

Chapter 7

Standards for Specific Land Uses

7.010 - Purpose

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

7.020 - Applicability

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

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

7.030 - Accessory Dwellings

All accessory dwellings must comply with the following standards:

- A. An accessory dwelling may be created within an existing principal dwelling or accessory structure on the property; may be added to a principal dwelling or accessory structure; or may be built as a structure separate from any existing structure on the property. The maximum allowable living area of the accessory unit is 640 square feet. "Living area" is the interior habitable area of the accessory unit including basements and attics but not including garages. Living area shall be measured from the interior side of the exterior walls of the building.
- B. With the addition of an accessory dwelling unit, current parking standards at the time of the addition must be met for both the principal and accessory dwelling unit.
- C. Accessory dwellings must be permanent structures located on a permanent foundation.
- D. Accessory dwellings attached to the principal dwelling must comply with the principal dwelling setbacks of the zoning district. Detached accessory dwellings must comply with the setbacks of accessory structures.
- E. One (1) off-street parking space shall be provided for each bedroom or other room suitable for sleeping purposes within the accessory dwelling. This parking requirement shall be in addition to the requirement for the principal dwelling.
- F. An accessory dwelling shall have a minimum of one hundred (100) square feet of useable open space.
- G. An accessory dwelling shall be designed to be compatible with or exceed the architectural richness of existing development in the immediate vicinity or principal dwelling on the site. This shall include, but not be limited to, architectural features, colors, and building materials. New accessory dwellings constructed above the ground floor shall be designed to reasonably preserve the privacy of adjacent property owners.
- H. An accessory dwelling may be approved prior to construction of the principal dwelling if in conjunction with the concurrent development of four or fewer parcels.

7.040 - Dwelling Group

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

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

7.050 - Home Occupation Permit

- A. **Purpose.** It is the intent of this section to preclude incompatible home occupations from occurring in residential neighborhoods and to permit only those uses which conform to the standards of this section. Custom, tradition, and precedence are excluded as criteria for approval. In general, a home occupation shall be located and conducted such that the average neighbor, under normal circumstances, would be unaware of its presence. The standards applied are intended to insure compatibility with other permitted uses in residential areas and preserve the residential character of the neighborhood. The City Council favors home occupations that do not disrupt the neighborhood.
- B. **Permit Required.** No activity subject to the provisions of this section shall be conducted without review by the Planning Division and the issuance of a home occupation permit. Said permit shall be a conditional permit, issued by the Director or a designated representative, acting as the Zoning Administrator. A limited period of approval may be imposed by the Zoning Administrator.
- C. **Application for Permit.** Application for a home occupation permit shall be made to the Zoning Administrator (Director) on a form provided by the City of Petaluma.
- D. **Fee.** The fee for a home occupation permit shall be established by resolution of the City Council from time to time hereinafter enacted.
- E. **Requirements and Conditions.** The home occupation shall be subject to the following requirements and others as imposed by the Zoning Administrator to further the purposes of Section 7.050(A).
 - 1. The use shall be conducted primarily within the main dwelling structure and shall not involve the use of any yard space or outside area. Accessory structures such as garages may be used but not in such a way as to preclude required vehicular parking.
 - 2. The home occupation shall not be identifiable from the property line by any means including, but not limited to, sight, noise, light, smoke, odor, vibration, electrical interference, dust, glare, liquid or solid waste. A person standing on the boundary line of the property should not be aware of the home occupation.
 - 3. Commercial vehicles excepting pick-up trucks of three-fourths (3/4) ton or less shall not be used in conjunction with the home occupation.
 - 4. No internal or external alterations for the home occupation shall be made to the dwelling unit that are not

customarily found in or to serve residences.

5. There shall be no outside storage of equipment or supplies.
 6. Articles offered for sale shall be limited to those produced on the premises, except where the person conducting the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except samples, shall be received, stored and sold to customers at off-premises locations.
 7. The home occupation shall not create pedestrian, automobile, or truck traffic or parking in residential neighborhoods in excess of that normally associated with residential use, with no more than two non-occupant vehicles present on the street at any given time.
 8. No advertising shall be used which informs the public of the address of the home occupation (business cards and stationery letterhead excluded).
 9. Residents and not more than two non-residents may work at a home occupation location.
 10. A non-illuminated identification sign of not more than 1-1/2 square feet in area may be placed flat against an outside wall of the house to advertise the home occupation.
- F. **Examples of uses which will not be considered as home occupations.** The uses specified below shall not be permitted as home occupations because by their nature they have one or more of the following characteristics: equipment or machinery of a type or quantity not typically found in the home; need for outside storage; parking needs greater than what can be provided on-site; need for special permits (e.g., health, ABC, Federal Firearm, etc.); need for extensive alteration to the residence or lot. The uses specified below shall not be permitted as home occupations:
1. Auto or vehicle repair, or tune-up.
 2. Barber shop/beauty salon.
 3. Card-reading astrological services.
 4. Class instruction on premise with more than two students at any time.
 5. On-site painting services (auto, boat, appliances, etc.).
 6. Care, treatment, or boarding of animals for a fee.
 7. Gun repair, sale of guns or ammunition (sale of five or fewer guns a year is exempt from this section).
 8. Activities involving substantial amounts of dangerous or hazardous materials, including but not limited to pesticides, herbicides, poisons, and highly flammable materials.
 9. Any food handling, processing, or packing.
- G. **Advertising.** There shall be no outside advertising of the use other than within the phone book and then no address of the premises shall be listed, only a telephone number.
- H. **Revocation of Permit.** Upon receipt of a complaint regarding the operation of the home occupation or upon observation of a violation of City ordinances, the Director or a designated representative, shall determine whether the subject home occupation is in compliance with the provisions of this section. If the use is found not to be in full compliance with the Zoning Ordinance or conditions of approval, the Director shall have cause to suspend or

revoke the zoning permit or amend operational conditions. Once a zoning permit for a home occupation has been revoked, continued practice of the home occupation at that location is no longer permitted and subsequent applications shall not be filed within one (1) year from the date of revocation.

- I. **Appeal.** As prescribed in Section 24.070.

7.060 - Large Family Child Day Care

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

- A. **Permit Required.** No activity subject to the provisions of Section 7.060 shall be conducted without application for and approval of a business license.
- B. **Location.** In no case shall a residential property be directly abutted by large family day care properties on two or more sides.
- C. **Parking.** All dwellings used for large family day care facilities shall provide at least three off-street automobile parking spaces, no more than one of which may be provided in a garage or carport. These may include spaces already provided to fulfill residential parking requirements.
- D. **Drop-off and Pick-up.**
 - 1. Drop-off and pick-up of children at a proposed day care home shall be staggered.
 - 2. Residences located on arterial streets (as shown on the General Plan Circulation Map) must provide a drop-off/pick-up area designed to prevent vehicles from backing onto the arterial roadway. Regularly available on-street parking stalls adjacent to the site may be considered to satisfy this requirement.
- E. **Fencing and Barriers.** Any side or rear yard area intended for day care use shall be surrounded by a barrier to separate the children from neighboring properties unless the Director determines that a barrier is not necessary; e.g., for properties not bordering developed properties. Examples of acceptable barriers include hedgerows, chainlink or wood fences, walls, and the like. Fences shall be installed to protect the children from possible hazards (e.g., swimming pools, ravines, vicious animals, etc.).
- F. **Recreation Equipment.** Recreation equipment exceeding eight feet in height located in any yard area intended for day care use shall be kept a minimum distance of five feet from perimeter property lines.
- G. **Noise.** Noise generated from the proposed day care home must not exceed established standards and policies as set forth in the General Plan, i.e., not to exceed Ldn 60 as measured outside on neighboring property.
- H. **Fire and Building Code.** Day care homes shall comply with applicable building and fire code provisions, with applicable Building Codes, Fire Code standards adopted by the State and administered by the City Fire Marshal, and with Social Services Department licensing requirements (California Administrative Code, Title 22, Division 2).
- I. **Performance Standards.** The facility shall be operated in a manner consistent with the City's Performance Standards and not adversely affect adjoining residences.
- J. **Garage Conversions.** Conversion of a garage to living space requires a building permit and compliance with the parking requirements of this ordinance.

7.070 – Short-Term Activities

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

- A. **Special Activity.** A special activity is any of the following temporary (60 consecutive days or less unless otherwise restricted) uses of private property:
1. Outdoor sale of Christmas trees, pumpkins, or other produce, goods or merchandise.
 2. Outdoor swap meets or flea markets.
 3. Carnivals, circuses, rodeos, fairs, festivals, tent sales, open air theaters, exhibits, games of skill, rides, booths, concession stands and other temporary entertainment events open to the public which are held out-of-doors.
- B. **Application.** An application for a zoning permit shall be filed with the Director by the owner of the property where the special activity will occur or their agent. An application for a zoning permit shall be filed no less than thirty (30) days nor more than six months prior to the date the special activity is to commence. Upon a showing of good cause, the Director may process an application filed less than 30 days before the activity date if sufficient time remains to investigate the application. Waiver of application fee may be permitted by the Director upon proof of non-profit status of the applicant.
- C. **Accompanying Documents.** The application shall be accompanied by drawings and a plot plan showing the lot lines and dimensions and locations of improvements with dimensions and any other necessary data.
- D. **Issuance of Permit.** The Director shall issue a zoning permit unless it is determined from a consideration of the application or other pertinent information, that:
1. The operation or location of the proposed special activity would violate any provision of the Petaluma Municipal Code and Petaluma Zoning Ordinance including, but not limited to, the Performance Standards specified in Chapter 21 of the Zoning Ordinance.
 2. The operation or location of the proposed special activity would adversely affect surrounding uses or structures.
- E. **Permit Conditions.** The Director may condition the issuance of a zoning permit by imposing reasonable requirements with respect to location, construction, maintenance, operation and duration to insure compliance with the Zoning Ordinance and to protect surrounding uses and the safety of persons and property. Such conditions include but are not limited to:
1. Restrictions as to proximity to adjacent land.
 2. Restrictions on hours of operation and duration of the special activity.
 3. Restrictions to insure compliance with the performance standards in Chapter 21 of the Zoning Ordinance including restrictions on noise generating equipment and amplified sound systems.
 4. Off-street parking requirements and conditions concerning accommodation of pedestrian and vehicular traffic in the vicinity of the special activity.
 5. Restrictions on use and placement of signs.
 6. Requirements and restrictions on use of lighting.
 7. Requirements for the use of garbage containers and cleanup during the special activity, and clean-up/restoration of the property immediately following the termination of the special activity.

- F. **Duration of Permit.** The zoning permit shall be issued by the Director for a period not to exceed 60 consecutive days in any one calendar year.
- G. **Revocation.** The Director may revoke a zoning permit for failure of the permittee to comply with all the terms and conditions of the permit or for violating the Petaluma Municipal Code, or the Zoning Ordinance.
- H. **Appeal.** As prescribed in Section 24.070.

7.080 - Swimming Pools, Hot Tubs, and Spas

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

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

7.090 – Telecommunications Facilities

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

- A. **Definitions.** The types of facilities regulated by this section are defined in the City's Telecommunications Ordinance (Municipal Code 14.44).
- B. Telecommunications facilities are allowed only as described in **Table 7.090(B)**.

Table 7.090B

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

- C. Where a telecommunications facility is permitted by Table 7.090B, the approval(s) required prior to the commencement of the operation of a Telecommunications Facility are as prescribed in subsections 1-4 below.

1. **Exempt Facility.** An Exempt facility is an Accessory Use and no special permit is required, except when an Exempt facility is located in a Historic District. An Exempt facility located in a Historic District or on the site of a designated landmark is considered a Mini Facility subject to administrative Historic and Cultural Preservation approval as prescribed in Section 15.050.
 2. **Mini Facility.** A Mini Facility is an Accessory Use subject to administrative site plan and architectural review approval as prescribed by Section 24.010. When a Mini facility is located in a Historic District or on the site of a designated landmark, the following special permits are required:
 - a. A Minor conditional use permit as prescribed in Section 24.030; and
 - b. Administrative Historic and Cultural Review as prescribed in 15.030.
 3. **Minor Facility.** A Minor facility requires approval of a minor conditional use permit as prescribed in Section 24.030 and administrative site plan and architectural review approval as prescribed in Section 24.010. When a Minor facility is located in a Historic District or on the site of a designated landmark, approval of a major conditional use permit as prescribed in Section 24.030 and Historic and Cultural Preservation Committee approval as prescribed in Section 15.030 are required.
 4. **Major Facility.** A major facility requires approval of a major conditional use permit as prescribed in Section 24.030 and Planning Commission approval as prescribed in Section 24.101.
- D. A Telecommunication facility shall comply with the development standards (Tables 4.6 – 4.13) for the zoning district in which the facility is located, the City's Telecommunications Ordinance, and all other applicable City requirements.

7.100 -- Bed & Breakfast Inns

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

- A. **Purpose.** The intent of this section and the standards outlined below are to assist in preservation and adaptive reuse of the city's historic resources, to serve visitors of Petaluma, to ensure that bed and breakfast inns are compatible with the residential area and to preserve the residential character of the neighborhoods in which they are located.
- B. **Permit Required.** No bed and breakfast inn shall be established within a residential zoning district where otherwise allowed as outlined in Tables 4.1 and 4.2 without application for and approval of a Conditional Use Permit in compliance with Section 24.030.
- C. **Findings.** In addition to standard use permit findings in Chapter 24.030, the decision making body shall make the following findings prior to approval of a use permit for the establishment of a bed and breakfast inn in a residential zoning district:
 1. The establishment of the bed and breakfast inn is consistent with General Plan policies regarding historic preservation;
 2. The bed and breakfast inn use will not be detrimental to the historic or architectural character of the existing building(s); and
 3. The bed and breakfast inn use is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.

- D. **Requirements and Conditions.** The following requirements and conditions apply to all bed and breakfast inns within residential zoning districts:
1. **Adaptive Reuse.** Establishment of bed and breakfast inns shall be limited to the adaptive reuse or conversion of an historic or architecturally unique residential structure and shall not require significant exterior modifications that would diminish the uniqueness or significance of the residential structure or surrounding neighborhood.
 2. **Concentration.** When a new bed and breakfast inn is proposed within 300 feet of another bed and breakfast inn, the decision-making body shall make an additional finding prior to approval of the use that the new bed and breakfast inn does not harm the character and/or use of adjacent residential properties. In considering the findings required by this subsection and subsection 7.100.C above, the decision maker shall also consider the number of existing and proposed bed and breakfast inns within 300 feet of the proposed use in determining whether the proposed use is compatible with and not detrimental to the character of the neighborhood and surrounding land uses and/or not harmful to the character and/or use of adjacent residential properties.
 3. **Modifications.** New structures or additions to the existing structure shall be designed to maintain the established residential character and scale of the individual property and the surrounding neighborhood.
 4. **Limit on Maximum Number of Guest Rooms.** The number of guest rooms permitted shall be determined in the Conditional Use Permit process based on the size of the existing building, grounds and site; the relationship of the site to the character, size and scale of surrounding neighborhood buildings; and visitor access and parking. In general, the number of guest rooms should not exceed 7.
 5. **On-Site Manager.** An on-site manager shall maintain residence on the site.
 6. **Length of Stay.** Visitor occupancy shall be limited to a maximum of twenty-nine consecutive days.
 7. **Food Service.** Food service shall be limited to registered overnight guests only and shall not include an independent restaurant. Cooking facilities in individual guestrooms are prohibited (with the exception of microwaves and coffee makers).
 8. **Events.** Amplified music, lawn parties, outdoor weddings, and other similar activities shall not occur on site unless specifically allowed through the approved Conditional Use Permit. All such ancillary uses shall comply with City Performance Standards, including but not limited to the Performance Standards in Chapter 21.
 9. **Signs.** One on-site sign shall be allowed on each street frontage. If illuminated, signs shall be indirectly illuminated, and each sign shall not exceed two square feet in area, consistent with Section 20.110(B)(4).
 10. **Parking.** On-site parking shall be provided as required in Table 11.1 for Bed and Breakfast Inns.
 11. **Transient Occupancy Tax.** Bed and breakfast rentals shall be subject to the City's transient occupancy tax.
- E. **Public Notice.** Noticing for bed and breakfast inn applications shall include mailed notice to properties within 1,000 feet of the proposed use.