scientific and research organizations

One Foot Lambert. Equals brightness equivalent to one lumen per square foot reflected from a surface. One lumen per square foot is equal to a square foot illuminated evenly by one foot candle at any point.

Outdoor Advertising Structure. Any device which is used or designed so that it may be used to direct attention to a business, profession, commodity, service, or entertainment, conducted, sold, or offered elsewhere than upon the lot where such sign is located.

P. Definitions, "P."

Park. City owned land whose primary purpose is recreation, includes, but is not limited to, playfields and courts, swimming pools, recreational facilities, community gardens, playgrounds, trails, and nature preserves.

Parking Facility, Public or Commercial. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-street parking required by the Zoning Code). Also include "park and ride" lots. Does not include dismantling yards.

Performance Standards. Regulations for the control of "dangerous or objectionable elements" as defined in Article XX.

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops	massage (licensed, therapeutic, non-sexual)
clothing rental	pet grooming with no boarding
dry cleaning pick-up stores with limited equipment	shoe repair shops
home electronics and small appliance repair	tailors
laundromats (self service laundries)	tanning salons
locksmiths	

These uses may also include accessory retail sales of products related to the services provided.

Personal Services - Restricted. Personal services that may tend to have a potentially offensive effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

check cashing stores	soup kitchens
fortune tellers	spas and hot tubs for hourly rental
palm and card readers	tattoo and body piercing services
psychics	

Petroleum Product Storage and Distribution. A facility for the bulk storage and wholesale distribution of gasoline, diesel fuel, and/or other fuels and petroleum products.

Plant Nursery. A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard, Vineyard." Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under "General Retail."

Printing and Publishing. A small scale establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Public Safety Facility. A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Q. Definitions, "Q."

No definitions beginning with "Q"

R. Definitions, "R."

Recreational Vehicle. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria: (1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms. (2) It contains 400 square feet or less of gross area measured at maximum horizontal projections. (3) It is built on a single chassis. (4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit. Also includes a "park trailer" as defined by California Health & Safety Code 18009.3. California Health & Safety Code, Section 18010.

Recycling Facility. This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials. Recyclable materials include reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

Research and Development (R&D). A facility for scientific research, and the design, development and testing components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities.

Residential Facilities, Adult (ARF). Facilities of any capacity that provide 24-hour non-medical care for adults ages 18 through 59, who are unable to provide for their own daily needs. Adults may be physically handicapped, developmentally disabled, and/or mentally disabled.

Residential Care Facilities for the Chronically III (RCFCI). Facilities with a maximum licensed capacity of 25. Care and supervision is provided to adults who have Acquired Immune Deficiency Syndrome (AIDS) or the Human Immunodeficiency Virus (HIV).

Residential Care Facilities for the Elderly (RCFE). Provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans.

The facilities provide services to persons 60 years of age and over and persons under 60 with compatible needs. RCFEs may also be known as assisted living facilities, retirement homes and board and care homes. The facilities can range in size from six beds or less to over 100 beds. The residents in these facilities require varying levels of personal care and protective supervision. Because of the wide range of services offered by RCFEs, consumers should look closely at the programs of each facility to see if the services will meet their needs.

Restaurant, Café, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from an ordering counter for either on- or off-premise consumption ("counter service"); establishments where customers are served food at their tables for on-premise consumption ("table service"), which may also provide food for take-out; and exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter. This use does not include a mobile food vendor.

Retail Sale and Deliver – Cannabis. Businesses that sell cannabis and cannabis products using a delivery-only method at a maximum of two different locations in the City, with no sale of cannabis or cannabis products to customers, primary care givers or qualified patients permitted at the business location at any time and no signage at the business location or on the delivery vehicles indicating the presence of cannabis or cannabis products or that the seller sells cannabis or cannabis products in accordance with Petaluma Municipal Code sections 10.15.040 and 10.15.060, and the current City of Petaluma Commercial Cannabis Permit Regulations.

Retaining Wall. Any wall erected to hold back or support a bank of earth.

Rooming or Boarding, Accessory. A portion of a dwelling where lodging and boarding are provided for no more than 3 persons for a period of 30 days or longer.

Rooming, Lodging or Boarding House. A dwelling or part of a dwelling where lodging is furnished for compensation to three or more persons living independently from each other for a period of 30 days or longer. Meals may also be included.

S. Definitions, "S."

School. A private academic educational institution, including:

boarding school	high school
community college, college, or university	military academy
elementary, middle and junior high schools	

School – Specialized Education and Training. A private academic educational institution, providing specialized education/training. Examples include the following:

art school	establishments providing courses by mail
ballet and other dance school	language school
business, secretarial and vocational	music school
computers and electronics school	professional school (law, medicine, etc.)
drama school	seminaries/religious ministry training facility
driver education school	

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as fitness, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see "Child Day Care Facilities"). See also the definition of "Studios - Art, Dance, Martial Arts, Music, etc." for smaller-scale facilities offering specialized instruction.

Scrap and Dismantling Yard. Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings; secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

Short-Term Vacation Rental. A dwelling, part of a dwelling, or dwelling as an accessory or secondary unit furnished for compensation for a period of less than 30 days. Meals may also be included. Does not include room rental for 30 days or more, which is separately defined (see "Rooming, Lodging, or Boarding House").

Setback. The required distance by which a structure, parking area, or other development feature must be separated from a property line, other structure, development feature (e.g. back of sidewalk, or curb) or street center line.

Setback, Front. The required area extending across the full width of a site measured from the front property line, street plan line, or access easement to the primary structure. The depth of the front setback is measured as the minimum horizontal distance between the front property line, street plan line, or access easement and a line parallel thereto with the required minimum distance determined by the development standards for the applicable zoning district.

Setback, Rear. The required area extending across the full width of a site measured from the rear lot line and a structure. The depth of a rear setback is measured as the minimum horizontal distance between the rear property line and a line parallel thereto with the required minimum distance determined by the development standards for the applicable zoning district.

Setback, Side. The required area extending from the front property line, street plan line, or access easement to the rear property line. The width of a side setback is the minimum horizontal distance between an interior side property line and a line parallel thereto with the required minimum distance determined by the development standards for the applicable zoning district.

Setback, Street Side. The required area extending from the front property line, street plan line, or access easement to the rear property line. The width of a street side setback is the minimum horizontal distance between the street side property line and a line parallel thereto with the required minimum distance determined by the development standards for the applicable zoning district for a corner or reverse corner lot.

Sports and Entertainment Assembly Facility. A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

Storage- Warehouse, Indoor Storage. Facilities for the storage of commercial goods of any nature. Includes cold storage. Does not include storage or mini-storage facilities offered for rent or lease to the general public. (see also "Wholesaling and Distribution" and "Truck or Freight Terminal").

Storage- Outdoor Storage Yard. The open storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

Street. A public or private right-of-way which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term, but not alley. The term shall include the total width of the dedicated right-of-way.

Structure. Anything constructed or erected which requires location on the ground or which is attached to something having location on the ground, excluding vehicles designed and used only for the transportation of people or goods, a swimming pool or spa, a fence, or a wall used as a fence.

Structure, Accessory. A building or structure normally subordinate, and the use of which is incidental, to the primary use of the site.

Structure, Accessory Detached. An accessory building or structure with a minimum separation from a primary structure or building of at least three feet. For purposes of measurement, roof eaves and overhangs, bays, balconies, and other projections shall be considered points of reference. For the purposes of this code, any structure not meeting the separation requirement is considered attached to the primary structure and is subject to the development standards for the primary structure.

Studio - Art, Dance, Martial Arts, Music, etc. Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools - Specialized education and training." Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the Target Population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use subject only to those restrictions that apply to other residential uses of the same type in the same zone.

Swimming Pool. A pool, pond, land, or open tank intended for swimming or recreational bathing that contains water over 18 inches deep. "Swimming pool" includes in-ground and above ground pools, hot tubs and spas and portable spas and non-portable wading pools.

T. Definitions, "T."

Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include,

among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Telecommunication Facility. A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development. Telecommunications facilities are further classified by type (i.e., exempt, mini, minor and major) in Chapter 14.44 of the Petaluma Municipal Code. (Ord. 2039 N.C.S., 11/96)

Theater, cinema or performing arts. An indoor facility for public assembly and group entertainment, other than sporting events. Examples of these facilities include:

- civic theaters, and facilities for "live" theater and concerts
- movie theaters
- similar public assembly facilities

See also "Sports and Entertainment Assembly."

Theater, Movie. See Ordinance 2158 prohibiting movies outside of Theater Combining District until 8/4/23

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing is a residential use subject to only those restrictions that apply to other residential uses of the same type in the same zone.

U. Definitions, "U."

Utility Facility. A permanent structure or facility serving as a junction point for transferring a utility services product from transmission lines to local distribution and service lines, whether for electricity, natural gas, or domestic water supply. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

corporation and maintenance yards	public water system wells, treatment plants and storage
electrical substations and switching stations	wastewater treatment plants, settling ponds, and disposal
natural gas regulating and distribution facilities	fields

These uses do not include office or customer service centers, which are classified in "Offices"; or transmission, switching, distribution, or service facilities for telephone or other telecommunications services, which are instead classified in "Telecommunications Facilities."

Usable Open Space. Includes the aggregate area of side and rear yards, patios, and balconies and decks having a depth of not less than three (3) feet and area not less than 30 square feet, on a building site or building, which is available and accessible to the occupants of the building or building site for purposes of active and/or passive outdoor recreation. This area is exclusive of driveways, areas for off-street parking and services, and ground level areas with a width of less than five (5) feet or maximum dimension of under ten (10) feet. At least seventy-five (75%) percent of the usable open space shall have a slope of ten (10%) percent or less.

Use, Accessory. A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located. See also "Primary Use."

Use, Conditional. A use of a site for which application for and approval of a Conditional Use Permit is required.

Use, Permitted. For the purpose of this ordinance, a permitted use in any district shall include any use listed as a *Permitted Principal Use* or *Accessory Use*.

Use, Primary. The main purpose for which a site is developed or occupied, including the activities that are conducted on the site a majority of the hours during which the activities occur.

Use, Temporary. A use of land that is designed operated and occupies a site for a limited period of time, typically less than 12 consecutive months.

V. Definitions, "V."

Vehicle Services. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

- 1. Major Repair/Body Work.** These establishments include towing, collision repair, other body work, and painting services; tire recapping.
- 2. Minor Maintenance/Repair.** Minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes; car stereo and alarm installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Does not include automobile parking (see "Parking Facilities"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."

Vehicle Storage. A service facility for the long-term storage of operative cars, trucks, buses, recreational vehicles, and other motor vehicles, for clients. Does not include dismantling yards (classified in "Recycling - Scrap and Dismantling Yards").

Veterinary Clinic, Animal Hospital. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals.

Vision Triangle. The triangular area formed by the intersection of the extension of the curb lines and a line connecting them at points thirty-five (35) feet from the intersection of the extended curb lines.

W. Definitions, "W."

Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. May also include distribution of products direct to customers from online sales. Examples of these include, but are not limited to:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment
- ecommerce facilities

X. Definitions, "X."

No definitions beginning with "X"

Y. Definitions, "Y."

Yard. An open space on the same site as a structure, unoccupied and unobstructed from the ground upward.

Z. Definitions, "Z."

Zoning. The act of regulating the use of land and the size of and location of buildings on the land, such regulations are designed to assure the health, safety and general welfare of a community.

Zoning District. Any of the residential, commercial, public, or overlay districts established by Article XX of this Zoning Code (Zoning Districts, Allowable Land Uses and Permit Requirements), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

Zoning Map. The Zoning Map or Maps of the City of Petaluma, California together with all amendments subsequently adopted.