




Agenda Item #3.C

DATE: **March 1, 2021**

TO: Honorable Mayor and Members of the City Council through City Manager 

FROM: Heather Hines, Planning Manager

SUBJECT: Adoption (Second Reading) of Ordinances Approving Zoning Text Amendments to the Implementing Zoning Ordinance and SmartCode to Prohibit New Gas Station Land Uses and Enact New Regulations for Zero Emission Vehicles

RECOMMENDATION

It is recommended that the City Council:

- Adopt (second reading) of an Ordinance approving Zoning Text Amendments to the Implementing Zoning Ordinance, Ordinance 2300 N.C.S., Chapter 4 (Zone Districts and Allowable Uses), Chapter 11 (Parking and Loading Facilities, Off-Street), Chapter 22 (Non-Conforming Uses), and Chapter 28 (Glossary) to prohibit new gas station land uses and enact new regulations for Zero Emission Vehicles (**Attachment 1**); and
- Adopt (second reading) of an Ordinance approving Zoning Text Amendment to the SmartCode, Section 3 (Building Function Standards) and Section 9 (Glossary) to prohibit new gas station land uses and enact new regulations for Zero Emission Vehicles (**Attachment 2**).

BACKGROUND

On February 22, 2021, the City Council adopted, by unanimous vote of the members present, Resolution No. 2021-024 amending Policy 4-P-10 of the Petaluma General Plan 2025 to prohibit new gas station land uses. On February 22, 2020, the City Council also introduced by unanimous vote of the members present, of two ordinances for Zoning Text Amendments to the City's Implementing Zoning Ordinance (IZO) and SmartCode. The approval included the following modifications to the staff recommendation: (1) a Conditional Use Permit requirement for the Zero Emission Vehicles (Hydrogen Fuel Cell Station) land use; and (2) miscellaneous edits to the text of IZO Sections 22.030 and 22.035. These modifications to the ordinances as introduced are reflected in **Attachment 1** and **2**.

Advertisement of the ordinances has, pursuant to the Petaluma Charter, been posted on the bulletin board at City Hall.

ATTACHMENTS

Attachment 1: Ordinance Amending the Implementing Zoning Ordinance
Exhibit 1: IZO Chapters 4, 11, 22, and 28
Attachment 2: Ordinance Amending the SmartCode

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA
AMENDING THE TEXT OF THE IMPLEMENTING ZONING ORDINANCE,
ORDINANCE 2300 N.C.S., TO MODIFY CHAPTER 4 (ZONE DISTRICTS AND
ALLOWABLE USES), CHAPTER 11 (PARKING AND LOADING FACILITIES,
OFF-STREET), CHAPTER 22 (NON-CONFORMING USES), AND CHAPTER
28 (GLOSSARY)**

WHEREAS, the City of Petaluma has initiated a Zoning Text Amendment in response to the Moratorium on Approval of Applications for New Gas Station Uses enacted under Ordinance Nos. 2681, 2688 and 2724; and

WHEREAS, with regard to Government Code Section 65858(d), this ordinance is a measure to alleviate the condition which led to the adoption of the moratorium; and

WHEREAS, Section 25.010 of the City of Petaluma Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S. (IZO) provides in pertinent part that no amendment that regulates matters listed in Government Section 65850, which matters include the use and construction of buildings and structures, shall be made to the IZO unless the Planning Commission and City Council find the amendments to be in conformity with the City's General Plan and consistent with the public necessity, convenience, and general welfare in accordance with Section 25.050(B) of the IZO; and

WHEREAS, in accordance with Sections 25.010 and 25.050(B) of the IZO, the proposed amendments to the IZO as in Exhibit 1 to this ordinance are in general conformity with the City's General Plan in accordance with the following:

- As amended, General Plan Policy 4-P-10 states, "Prohibit new fossil fuel gas stations and transition existing stations to serve Zero Emission Vehicles," and the IZO amendments pursuant to this ordinance prohibiting new fossil fuel gas stations and establishing non-conforming use regulations directly implements this policy;
- General Plan Policy 4-P-8 states, "Support, where feasible, the development of alternative fuel stations," and the IZO amendments pursuant to this ordinance facilitating the use of Zero Emission Vehicles support this policy by providing clear regulations for the rapid deployment of transportation technologies without adverse environmental and human health effects endemic to fossil fuels and internal combustion engines; and

WHEREAS, in accordance with Section 25.050(B) of the IZO, the IZO amendments pursuant to this ordinance are consistent with the public necessity, convenience, and welfare, in accordance with the following:

- Pursuant to Resolution No. 2019-055 Declaring a Climate Emergency the City Council has, among other things, directed giving "precedence to climate mitigation and adaptation when evaluating policies" and committed to reduce citywide greenhouse gas emission, "to carbon neutrality as quickly as possible and no later

than 2045 - the goal set by Governor Brown's Executive Order B-55-188," and to accelerate climate adaptation and resilience strategies;

- More recently, on January 11, 2021, the City Council adopted Resolution No. 2021-007 N.C.S. adopting a Climate Emergency Framework which underscores the need for urgent action and accelerated the City's carbon neutrality goal to 2030; The amendments to the IZO pursuant to this ordinance prohibiting of fossil fuel gas stations and regulations regarding potential future changes to such uses constitute a public necessity and promote the general welfare by preventing the future expansion of a fuel type resulting in greenhouse emissions from the transportation sector) and, in doing so, support the Council's goal of carbon neutrality.;
- The prohibition of fossil fuel gas stations prevents future sources of environmental pollution through, for example, the transmission of fossil fuels into the soil, groundwater and surface waters, and prevents future sources of air pollution harmful to public health;
- The provisions of this ordinance facilitating the use of Zero Emission Vehicles support the use of transportation technologies without adverse environmental effects from greenhouse gas emissions, and soil, water and air pollution.

WHEREAS, the text amendments contained in Exhibit 1 to this ordinance would modify the City's IZO by codifying a prohibition on new, not already approved gas station uses, enact new non-conformity regulations specific to existing and approved Gas Station uses, and enact new regulations for the fueling of Zero Emission Vehicles; and

WHEREAS, on January 26, 2021 the Planning Commission held a duly noticed public hearing in accordance with Section 25.050 of the IZO to consider the IZO amendments and reviewed the environmental analysis prepared for the project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, on January 26, 2021 and after all interested parties had the opportunity to be heard, the Planning Commission adopted Resolution No. 2021-02 recommending approval of the amendments without modification, in accordance with IZO Section 25.050; and

WHEREAS, on February 12, 2021, public notice of the February 22, 2021 City Council meeting to consider the amendments was published in the Argus Courier and mailed to all property owners of existing and approved gas stations in compliance with state and local law, and routed to appropriate agencies listed under Government Code Section 65352; and

WHEREAS, on February 22, 2021, the City Council reviewed the environmental analysis prepared for the project in accordance with the CEQA, and received and considered all written and oral public comments on environmental effects of the Amendment which were submitted up to and at the time of the public hearing;

WHEREAS, in accordance with CEQA, this ordinance is not a project subject to CEQA review in accordance with Sections 15378 and 1501(b)(3) of the CEQA Guidelines because it

has no potential for resulting in physical change in the environment, directly or ultimately, and it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment in that this ordinance prevents environmental impacts resulting from new gas station uses; and

WHEREAS, for purposes of Section 65850.7 of the Government Code, enacted pursuant to AB-1236 in October, 2015, applications to install electric vehicle charging stations are generally ministerial projects exempt from CEQA review in accordance with Section 21080 of the Public Resources Code, because AB-1236 requires cities to administratively approve applications to install electric vehicle charging stations through issuance of a building permit or similar non-discretionary permit, absent substantial evidence in the record that a proposed installation would have a specific, adverse impact upon public health or safety, and that there is no feasible method to satisfactorily mitigate or avoid the adverse impact; and

WHEREAS, in the alternative, if this ordinance constitutes a CEQA project, it is nonetheless exempt from CEQA review in accordance with Section 15301 of the CEQA Guidelines because this ordinance will permit minor alteration of existing private structures and mechanical equipment at existing and approved gas and fueling stations to accommodate fueling of zero emission vehicles and involve negligible or no expansion of existing uses; and

WHEREAS, if this ordinance constitutes a CEQA project, it is also exempt from CEQA review in accordance with Section 15303 of the CEQA Guidelines because this ordinance will permit construction and location of limited numbers of new, small facilities or structures, the installation of small new equipment and facilities in small structures, and the conversion of existing small structures to accommodate fueling of zero emission vehicles where only minor modifications are made in the exterior of the structure; and

WHEREAS, if this ordinance constitutes a CEQA project, it is also exempt from CEQA review in accordance with Section 15304 because this ordinance will permit minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees, including minor trenching and backfilling where the surface is restored to accommodate fueling of zero emission vehicles; and

WHEREAS, if this ordinance constitutes a CEQA project, it is also exempt from CEQA review in accordance with Sections 15307 and 15308 this ordinance constitutes action taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource and protection of the environment where the regulatory process involves procedures for protection of the environment by accommodating fueling of zero emission vehicles; and

WHEREAS, on February 22, 2021, the City Council of the City of Petaluma held a duly noticed public hearing to consider the text amendments; and

NOW THEREFORE BE IT ORDAINED by the Council of the City of Petaluma as follows:

Section 1. Recitals Made Findings. The above recitals are hereby declared to be true and correct and are incorporated into this ordinance as findings of the City Council.

Section 2. California Environmental Quality Act. This ordinance complies with the requirements of the California Environmental Quality Act (CEQA) in accordance with the following:

A. Actions Relating to Gas Station Prohibition

This ordinance prohibiting new, not-already-approved gas station uses is not a project within the meaning of CEQA Guidelines Section 15378, because this ordinance has no potential for resulting in physical change in the environment, directly or ultimately. This ordinance prevents changes to the environment related to new, not-already-approved gas station use applications. Moreover, this ordinance is, pursuant to CEQA Guidelines 15061(b)(3), not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This ordinance will prohibit new, not-already-approved gas stations uses and, in turn, prevent physical changes to the environment, and therefore it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

B. Actions Relating to New, Non-Conformity Regulations for Gas Stations

This ordinance applies to sixteen already-developed properties and one new gas station use to be developed and which has already separately demonstrated compliance with CEQA. This ordinance prohibits the enlargement, extension, reconstruction or relocation of gas station uses and defines four specific categories of permitted modifications, as follows: (1) those to improve soil, groundwater and stormwater quality; (2) those necessary to improve traffic safety; (3) those to enable battery charging stations for Zero Emission Vehicles; and (4) those to install facilities for the storage, conveyance and dispensing of hydrogen to zero emission vehicles. The latter two categories of modifications (i.e., battery charging stations, hydrogen) are addressed separately below.

The new non-conformity regulations in this ordinance for gas station uses and that prohibit enlargement, extension, reconstruction or relocation of gas station uses are categorically exempt from CEQA under CEQA Guidelines Section 15301 which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

The new non-conformity regulations in this ordinance for gas stations uses that allow modifications to improve soil, groundwater and stormwater quality and traffic safety, are categorically exempt from CEQA in accordance with the following:

- CEQA Guidelines Section 15301 which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing

public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

- CEQA Guidelines Section 15303 which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
- CEQA Guidelines Section 15304 which applies to minor public or private alterations in the condition of land, water, and/or vegetation (e.g., new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping, minor trenching and backfilling where the surface is restored).
- CEQA Guidelines Section 15308 which applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

C. Actions Relating to Land Use - Zero Emission Vehicles (Battery Charging Station)

The provisions of this ordinance pertaining to battery charging standards for Zero Emission Vehicles are not a project within the meaning of CEQA Guidelines Section 15378, because, pursuant to Government Code Section 65850.7, all permit requests for such charging stations shall be administratively reviewed through a building permit or similar nondiscretionary permit. Therefore, because ZEV charging station projects are not subject to discretionary review, the provisions of this ordinance pertaining to standards for ZEV charging standards are not a “project” within the meaning of CEQA.

D. Actions Relating to Land Use - Zero Emission Vehicles (Hydrogen Fuel Cell Station)

This ordinance would allow for hydrogen fuel stations at existing gas stations. As described, there are sixteen already-developed gas stations and one new gas station to be developed and which has already separately demonstrated compliance with CEQA. Presently, there are no retail hydrogen stations in the City of Petaluma.

Using the “Hydrogen Station Permitting Guidebook, California Governor’s Office of Business and Economic Development (GO-Biz), September 2020” as a basis to determine reasonably foreseeable changes to the environment that may result from the installation of retail hydrogen stations at existing Gas Stations, and in particular, Pages 13 to 18, and Pages 49 to 53 of the Guidebook, it is anticipated that hydrogen will be integrated into an existing gas stations with

minor physical changes to sites that are already substantially disturbed, paved and/or with existing structures.

Pumps are anticipated to be integrated alongside existing ones used for gasoline dispensing or along an existing vehicular path of travel. Minor trenching is anticipated to install pipes that convey hydrogen to each pump. Lastly, hydrogen fuel would be stored aboveground within a concrete masonry enclosure similar those commonly used to enclose trash and recycling receptacles. Once installed, the retail operation of hydrogen pumps provides drivers with a similar experience to gasoline or diesel with respect to fueling, dispenser operation, fill time, and payments.

Therefore, the provisions of this ordinance pertaining to hydrogen fuel cell station standards for Zero Emission Vehicles are categorically exempt from CEQA in accordance with the following:

- CEQA Guidelines Section 15301, which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.
- CEQA Guidelines Section 15303, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
- CEQA Guidelines Section 15304, which applies to minor public or private alterations in the condition of land, water, and/or vegetation (e.g., new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping, minor trenching and backfilling where the surface is restored).

Section 3. Zoning Text Amendments.

The amendments to Chapter 4 (Zone Districts and Allowable Uses), Chapter 11 (Parking and Loading Facilities, Off-Street), Chapter 22 (Non-Conforming Uses), and Chapter 28 (Glossary) of the City of Petaluma Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S attached to and made a part of this ordinance as Exhibit 1, (~~striketrough~~ = deletion; underline = addition), are hereby adopted in accordance with the findings pursuant to Sections 25.010 and 25.050 of the City's Implementing Zoning Ordinance that are contained in this ordinance.

Section 4. Severability. If any provision of the ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are

severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 5. Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

Section 6. Publication. The City Clerk is hereby directed to publish or post this Ordinance or a synopsis for the period and in the manner provided by the City Charter and any other applicable 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

Attachment 1 – Exhibit 1

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				Specific Use Regulations
	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
<u>Zero Emission Vehicles (Battery Charging Station)</u>	<u>A(18)</u>	<u>A(18)</u>	<u>A(18)</u>	<u>A(18)</u>	

Key to zone symbols

OS - Open Space

AG - Agriculture

RR - Rural Residential

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)
- (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
- (18) Pursuant to Government Code Section 65850.7, this Zoning Ordinance requires no permit for stations.
- (19) Allowed with CUP when located on site of an existing Fueling Station/Gas Station land use.

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	A,S	Section 7.030
Dwelling, Junior Accessory	A,S	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	—	—	—	—	
Zero Emission Vehicles (Battery Charging Station)	A (18)	A (18)	A (18)	A (18)	

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)
- (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
- (18) Pursuant to Government Code Section 65850.7, this Zoning Ordinance requires no permit for stations.
- (19) Allowed with CUP when located on site of an existing Fueling Station/Gas Station land use.

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	A,S	A,S	A,S	Section 7.030
Dwelling, Junior Accessory	A,S	A,S	A,S	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		P(16) Permitted Use			
Allowed Land Uses and Permit Requirements for Mixed Use Zones		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	
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	
Fueling Station/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)	

TABLE 4.3		P(16) Permitted Use CUP Conditional Use Permit Required S Permit Requirement in Specific Use Regulations A Accessory Use — Use Not Allowed			
Allowed Land Uses and Permit Requirements for Mixed Use Zones	Permit Required by Zone				Specific Use Regulations
	MU1A	MU1B	MU1C	MU2	
LAND USE TYPE (1)					
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	
<u>Zero Emission Vehicles (Battery Charging Station)</u>	<u>A(18)</u>	<u>A(18)</u>	<u>A(18)</u>	<u>A(18)</u>	
<u>Zero Emission Vehicles (Hydrogen Fuel Cell Station)</u>	<u>CUP (19)</u>	<u>—</u>	<u>—</u>	<u>CUP (19)</u>	
Key to zone symbols					
MU1A - Mixed Use 1A		MU1C - Mixed Use 1C			
MU1B - Mixed Use 1B		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)					
(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					
<u>(18) Pursuant to Government Code Section 65850.7, this Zoning Ordinance requires no permit for stations.</u>					
<u>(19) Allowed with CUP when located on site of an existing Fueling Station/Gas Station land use.</u>					

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
LAND USE TYPE (1)	C1	C2	BP	I	
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	—	—	—	—	
<u>Fueling Station</u> /Gas station	<u>P</u>	<u>P</u>	<u>CUP</u>	—	
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	

TABLE 4.4		P(16) Permitted Use CUP Conditional Use Permit Required S Permit Requirement in Specific Use Regulations A Accessory Use — Use Not Allowed				
Allowed Land Uses and Permit Requirements for Commercial, Business Park, and Industrial Zones		Permit Required by Zone				Specific Use Regulations
		C1	C2	BP	I	
LAND USE TYPE (1)		C1	C2	BP	I	Specific Use Regulations
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	
<u>Zero Emission Vehicles (Battery Charging Station)</u>		<u>A (18)</u>	<u>A (18)</u>	<u>A (18)</u>	<u>A (18)</u>	
<u>Zero Emission Vehicles (Hydrogen Fuel Cell Station)</u>		<u>CUP (19)</u>	<u>CUP (19)</u>	<u>=</u>	<u>=</u>	

Key to zone symbols:**C1 - Commercial 1****BP - Business Park****C2 - Commercial 2****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
- (18) Pursuant to Government Code Section 65850.7, this Zoning Ordinance requires no permit for stations.
- (19) Allowed with CUP when located on site of an existing Fueling Station/Gas Station land use.

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	
<u>Zero Emission Vehicles (Battery Charging Station)</u>	<u>A (18)</u>	

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
Rear – Accessory Dwelling	4 ft	4 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 ²	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).
2. See Section 7.030. Does not apply to accessory dwelling units 800 sf or less.

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
Rear – Accessory Dwelling	4 ft	4 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 ²	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).
2. See Section 7.030. Does not apply to accessory dwelling units 800 sf or less.

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
Rear – Accessory Dwelling	4 ft	4 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 ²	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 ³
Accessory Structure	25 ft	25 ft
Accessory Dwelling	21 ft	21 ft
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. See Section 7.030. Does not apply to accessory dwelling units 800 sf or less.

3. 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 Primary structure	<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>	
Front	0 ft	0 ft minimum 10 ft maximum
	0 ft	0 ft minimum 10 ft maximum
Side – Interior (each)	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
Side – Street side	0 ft	0 ft minimum 10 ft maximum
	0 ft	0 ft
Rear	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
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
Rear – Accessory Dwelling	4 ft	4 ft
Site coverage Maximum coverage ²	Floor Area Ratio. The gross floor area of all buildings on a lot divided by the building site area.	Site Coverage. The percent of the total site area covered by structures, open or enclosed, excluding uncovered steps, patios and terraces.
	2.5 floor area ratio	80 % 100% for structured parking
Height limit Maximum height	<i>Maximum allowable height of structures. See Glossary for height measurement requirements, and Chapter 12 for height limit modifications.</i>	
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. See Section 7.030. Does not apply to accessory dwelling units 800 sf or less.
3. 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
	0 ft	0 ft
Side – Interior (each)	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
Side – Street side	0 ft	0 ft
	0 ft	0 ft
Rear	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
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>	
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		
Corner lot	Same as abutting zoning district	
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	

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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.

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 what currently exists for 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 No replacement parking required for conversions to accessory dwelling units or junior accessory dwelling units.
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.

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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

Except as otherwise provided in Section 22.035, All non-conforming uses and structures ~~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. **Modifications to Non-Conforming Structures and Accessory Dwelling Unit Conversions.** A non-conforming structure that will be converted to an accessory dwelling unit may be reconstructed to occupy the same location, building footprint, and height as the existing structure. A conversion or reconstruction for the purposes of creating a new accessory dwelling unit that is proposing expansion to a nonconforming structure, such as a second story, must provide setbacks of no less than four feet from the side and rear lot lines.
- C. **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.
- D. **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.
- E. **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.
- F. **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.

- G. **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.

22.035 - Regulation of Non-conforming Fueling Station/Gas Station Uses and Structures

- A. **Purpose.** To support implementation of General Plan Policy 4-P-10 through regulations that:
1. Provide for the continued operation of Fueling Station/Gasoline Station uses as legal non-conforming uses and describe when they may be deemed abandoned.
 2. Allow alterations to Fueling Station/Gasoline Stations when such changes provide greater protection of the environment, safeguard public health and safety, facilitate the use of zero emission vehicles, or enable other uses permitted within the respective zoning district.
 3. Prohibit Fueling Station/Gasoline Station operations from increasing the storage and dispensing capacity of gasoline and any other fossil fuel.
- B. **Applicability.** This section applies to:
1. All lawfully developed and operating Fueling Station/Gasoline Station uses in existence prior to [insert ordinance effective date; e.g., April 16, 2021].
 2. All Fueling Station/Gasoline Station uses not yet developed and/or operating but subject to an approved and unexpired land use permit.
- C. **Modifications to Fueling Stations/Gas Station Uses, Generally.** Except as provided below, Fueling Station/Gas Station uses and structures related thereto shall not be enlarged, extended, reconstructed or moved to a different portion of the lot or parcel of land occupied by such use. As determined by the Zoning Administrator, examples of features subject to this provision include, but are not limited to, those related to the sale, storage, conveyance, and dispensing of gasoline and any other fossil fuel (e.g., storage tanks, pumps, dispensers).
- D. **Modifications to Improve Soil, Groundwater and Stormwater Quality.** Fueling Station/Gas Station uses may be modified to conform to current stormwater quality control regulations or remediate contamination of the soil or groundwater.
- E. **Modifications to Improve Traffic Safety.** As determined by the City Engineer, the pedestrian and vehicular circulation features (e.g., curbing, sidewalks, traffic control devices) of a Fueling Station/Gas Station use may be modified to improve public safety.
- F. **Modifications to Enable Zero Emission Vehicles (Battery Charging Station).** Fueling Station/Gas Station uses may be modified to accommodate battery charging station(s) for zero emission vehicles. Pursuant to Government Code Section 65850.7, this Zoning Ordinance requires no permit for battery charging stations.
- G. **Modifications to Enable Zero Emission Vehicles (Hydrogen Fuel Cell Station).** Fueling Station/Gas Station uses may be altered to include facilities for the storage, conveyance and dispensing of hydrogen to zero emission vehicles.
- H. **Modifications for Commercial Uses Other Than Fossil Fuel Sales.** Fueling Station/Gas Station uses may be altered to accommodate commercial uses that are not related to fossil fuel sales and provided for in the respective zoning district.
- I. **Discontinuation of a Fueling Station/Gas Station Uses or Structures.** A Fueling Station/Gas Station use shall not be re-established if such use has been discontinued for a continuous period of twelve (12) months or more, or

has been changed to, or replaced by, a conforming use. If the use has discontinued for reasons of construction under a valid building permit, the Zoning Administrator may extend the 12-month timeframe when presented with documentation demonstrating construction has been pursued diligently and timely.

- J. **Applicability of Section 22.030 Requirements to Fueling Station/Gas Station Uses and Structures.** Paragraphs (C), (F) and (G) of Section 22.030 also apply to fueling station/gas station uses and structures regulated pursuant to this section. The requirements of paragraphs A, B, D and E of Section 22.030 do not apply to fueling station/gas station uses and structures regulated pursuant to this section.

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.

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA
AMENDING THE TEXT OF THE SMARTCODE TO MODIFY SECTION 3
(BUILDING FUNCTION STANDARDS) AND SECTION 9 (GLOSSARY)**

WHEREAS, the City of Petaluma has initiated a Zoning Text Amendment in response to the Moratorium on Approval of Applications for New Gas Station Uses enacted under Ordinance Nos. 2681, 2688 and 2724; and

WHEREAS, with regard to Government Code Section 65858(d), this ordinance describes is a measure to alleviate the condition which led to the adoption of the moratorium; and

WHEREAS, Section 25.010 of the City of Petaluma Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S. (IZO) provides in pertinent part that no amendment that regulates matters listed in Government Section 65850, which matters include the use and construction of buildings and structures, shall be made to the Implementing Zoning Ordinance (“IZO”) unless the Planning Commission and City Council find the amendments to be in conformity with the City’s General Plan and consistent with the public necessity, convenience, and general welfare in accordance with Section 25.050(B) of the IZO; and

WHEREAS, in accordance with Sections 25.010 and 25.050(B) of the IZO, the proposed amendments to the SmartCode as set forth below in this ordinance are in general conformity with the City’s General Plan in accordance with the following:

- As amended, General Plan Policy 4-P-10 states, “Prohibit new fossil fuel gas stations and transition existing stations to serve Zero Emission Vehicles,” and the IZO amendments pursuant to this ordinance prohibiting new fossil fuel gas stations and establishing non-conforming use regulations directly implements this policy; and
- General Plan Policy 4-P-8 states, “Support, where feasible, the development of alternative fuel stations,” and the SmartCode amendments pursuant to this ordinance facilitating the use of Zero Emission Vehicles support this policy by providing clear regulations for the rapid deployment of transportation technologies without adverse environmental and human health effects endemic to fossil fuels and internal combustion engines; and

WHEREAS, in accordance with Section 25.050(B) of the IZO, the SmartCode amendments pursuant to this ordinance are consistent with the public necessity, convenience, and welfare, in accordance with the following:

- Pursuant to Resolution No. 2019-055 Declaring a Climate Emergency the City Council has, among other things, directed giving “precedence to climate mitigation and adaptation when evaluating policies” and committed to reduce citywide greenhouse gas emission, “to carbon neutrality as quickly as possible and no later than 2045 - the goal set by Governor Brown’s Executive Order B-55-188,” and to

accelerate climate adaptation and resilience strategies; and

- More recently, on January 11, 2021, the City Council adopted Resolution No. 2021-007 N.C.S. adopting a Climate Emergency Framework which underscores the need for urgent action and accelerated the City's carbon neutrality goal to 2030. The amendments to the IZO pursuant to this ordinance prohibiting of fossil fuel gas stations and regulations regarding potential future changes to such uses constitute a public necessity and promote the general welfare by preventing the future expansion of a fuel type resulting in greenhouse emissions from the transportation sector) and, in doing so, support the Council's goal of carbon neutrality; and
- The prohibition of fossil fuel gas stations prevents future sources of environmental pollution through, for example, the transmission of fossil fuels into the soil, groundwater and surface waters, and prevents future sources of air pollution harmful to public health; and
- The provisions of this ordinance facilitating the use of Zero Emission Vehicles support the use of transportation technologies without adverse environmental effects from greenhouse gas emissions, and soil, water and air pollution.

WHEREAS, the Zoning Text Amendments would codify a prohibition on new, not already approved gas stations, include new uses of Zero Emission Vehicles (Battery Charging Station and Zero Emission Vehicles (Hydrogen Fuel Cell Station), and modify definitions; and

WHEREAS, on January 26, 2021 the Planning Commission held a duly noticed public hearing in accordance with Section 25.050 of the IZO to consider the SmartCode amendments and reviewed the environmental analysis prepared for the project in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, on January 26, 2021 and after all interested parties had the opportunity to be heard, the Planning Commission adopted Resolution No. 2021-02 recommending approval of the amendments without modification, in accordance with IZO Section 25.050; and

WHEREAS, on February 12, 2021, public notice of the February 22, 2021 City Council meeting to consider the amendments was published in the Argus Courier and mailed to all property owners of existing and approved gas stations in compliance with state and local law, and routed to appropriate agencies listed under Government Code Section 65352; and

WHEREAS, on February 22, 2021, the City Council reviewed the environmental analysis prepared for the project in accordance with the CEQA, and received and considered all written and oral public comments on environmental effects of the Amendment which were submitted up to and at the time of the public hearing; and

WHEREAS, in accordance with CEQA, this ordinance is not a project subject to CEQA review in accordance with Sections 15378 and 1501(b)(3) of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately, and it can be seen with certainty that there is no possibility that this ordinance will have a significant

effect on the environment in that this ordinance prevents environmental impacts resulting from new gas station uses; and

WHEREAS, for purposes of Section 65850.7 of the Government Code, enacted pursuant to AB-1236 in October, 2015, applications to install electric vehicle charging stations are generally ministerial projects exempt from CEQA review in accordance with Section 21080 of the Public Resources Code, because AB-1236 requires cities to administratively approve applications to install electric vehicle charging stations through issuance of a building permit or similar non-discretionary permit, absent substantial evidence in the record that a proposed installation would have a specific, adverse impact upon public health or safety, and that there is no feasible method to satisfactorily mitigate or avoid the adverse impact; and

WHEREAS, in the alternative, if this ordinance constitutes a CEQA project, it is nonetheless exempt from CEQA review in accordance with Section 15301 of the CEQA Guidelines because this ordinance will permit minor alteration of existing private structures and mechanical equipment at existing and approved gas and fueling stations to accommodate fueling of zero emission vehicles and involve negligible or no expansion of existing uses; and

WHEREAS, if this ordinance constitutes a CEQA project, it is also exempt from CEQA review in accordance with Section 15303 of the CEQA Guidelines because this ordinance will permit construction and location of limited numbers of new, small facilities or structures, the installation of small new equipment and facilities in small structures, and the conversion of existing small structures to accommodate fueling of zero emission vehicles where only minor modifications are made in the exterior of the structure; and

WHEREAS, if this ordinance constitutes a CEQA project, it is also exempt from CEQA review in accordance with Section 15304 because this ordinance will permit minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees, including minor trenching and backfilling where the surface is restored to accommodate fueling of zero emission vehicles; and

WHEREAS, if this ordinance constitutes a CEQA project, it is also exempt from CEQA review in accordance with Sections 15307 and 15308 this ordinance constitutes action taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource and protection of the environment where the regulatory process involves procedures for protection of the environment by accommodating fueling of zero emission vehicles; and

WHEREAS, on February 22, 2021, the City Council of the City of Petaluma held a duly noticed public hearing to consider the text amendments; and

NOW THEREFORE BE IT ORDAINED by the Council of the City of Petaluma as follows:

Section 1. Recitals Made Findings. The above recitals are hereby declared to be true and correct and are incorporated into this ordinance as findings of the City Council.

Section 2. California Environmental Quality Act. This ordinance complies with the requirements of the California Environmental Quality Act (CEQA) in accordance with the following:

A. Actions Relating to Gas Station Prohibition

This ordinance prohibiting new, not-already-approved gas station uses is not a project within the meaning of CEQA Guidelines Section 15378, because this ordinance has no potential for resulting in physical change in the environment, directly or ultimately. This ordinance prevents changes to the environment related to new, not-already-approved gas station use applications. Moreover, this ordinance is, pursuant to CEQA Guidelines 15061(b)(3), not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This ordinance will prohibit new, not-already-approved gas stations uses and, in turn, prevent physical changes to the environment, and therefore it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment.

B. Actions Relating to New, Non-Conformity Regulations for Gas Stations

This ordinance applies to sixteen already-developed properties and one new gas station use to be developed and which has already separately demonstrated compliance with CEQA. This ordinance prohibits the enlargement, extension, reconstruction or relocation of gas station uses and defines four specific categories of permitted modifications, as follows: (1) those to improve soil, groundwater and stormwater quality; (2) those necessary to improve traffic safety; (3) those to enable battery charging stations for Zero Emission Vehicles; and (4) those to install facilities for the storage, conveyance and dispensing of hydrogen to zero emission vehicles. The latter two categories of modifications (i.e., battery charging stations, hydrogen) are addressed separately below.

The new non-conformity regulations in this ordinance for gas station uses and that prohibit enlargement, extension, reconstruction or relocation of gas station uses are categorically exempt from CEQA under CEQA Guidelines Section 15301 which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

The new non-conformity regulations in this ordinance for gas stations uses that allow modifications to improve soil, groundwater and stormwater quality and traffic safety, are categorically exempt from CEQA in accordance with the following:

- CEQA Guidelines Section 15301 which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing

public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

- CEQA Guidelines Section 15303 which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
- CEQA Guidelines Section 15304 which applies to minor public or private alterations in the condition of land, water, and/or vegetation (e.g., new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping, minor trenching and backfilling where the surface is restored).
- CEQA Guidelines Section 15308 which applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

C. Actions Relating to Land Use - Zero Emission Vehicles (Battery Charging Station)

The provisions of this ordinance pertaining to battery charging standards for Zero Emission Vehicles are not a project within the meaning of CEQA Guidelines Section 15378, because, pursuant to Government Code Section 65850.7, all permit requests for such charging stations shall be administratively reviewed through a building permit or similar nondiscretionary permit. Therefore, because ZEV charging station projects are not subject to discretionary review, the provisions of this ordinance pertaining to standards for ZEV charging standards are not a “project” within the meaning of CEQA.

D. Actions Relating to Land Use - Zero Emission Vehicles (Hydrogen Fuel Cell Station)

This ordinance would allow for hydrogen fuel stations at existing gas stations. As described, there are sixteen already-developed gas stations and one new gas station to be developed and which has already separately demonstrated compliance with CEQA. Presently, there are no retail hydrogen stations in the City of Petaluma.

Using the “Hydrogen Station Permitting Guidebook, California Governor’s Office of Business and Economic Development (GO-Biz), September 2020” as a basis to determine reasonably foreseeable changes to the environment that may result from the installation of retail hydrogen stations at existing Gas Stations, and in particular, Pages 13 to 18, and Pages 49 to 53 of the Guidebook, it is anticipated that hydrogen will be integrated into an existing gas stations with

minor physical changes to sites that are already substantially disturbed, paved and/or with existing structures.

Pumps are anticipated to be integrated alongside existing ones used for gasoline dispensing or along an existing vehicular path of travel. Minor trenching is anticipated to install pipes that convey hydrogen to each pump. Lastly, hydrogen fuel would be stored aboveground within a concrete masonry enclosure similar those commonly used to enclose trash and recycling receptacles. Once installed, the retail operation of hydrogen pumps provides drivers with a similar experience to gasoline or diesel with respect to fueling, dispenser operation, fill time, and payments.

Therefore, the provisions of this ordinance pertaining to hydrogen fuel cell station standards for Zero Emission Vehicles are categorically exempt from CEQA in accordance with the following:

- CEQA Guidelines Section 15301, which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.
- CEQA Guidelines Section 15303, which applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
- CEQA Guidelines Section 15304, which applies to minor public or private alterations in the condition of land, water, and/or vegetation (e.g., new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping, minor trenching and backfilling where the surface is restored).

Section 3. Zoning Text Amendments.

A. The following amendments to the SmartCode are hereby adopted in accordance with the findings pursuant to Sections 25.010 and 25.050 of the City’s IZO that are contained in this ordinance:

1. Section 3 (Building Function Standards), Section 3.10.030 (Permit Requirements for Allowable Uses) shall be revised as follows:
 - a) For the Gas Station land use, the table shall indicate “-”; meaning the use is not allowed in any zoning district.
 - b) For every zoning district, a new land use of Zero Emission Vehicles (Battery Charging Station) shall be identified as “P,” meaning the use is

permitted in every zoning district, and with a new footnote of “5” stating, “Pursuant to Government Code Section 65850.7, this Smart Code requires no permit for stations.”

- c) For the T5 and D4 zoning districts, a new land use of Zero Emission Vehicles (Hydrogen Fuel Cell Station) shall be identified as “CUP” meaning the use is permitted in those zones, and with a new footnote of “6” stating, “Allowed with CUP when located on site of an existing Gas Station land use.”
2. Section 9 (Glossary), Section 9.10.020 (Definitions of Specialized Terms and Phrases) shall be revised as follows (~~strikethrough~~ = deletion; underline = addition):
- a) “Electric Vehicle Supply Equipment. The hardware, including connectors, fixtures, devices, and other components required to charge an electric vehicle.”
 - b) “Gas Station. A retail business selling gasoline or other motor vehicle fuels, and related products, derived from fossil fuels (e.g., petroleum, coal, natural gas). A gas station may also include a convenience store, vehicle services, restaurant facilities, and/or trailer rental where authorized by the Conditional Use Permit for the gas station.”
 - c) “Zero Emission Vehicle. A zero emission vehicle is any type of vehicle that has no tailpipe emissions. Vehicles run on electric motors and are powered by electricity delivered from batteries or hydrogen and fuel cells. In contrast to conventional internal combustion vehicles, zero emission vehicles prevent air pollution, lower greenhouse gas emissions, and help integrate renewable energy into the transportation sector. There are two kinds of zero emission vehicles: plug-in electric vehicles and hydrogen fuel cell electric vehicles.”
 - d) “Zero Emission Vehicles (Battery Charging Station). An accessory use consisting of one or more electric vehicle charging spaces served by an electric vehicle charger or other charging equipment. This includes any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.”
 - e) “Zero Emission Vehicles (Hydrogen Fuel Cell Station). One or more hydrogen fuel cell filling spaces served by equipment that stores, conveys, and dispenses hydrogen to zero emission vehicles.”

Section 4. Severability. If any provision of the ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are

severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 5. Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

Section 6. Publication. The City Clerk is hereby directed to publish or post this Ordinance or a synopsis for the period and in the manner provided by the City Charter and any other applicable law.