Atascadero City Council  
Staff Report - Community Development Department

Title 9 Planning and Zoning Text Amendment  
ZCH 2006-0125 / PLN 2006-1139  
(City of Atascadero)

(Consideration of the adoption of an Ordinance to establish permanent  
creek setbacks.)

RECOMMENDATION:

Council adopt on second reading, by title only, Draft Ordinance A approving Zone  
Change 2006-0125 based on findings.

DISCUSSION:

The proposed Zoning Ordinance text change consists of a creek setback ordinance to  
be included in Chapter 4, Site Development Standards, in Title 9 of the Atascadero  
Municipal Code. The code text amendment would make the following changes:

- Create a 35-foot setback along Atascadero Creek, Graves Creek, and Boulder  
  Creek, to be measured from the edge of the creek reservation.
- Create a 20-foot setback along blueline creeks, measured from the ordinary high  
  water mark.
- Create a 35-foot setback along the Salinas River, measured from the ordinary  
  high water mark.
- Create exceptions and definitions for the setbacks.

The proposed ordinance serves a dual purpose of ensuring the uninterrupted natural  
flow of the streams and protection of the riparian ecosystem, as well protecting public  
health and safety by minimizing the exposure of structures to creek bank failure and  
flooding. The proposed ordinance has been developed to implement Policy 8.2 of the  
2002 General Plan (page II-33) and to be consistent with the corresponding General  
On May 8, 2007, the City Council conducted a public hearing and introduced the zone change for first reading. On a 3-2 vote, City Council approved the first reading with modifications. The first modification was to remove significant drainage courses and jurisdictional wetlands from the proposed ordinance. The second modification was to change the setback on the Salinas River from the proposed 50 feet to 35 feet, measured from the ordinary high water mark. Three additional exceptions were added to the text of the ordinance, including exceptions for shallow lots, 100% rebuild for destroyed structures, and additions to structures located within the setback area.

**FISCAL IMPACT:**

The proposed amendments are not expected to have a significant fiscal impact on the City of Atascadero.

**ATTACHMENTS:**

Attachment 1: Draft Ordinance A
DRAFT ORDINANCE A

ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE
ATASCADERO MUNICIPAL CODE BY APPROVING ZONE CHANGE
2006-0125 TO ESTABLISH A CREEK SETBACK ORDINANCE
(Citywide/City of Atascadero)

The City Council hereby finds and declares as follows:

WHEREAS, an application has been received from the City of Atascadero (6907 El Camino Real), to consider Zone Change Text Amendments to create a Creek Setback Ordinance to coincide with the General Plan requirements; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2006-0039 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the City Council has determined that it is in the best interest of the City to enact this amendment to Title 9 Planning and Zoning of the Municipal Code; and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Planning and Zoning Text Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Planning and Zoning Text Amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on April 3, 2007, studied and considered Zone Change 2006-0125; and,

WHEREAS, the City Council of the City of Atascadero held a public hearing on May 8, 2007 following the close of the review period to consider the Initial Study and Proposed Negative Declaration; and,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO
HEREBY ORDAINS AS FOLLOWS:
SECTION 1. Findings for Approval of a Zone Text Change. The City Council finds as follows:

1. The Planning and Zoning text change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

2. Amendment of the Zoning Ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.

3. The text change will not, in itself, result in significant environmental impacts.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on June 12, 2007 resolved to introduce for second reading by title only, an ordinance that would amend the City Zoning code text with the following:

Exhibit A: Zoning Ordinance Text Amendment

SECTION 3. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on May 8, 2007, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on June 12, 2007, by the following roll call vote:
On motion by Council Member ________, and seconded by Council Member _______ the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

______________________________
Dr. George Luna, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C.,
City Clerk

APPROVED AS TO FORM:

______________________________
Patrick L. Enright, City Attorney
Title 9 PLANNING AND ZONING

Chapter 4 GENERAL SITE DESIGN AND DEVELOPMENT STANDARDS

9-4.101 Purpose.

9-4.102 Applicability of the standards.

9-4.103 Setbacks.

9-4.104 Exceptions to setback standards.

9-4.105 Use of setbacks.

9-4.106 Front setbacks.

9-4.107 Side setbacks.

9-4.108 Rear setbacks.

9-4.109 Interior setbacks and open areas.

9-4.110 Projections into required setbacks.

9-4.111 Setbacks from blueline creeks

9-4.112 Heights.

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9-4.115 Parking and Loading.

9-4.116 Off-street parking required.
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9-4.1187 Parking design standards.

9-4.1198 Required number of parking spaces.

9-4.1209 Parking lot construction standards.

9-4.1219 Off-site parking.

9-4.1224 Off-street loading requirements.

9-4.1232 Drive-in and drive-through facilities.

9-4.1243 Driveway standards for single-family residential uses.

9-4.1254 Landscaping, screening and fencing.

9-4.1265 Landscape standards.

9-4.1276 Standards for landscaping materials.

9-4.1287 Landscaping plans.

9-4.1298 Fencing and screening.

9-4.1309 Solid waste collection and disposal.

9-4.137 Exterior lighting.

9-4.138 Grading.

9-4.139 Grading plan required.

9-4.140 Grading permit required.

9-4.141 Grading permit: Application content.

9-4.142 Grading permit review and approval.

9-4.143 Special grading standards.
9-4.144 Grading standards.

9-4.145 Sedimentation and erosion control.

9-4.146 Nuisance and hazard abatement.

9-4.148 Drainage.

9-4.149 Drainage plan required.

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9-4.153 Plan check, inspection and completion.

9-4.154 Drainage standards.

9-4.156 Street trees (Reserved).

9-4.157 Tree management plan (Reserved).

9-4.158 Street and frontage improvements.

9-4.159 Curbs, gutters and sidewalks.

9-4.160 Streets.

9-4.162 Archeological resources.

9-4.164 Lot line adjustment review for flag lots.
9-4.103 Setbacks.

The following sections establish standards for the use and size of building setbacks. The purpose of these standards is to provide for open areas around structures where needed for: visibility and traffic safety; access to and around buildings; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and private recreation. These standards are organized as follows:

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(Ord. 68 § 9-4.103, 1983)
9-4.111 Blueline Creek Setbacks

(a) Definition: Blueline creek: A creek, stream or watercourse indicated by a solid or broken blue line on a U.S. Geologic Survey 7.5 minute series quadrangle map.

(b) Development setbacks for creekside development are as follows:
   (1) Atascadero Creek, Graves Creek, and Boulder Creek. Thirty-five (35) foot setback measured from the edge of the creek reservation;
   (2) Where Atascadero Creek, Graves Creek, and Boulder Creek channels are located outside of creek reservations, a twenty (20) foot setback measured from the ordinary high water mark shall be required;
   (3) Blueline creeks. Twenty (20) foot setback measured from ordinary high water marks;
   (4) Salinas River. Thirty-five (35) foot setback measured from the ordinary high water mark.

(c) Improvements permitted within setbacks:
   (1) Bridges
   (2) Engineered drainage outlet;
   (3) Minor landscape features not requiring grading;
   (4) Non-invasive landscaping installation;
   (5) Raised decks;
   (6) Repairs to existing structures and facilities;
   (7) Trails;
   (8) Transparent fencing which does not block water flow;
   (9) Underground utilities that are permitted by the Army Corps of Engineers, California Department of Fish and Game, and/or Regional Water Quality Control Board;
   (10) Water course monitoring or gauging facilities operated by local, State, or Federal Agencies.

(d) Improvements not permitted within setbacks include, but are not limited to:
   (1) Detention basins;
   (2) Grading (cut or fill);
   (3) Over-excavation;
   (4) Parking, driveways, other vehicular surfaces;
   (5) Removal or disturbance of riparian vegetation, unless permitted by the California Department of Fish and Game;
   (6) Retaining walls;
   (7) Septic systems (see section 8-5.103 Table 4.3 for septic setback requirements);
   (8) Structures (except as listed in section (c) above).

(e) Exceptions.
   (1) Structures that were legally permitted before the effective date of this ordinance shall be permitted to remain;
   (2) The Planning Commission may approve exceptions to creek setbacks for Atascadero Creek, Graves Creek, Boulder Creek, blueline creeks and the Salinas River with a minor Conditional Use Permit. A biologist report, a hydrogeomorphologist report, and an Archaeological Phase 1 study shall be required.
      (i) Requirements for biologist and hydrogeomorphologist reports:
         (A) Qualified biologist and professional geologist or engineer who is qualified in hydrogeomorphology;
         (B) Topographical and vegetation survey of creek channel with one (1) foot contour lines at one (1) to twenty (20) foot scale from bank to bank to include one
hundred (100) feet up and down steam from property lines. Survey shall identify thirty five (35) foot setbacks;

(C) Engineered grading and drainage plan of the entire site which includes the creek survey shall be provided;

(D) Written analysis of the project impacts with an assessment of the potential impacts to the creek flow, bank stability, riparian vegetation and habitat, water quality, and any structures resulting from the reduced setback shall be provided;

(E) Mitigation measures.

(ii) Required findings for Planning Commission approval:

(A) Creek channel and storm water flows will not be significantly impacted;

(B) Habitat and riparian vegetation will not be significantly impacted;

(C) Native trees and canopies will not be significantly impacted;

(D) Water quality will not be significantly impacted;

(E) Bank stability will not be significantly impacted;

(F) Proposed improvements will not be subject to damage caused by creek bank migration;

(G) Archeological resources will not be significantly impacted.

(3) Structures shall be allowed to be rebuilt in the location originally permitted, even if the structure is 100% destroyed and located within a creek setback area. The area of disturbance within the setback shall not be increased.

(4) Additions to non-conforming structures shall be allowed, provided that the addition is located outside the creek setback. Additions proposed within the creek setback area shall be required to obtain a Minor Conditional Use Permit along with biologist, hydrogeomorphologist, and Archeological Phase 1 reports.

(5) Shallow lots that are less than 125-feet in depth may reduce the front setback to 15-feet and the rear creek setback to 20-feet.
Chapter 9 GENERAL DEFINITIONS

9-9.102 General definitions.

A-weighted sound level. The sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated "db(A)" or "dbA."

Above grade. Any elevation higher than the natural ground contour.

Access. The safe, adequate, usable means of vehicular or pedestrian entrance or exit to a site.

Agriculture. The science and art of farming, producing crops, floriculture, horticulture and animal husbandry.

Agricultural accessory building. An uninhabited structure, designed and built to store farming animals, implements, supplies, or products (not including commercial greenhouses or buildings for agricultural processing activities), which is not used by the public.

Agricultural products. Food and fibre in their raw, unprocessed state (except for such field processing that may occur in conjunction with harvesting) and ornamental plant materials.

Air contaminant. Any combination of smoke, charred paper, dust, soot, carbon, noxious acids, fumes, gases, or particulate matter.

Ambient noise level. The composite of all noises from all sources near and far. In this context, the ambient noise level is the normal or existing level of environmental noise at a given location.

Apartment. A room or flat occupied or designed to be occupied by one family for living or sleeping purposes with cooking facilities.

Apartment house or multiple dwelling unit. A building or portion of a building designed or used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Appeal, scope of. The matters to be heard on appeals filed pursuant to this title shall be confined to the project as proposed to the original or first decision maker, without change. However, the applicant, or person appearing on appeal, shall not be prevented from submitting information concerning the unchanged proposal which had not been submitted with the original proposal.

Arcade. Any site or business providing in part or as a whole, an amusement service consisting of coin-operated games or devices, where more than five (5) coin-operated games or devices are present or where more than twenty-five (25) percent of the public area is used for the placement or operation of such games or devices.

Archeological Phase 1 Study. A complete surface survey done by a qualified archeologist to determine what is located on a site.

Archeological resource. Any Native American or pre-Columbian artifact or human remains.

Basement. That portion of a building between the floor and ceiling that is partly below and partly above grade so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Billboard. See "Sign. Off-Premises."

Blueline Creek. A creek, stream or watercourse indicated by a solid or broken blue line on a U.S. Geologic Survey 7.5 minute series quadrangle map and/or shown on Figure II-8 of the 2002 General Plan.

Boardinghouse. A boardinghouse is a structure where lodging and meals are furnished for compensation to at least five (5) persons.

Buildable area (developable area). The area of the site in which structures may be located, not including required yard areas (see Figure 9-A).
Building. Any structure having a roof supported by columns and/or walls and intended for shelter, housing, and/or enclosure of any person, animal or chattel, but not including tents or mobilehomes.

Building, accessory. A detached subordinate building the use of which is incidental to that of a main building on the same lot.

Building and construction ordinance. Title 8 of this Code.

Building face. The exterior walls of a building extending vertically from the building line.

Building height. The vertical distance from the average level of the highest and lowest point of that portion of the lot or building site covered by the building to the topmost point of the structure, excluding chimneys or vents (see Figure 9-B).

Building, main or principal. A building where the principal use of its lot and or building site is conducted.

Building site. The area within a lot of record (or contiguous lots under single ownership)
actually proposed for development with buildings or structures, including areas immediately adjacent to the buildings or structures to an extent equivalent to any required setback areas.

**Carport.** A permanent roofed structure with not more than two enclosed sides, which is used or intended to be used for automobile shelter or storage.

**Channel.** The area occupied by the normal flow of an intermittent of perennial stream during nonflood conditions.

**Combustible liquid.** Any liquid having a flash point at or above 100° F. and below 200° F., including but not limited to diesel fuel, kerosene and Jet A.

**Commercial coach.** A vehicle, with or without motive power, including any mobilehome or recreational vehicle, designed and equipped for human occupancy.

**Commission.** The Planning Commission of the City.

**Common wall development.** Two (2) residences on adjoining lots, constructed so that they abut each other at their common property line (see Figure 9-C).

![Figure 9-C: Common Wall Development](image)

**Communication towers.** Any tower or other structure erected for the purpose of radio, television or microwave transmission or line-of-sight relay devices.

**Community sewer system.** A sewage effluent collection network, treatment and disposal facilities provided within a prescribed service boundary, which results in the primary, secondary, or tertiary treatment of such effluent.

**Community water system.** A water storage and distribution network for the provision of potable water to the public for human consumption within a prescribed service boundary, operated and maintained by the Atascadero Mutual Water Company.

**Construction.** Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of rights-of-way, structures, utilities or similar property.

**Construction permit.** Any or all of the various entitlements established by Title 8 of this Code that authorize commencement of construction activities, including but not limited to building permits, grading permits, electrical and plumbing permits, demolition permits and moving permits.

**Convalescent hospital.** A place or institution which provides for bed care or for chronic convalescent care for two (2) or more persons, exclusive of relatives, who by reason of illness or
physical infirmity are unable to care for themselves.

Council. The City Council of the City.

County. The County of San Luis Obispo.

Coverage. Site or lot coverage means the extent of a lot of record occupied by structures and paving.

Creek Reservation. An unbuildable parcel located over Atascadero Creek, Graves Creek, or Boulder Creek, which is identified on 1913 Atascadero Colony Maps as “Creek Reservation.”

Crop production. Includes the following crop types and activities and further defined as indicated:

(a) Specialty Crops. Strawberries, herb crops, flower seed and cut flower crops (open field), kiwi vines, edible pod peas, bushberry crops, Christmas trees and other outdoor ornamentals, intensive horticulture, sod farms, clover seed, hops, and wholesale nurseries (see separate definition).

(b) Row Crops. All vegetable truck crops except edible pod peas. Includes lima and snap beans.

(c) Orchards. All fruit and nut tree crops. Does not include kiwi, berry, or other vine crops.

(d) Field Crops. Beans other than snap or lima beans, barley, oats, safflower, wheat, grain and hay including alfalfa, silage and grain corn, sugar beets, melons, cotton.

(e) Rangeland. Grazing of livestock on grasses without irrigation.

(f) Pasture (Irrigated). Grazing of livestock on irrigated grasses.

(g) Vineyards. Grapevines.

(h) Preparation For Cultivation. Land-contouring, clearing, irrigation construction and other preparation of soil for crops.

(i) Field Processing. Mechanical processing of crops in the field at harvest, when such activities do not involve a permanent structure. Such activities include but are not limited to hay baling and field crushing of grapes.

Dance club or nightclub. Establishment providing for live or recorded music and an area for dancing, including disco.

Dance studio or school. An establishment where instruction in the dance arts (ballet, modern dance or any other dance form) is provided students for a fee, except where instruction in predominantly social dance is provided on the premises of a dance club as defined by this title.

Density. The measure of the ratio of population to the area of land occupied by that population, which may be expressed as dwelling units per acre, families per acre, persons per acre, or conversely as acres per dwelling unit or square feet per dwelling unit. "Gross density" is the number of lots derived from dividing the area of a site by the area required for each lot or dwelling unit. "Net density" is the number of lots resulting from subtracting the area required for streets from the total area of the undivided site, and then dividing the remaining area by the area required for each lot.

Development. Any activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of buildings or structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use after the effective date of this title.

Discretionary permit. An entitlement that may be issued under the provisions of this title, but requires the exercise of judgment and the resolution of factual issues to determine if the application and requested entitlement conform with the provisions of this title. Generally, a discretionary permit consists of any entitlement that requires a decision to approve, approve subject to conditions or disapprove, based on the judgment of the Planning Commission after a
hearing (see "Ministerial Permit").

**Drainage facilities.** Constructed improvements for the storage or conveyance of storm runoff in drainage channels, including channels, culverts, ponds, storm drains, drop-inlets, outfalls, basins, pumps, gutter inlets, manholes, and conduits.

**Dredging.** Mechanical alteration of the grade of bottom sediments in any body of water.

**Drive-in restaurant.** Any building or structure in which food or drink are prepared for service to customers outside such buildings or structure or to customers occupying vehicles outside such structure, even though food and drink are served to customers inside such building or structure. Shall include self-service restaurants for food take-out.

**Driveway.** A road providing access to a site or land use from a street. A driveway serves no more than four (4) separately owned parcels (see also, "Road, Private").

**Dude ranch.** Transient guest occupancy facilities incidental to a working ranch, which may include other accessory recreational facilities and common eating facilities open to overnight guests only.

**Dwelling unit.** An independent, attached or detached residential building designed to house and provide living space, including kitchen and bathroom facilities, for an individual family.

**Entitlement.** Authority acquired by an applicant after receiving approval of an application. For the purposes of this title, land use entitlements are the plot plan, precise plan and conditional use permit (see "Zoning Approval").

**Exploration.** The search for minerals by geological, geophysical, geochemical or other techniques including, but not limited to, sampling, assaying, drilling, or any surface or underground works used to determine the type, extent, or quantity of minerals present (includes prospecting).

**Extraction.** The removal from the earth of oil, gas or geothermal resources by drilling, pumping or other means, whether for exploration or production purposes.

**Family.** One person living alone or two (2) or more persons related each to all others by blood, marriage or legal adoption, or a group of no more than five (5) unrelated persons living in a single dwelling.

**Family, immediate.** Relatives of an applicant or spouse of applicant, limited to grandparents, parents, children, and siblings.

**Flammable liquid.** Liquids with flash points below 100° F., including but not limited to gasoline, acetone, benzene, ethyl ether and ethyl alcohol.

**Flash point.** The minimum temperature of a liquid at which sufficient vapor is given off to form an ignitable mixture with the air near the surface of the liquid.

**Flood fringe.** That portion of the floodplain outside the floodway.

**Flood, 100-year.** A flood inundation event, the extent of which has a statistical probability of occurring once every one hundred (100) years.

**Floodplain.** Land that has been or may be hereafter covered by flood water, including but not limited to the one hundred (100) year flood.

**Flood profile, storm.** A graph or longitudinal profile showing the relationship of the water-surface elevation of a flood event to location along a stream or river.

**Floodproofing.** Any combination of structural provisions or adjustments in areas subject to flooding primarily to reduce or eliminate flood damage to properties, water and sanitary facilities, structures, and the contents of buildings in a flood hazard area.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the one hundred (100) year flood without cumulatively increasing the
water surface elevation more than one foot.

**Floor area.** Includes the total floor area of each floor of all buildings on a site, including internal circulation, storage and equipment space, as measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies.

**Frontage.** A property line of a lot that abuts a street. Primary frontage is indicated by the street for which the property is given a street number. Secondary frontage includes all other frontages.

**Garage, private.** A building for storing self-propelled vehicles that is not open to the public, which may include an accessory workshop.

**Garage, public.** Any premises (except a private garage) used for the storage and/or care of self-propelled vehicles, or where such vehicles are equipped for sale or lease.

**General Plan.** The City of Atascadero General Plan, including all elements thereof and all amendments thereto.


**Grazing.** For the purposes of this title, grazing means the keeping for commercial purposes of cattle, horses or sheep using feed produced on the site.

**Greenhouse.** See "Nursery."

**Guesthouse.** Sleeping facilities detached from a principal residence and occupied for the sole use of members of the family, temporary guests or persons temporarily employed on the premises; which may include a bathroom and other living space, but not kitchen facilities. Health Department. The County of San Luis Obispo Health Department under contract to the City of Atascadero.

**Home occupation.** Any use customarily conducted entirely within a dwelling or building accessory thereto and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the structure for dwelling purposes and which use does not change the character thereof and does not adversely affect the uses permitted in the zone of which it is a part.

**Hospital.** An institution providing physical or mental health services inpatient or overnight accommodations and medical or surgical care of the sick or injured.

**Hotel.** A building containing six (6) or more rooms intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests.

**Hydrogeomorphology.** The study of the physical appearance and operational character of a waterway as it adjusts its boundaries to the magnitude of stream flow and erosional debris produced within the attendant watershed.

**Impulsive sound.** Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, hammering, and discharge of firearms.

**Inoperative vehicle.** Any vehicle which is not currently registered or which is not capable of self-propulsion.

**Irrigated.** A lot having existing wells, water storage, and/or drip irrigation system adequate to support any crop suited to the soil type and climate of a site.

**Jurisdictional Wetland.** An area which meets the criteria established by the US Army Corps of Engineers for a wetlands, including being regularly saturated by surface water or groundwater and supporting an ecosystem of plants and animals that are adapted to wet conditions.

**Junk yard.** An area improved or unimproved in excess of two hundred (200) square feet:

(a) Upon or in which is stored or kept junk salvage materials, scrap metals, inoperative vehicles and equipment or any combination thereof; or

(b) Upon or in which vehicles, equipment or other property is dismantled or wrecked; or
(c) Upon or in which salvage materials, inoperative vehicles or equipment, or parts therefrom, or scrape metals, or any combination thereof, is kept for resale. Materials or equipment kept on any premises for use in the construction of any building on such premises, and any materials or equipment customarily used on a farm or ranch, and so situated, shall not be deemed "junk" or "salvage material" within the meaning of this section.

**Light source.** A device that produces illumination, including incandescent light bulbs, fluorescent and neon tubes, halogen and other vapor lights and reflecting surfaces or refractors incorporated into a lighting fixture. Any translucent enclosure of a light source is considered to be part of the light source.

**Loading space.** A space used exclusively for loading or unloading of other than passengers from vehicles into the floor area, use area, or storage area of a building.

**Lot, corner: Side and front.** A corner lot is located immediately adjacent to the intersection of two public vehicular rights-of-way, including railroads. The narrowest frontage of a corner lot facing the street is the front and the longest frontage facing the intersecting street is side, regardless of the direction in which the dwelling faces (see Figure 9-D).

![Figure 9-D: Corner Lot and Key Lot](image)

**Lot depth.** The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

**Lot, double-frontage.** A lot extending between two streets, so that both front and rear yards abut a street (see Figure 9-E).

![Figure 9-E: Double Frontage Lot](image)
Lot, key. The lot located immediately adjacent to a corner lot, oriented so the narrowest dimension of one of the corner lot side yards is adjacent to the narrowest dimension of the front yard of the key lot (see Figure 9-D).

Lot width. Distance between interior property lines measured along the front setback line.

Mined lands. Includes the surface, subsurface, and groundwater of an area where surface mining operations will be, are being, or have been conducted, including all accessory access roads, land excavations, workings, mining waste, and areas where structures, facilities, and surface mining equipment, machines, tools or other material or property are located.

Minerals. Any naturally occurring chemical element, compound or groups of elements and compounds, formed from inorganic processes or organic substances, including but not limited to coal, granite, limestone, metals, peat, "redrock" sand and gravel, tar sand and bituminous sandstone, but excluding geothermal resources, natural gas, and petroleum.

Mining waste. Includes residual soil, minerals, liquid, vegetation, tailings, abandoned equipment, tools, other materials or physical conditions directly resulting from or displaced by mining.

Ministerial permit. Any permit that may be issued under the provisions of this title without review by the Planning Commission or City Council. A ministerial decision involves only the evaluation of a proposal with respect to fixed standards or objective measurements, without the use of subjective criteria.

Nonresidential use. All uses of land including agricultural, communication, cultural, educational, recreation, manufacturing, processing, resource extraction, retail trade, services, transient lodging, transportation and wholesale trade uses.

Nursery school. See "Preschool."

Obstruction in floodway. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel, watercourse, or flood hazard areas that may impede, retard or change direction of flow, either in itself, or by catching or collecting debris carried by such water, or that is placed where it might be carried downstream and damage life or property.

Occupant. The person occupying, or otherwise in real or apparent charge and control of, a premises.

Official plan line. A line adopted by the City Council to indicate the area proposed to be acquired for an enlarged right-of-way.

Open area. All areas of a lot not included within the definition of floor area: parking, recreation spaces, passive open areas landscaped areas and other open, unpaved areas of the site.

Ordinary High Water Mark. The top of the bank of the channel, typically the same as the ten-year flood plane; location to be determined by an engineer or biologist.

Outdoor activity area. Any part of a site where commercial, industrial, recreation or storage activities related to the principal use of a site are conducted outdoors, except for parking.

Owner. The person or persons, firm, corporation or partnership that is the owner of record of a premises identified on the last equalized assessment roll.

Ownership. Ownership of one or more parcels of land (or possession under a contract to purchase or under a lease the term of which is not less than ten (10) years) by a person or persons, firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control.

Parcel.
(a) A parcel of real property shown on a subdivision or plat map, required by the Subdivision Map Act or local ordinance adopted pursuant thereto, to be recorded before sale of parcels shown on the map or plot, at the time the map was recorded;
(b) A parcel of real property that has been issued a certificate of compliance pursuant to Government Code Section 66499.35; or
(c) A parcel of real property not described in (a) or (b) of this definition, provided the parcel resulted from a separate conveyance or from a decree of a court of competent jurisdiction which was recorded before the requirement of the filing of the subdivision map by the Subdivision Map Act or local ordinance adopted pursuant thereto.

**Person.** Any individual, firm, copartnership, corporation, company, association, joint stock association, city, county, state or district; and includes any trustee, receiver, assignee, or other similar representatives thereof.

**Planning Department.** The City of Atascadero Planning Department, including the Planning Director and all subordinate employees.

**Planning Director.** The Planning Director of the City of Atascadero. As used in this title, Planning Director may include designated staff of the Planning Department when acting in an official capacity.

**Porch.** Outdoor steps, stairs, and/or a raised platform less than one hundred (100) square feet in area, located immediately adjacent to the entry of a building for the purpose of providing pedestrian access from the outdoor ground elevation to a building interior. If the platform portion of a porch, not including steps, is more than one hundred (100) feet, it is considered a deck.

**Preschool.** Any type of group child day care programs including nurseries for children of working mothers, nursery schools for children under the minimum age for education in public schools, parent cooperative nursery schools and programs covering afterschool care for school children provided such establishments are institutional in character and are licensed by the State or County and conducted in accordance with State requirements.

**Project.** Any land use, activity, construction or development which is required to be authorized by a zoning approval pursuant to this title before beginning construction or establishment of the use.

**Property line.** The recorded boundary of a lot of record.

**Property line, front.** The recorded boundary between the front yard of a lot of record and the abutting public or private street right-of-way.

**Property line, interior.** The recorded boundary between two (2) or more lots of record.

**Property line, street frontage.** The recorded boundary between a lot of record and a street right-of-way.


**Public utility.** A company regulated by the California Public Utilities Commission.

**Reader board.** A sign that accommodates changeable copy and which displays information on activities and events on the premises, but not including a marquee.

**Reclamation.** The process of land treatment that minimizes and mitigates otherwise unavoidable or existing water degradation, air pollution, damage to aquatic or wildlife habitat flooding, erosion, and other adverse effects from surface or underground mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed and restored to a usable condition readily adaptable for alternate land uses and that will constitute no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction,
stabilization, or other measures.

**Reclamation plan.** A mine operator's completed and approved plan for reclaiming the lands affected by mining operations conducted after January 1, 1976, as called for in Section 2772 of the Public Resources Code.

**Recreational vehicle.** A motorhome, house car, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation or recreational or emergency occupancy, eight (8) feet or less in width and forty (40) feet or less in length.

**Recycling facility.** Any lot or portion of a lot used for the purpose of outdoor storage, sorting, handling, processing, dismantling, wrecking, keeping or sale of inoperative, discarded, wrecked, or abandoned appliances, vehicles, boats, building materials, machinery, equipment, or parts thereof, including but not limited to scrap materials, wood, lumber, plastic, fiber, or other tangible materials that cannot, without further reconditioning, be used for their original purposes. Includes wrecking yards for vehicles.

**Residential care facility.** Any facility, place, or building that is maintained and operated to provide nonmedical residential care or day care, services for children or adults (except for preschools which are separately defined) who are physically handicapped or mentally retarded.

**Resource extraction well.** Any facility constructed or installed for the purpose of extracting minerals from the earth that occur in a fluid or gaseous state, or minerals converted to a gaseous or semifluid state through extraction processes, which involve the penetration of subterranean regions by means of drilling apparatus. For the purposes of this definition only, mineral resources include oil, gas, geothermal steam, or other subterranean deposits, except water. Extraction wells as defined herein may be for purposes of exploration or production.

**Rest home.** See "Residential care facility."

**Revegetation.** Any combination of mechanical or other means by which a graded surface is returned to a condition where it supports significant natural vegetation.

**Right-of-way.** A road, alley, pedestrian or other access right-of-way with width described in recorded documents.

**Road, private.** A road providing vehicular access to four (4) or more lots of record that is not in the City-maintained road system.

**Road, public.** A road providing vehicular access that is in the City-maintained road system.

**Scrap.** Used metal including appliances and machine parts, which can be recycled or reused only with repair, refurbishing, or attachment to other such materials.

**Sedimentation.** The addition of soil materials through erosion to a stream or water body that increases the turbidity of the water.

**Setback.** An open area on a lot between a building and a property line unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 9-4.103 (see Figure 9-F).
Setback, front. An open area without structures, extending across the front of a lot between the side property lines. The front of a lot is the most narrow dimension of the lot parallel to a street and adjacent to that street, except as provided for flag lots with both fee title and easement access strips where applicant may determine that portion of the site to constitute the front yard.

Setback, interior. Any open area of a site not within a required front, rear, or side setback area (see Figure 9-F).

Setback line. The line formed by the measurement of required front, side, or rear yard areas required by this title. All setback lines together define the buildable area.

Setback, rear. A primarily open area without principal structures, extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the building (see Figure 9-F).

Setback, side. A primarily open area without principal structures, between the side line of the lot and the nearest line of the building and extending between the required front and rear setbacks (see Figure 9-F).

Sign. Any visual device or representation designed or used for communicating a message, or identifying or attracting attention to a premises, product, service, person, organization, business or event, not including such devices visible only from within a building.

Sign area. The area of the smallest rectangle within which a single sign face can be enclosed.

Sign copy. The information content of a sign, including text, illustrations, logos, and trademarks.

Sign, directory. A sign identifying the location of occupants of a building or group of buildings which are divided into rooms or suites used as separate offices, studios or shops.

Sign, exterior-illuminated. Any sign, any part of which is illuminated from an exterior artificial light source mounted on the sign, another structure, or the ground.

Sign face. The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.

Sign, freestanding. A sign not attached to any buildings and having its own support structure.

Sign, freeway identification. An on-site sign permitted for a highway-oriented use.

Sign height. The vertical distance from average adjacent ground level to the top of the sign including the support structure and any design elements.

Sign, identification. Any sign identifying an occupant, apartment, residence, school, church, or certain business uses and not advertising any product or service.
Sign, interior-illuminated. A sign with any portion of the sign face or outline illuminated by an interior light source.

Sign, monument. A self-supported sign with its base on the ground, not exceeding six (6) feet in height.

Sign, nonilluminated. A sign illuminated only incidentally by ambient light conditions.

Sign, off-premises. A sign directing attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located.

Sign, political. A sign drawing attention to or communicating a position on any issue, candidate, or measure in any national, state, local or school campus election.

Sign, price. A sign on the premises of a gasoline service station, identifying the cost and type or grade of motor fuel only.

Sign, roof. Any sign located on, or attached to the roof of a building.

Sign, suspended. A sign attached to and located below any permanent eave, roof, or canopy.

Sign, temporary. A sign used not more than sixty (60) days, or other period limited by the duration of a temporary use.

Sign, wall. A single-faced sign painted on or attached to a building or wall, no part of which extends out from or above a wall more than six (6) inches.

Sign, window. A sign displayed within a building or attached to a window but visible through a window or similar opening for the primary purpose of exterior visibility.

Site area, gross. The total area of a legally created parcel (or contiguous parcels of land in single or joint ownership when used in combination for a building or permitted group of buildings), including any ultimate street right-of-way, existing rights-of-way deeded to the parcel, and all easements, except open space easements, across the site.

Site area, net. The gross site area minus any ultimate street rights-of-way and all easements, except open easements, that limit the surface use of the site for building construction.

Site area, usable. Net site area minus any portions of the site that are precluded from building construction by natural features or hazards, such as areas subject to inundation.

Slope, average. The characteristic slope over an area of land, expressed in percent as the ratio of vertical rise to horizontal distance. Average slope is to be determined based on the most accurate available topographic information for each proposed new lot. One of the following methods for determining average slope is to be used:

(a) Basic Method. Where a line drawn between highest and lowest points on a parcel is adequate to represent direction and extent of slope for the entire parcel, the difference in elevation between the high and low points, divided by the distance between the points, will determine the average slope.

(b) Sectional Method. Where the parcel contains distinct sections of differing slope, the average slope of each section may be determined according to either the basic method in (a) of this definition or the contour measurement method in (c) of this definition. The average slope of each section is then used in proportion of the section's area to the total area to determine the average slope of the entire parcel.

(c) Contour Measurement Method. Where precise measurement of the average slope is required due to varied slope conditions or complex topography, the following formula will be used:

\[ S = (2.29 \times 10^{-3}) \frac{I}{L} \]

A
Where \( S \) = Average slope of parcel in percent

\( A \) = Total number of acres in the parcel (or section of parcel)

\( L \) = Length of contour lines in scaled feet

\( I \) = Vertical distance of contour interval in feet

**Sound level meter.** Any instrument including a microphone, amplifier, output meter and frequency weighing networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in ANSI specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

**State board.** The State Mining and Geology Board, in the Department of Conservation, State of California.

**State Geologist.** The individual holding office as structured in Section 677 of the Public Resources Code.

**Storage area.** An area proposed or used for the outdoor storage of supplies or equipment, or goods for sale, lease, or incidental use.

**Story.** Usable floors of a building, except that where this ordinance uses stories as a measurement of a building height. Basements or building floors six (6) feet or more below street level are not included.

**Structural alteration.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Structure.** Any artifact constructed or erected, the use of which requires attachment to the ground, including any building, but not including fences or walls six (6) feet or less in height.

**Structure, accessory.** A structure, the use of which is incidental to that of a principal structure on the same lot. May be either detached or attached if part of the principal structure.

**Subject site.** A parcel or parcels of land which are the intended or actual location of a land use or land development project which is the subject of an application for zoning approval, construction permit, variance or adjustment, or an amendment to the land use element.

**Substation.** Any public utility electrical substation, pumping station, pressure regulating station, or similar facility.

**Surface mining operations.** All or any part of the process involved in the mining of minerals or construction materials on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. In addition, surface mining operations include, but are not limited to:

(a) Inplace distillation, retorting, or leaching.
(b) The production and disposal of mining waste.
(c) Prospecting and exploratory activities.
(d) Extractions of natural materials for building, construction, etc.

**Temporarily deactivated operation.** A surface mine that has been closed down and which the operator has maintained in the expectation of reopening it when conditions justify.

**Terrace.**

(a) In the case of a grading or surface mining operation, a terrace is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
(b) A terrace is also an outdoor living or activity area constructed with tile, asphalt, concrete or other paving laid upon continuous base material or fill, placed directly on grade.

**Use.** The purpose for which a parcel of land, a premises or building is designed, arranged or intended, or for which it is or may be occupied or maintained.

**Use, accessory.** A use accessory to any permitted use and customarily a part thereof, which is clearly incidental and secondary to the permitted use and does not change the character of the main use.

**Use, allowable.** A use of land identified in Chapter 9-3 being appropriate in a given zoning district subject to the standards of this title.

**Use, approved.** A use of land authorized to be constructed and/or established through issuance of an approved plot plan, precise plan or conditional use permit.

**Use, area.** The area of a site used for buildings (main or accessory) and storage area or other incidental use, but not including parking or landscaping.

**Use area, active.** All portions of a site and buildings included in the use area, except storage, parking and landscaping.

**Use, new.** A use of land which is proposed to be established or constructed after the adoption of this title.

**Use, principal or main.** The primary purpose for which a building, structure, or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this title.

**Use, structural.** A use of land accompanied by a building or structure (not including fences), on the same lot of record.

**Wall, building.** The length of a building wall is the horizontal distance from corner to corner measured from a plan parallel to the appropriate side, rear or front lot lines.

**Watercourse.** The normal channel or limits of an intermittent or perennial stream, or other body of water, during nonflood conditions.

**Yard.** An open space, other than a court, on a lot which space is unoccupied and unobstructed from the ground upward.

**Zero lot line development.** A residential project where dwelling units on individual lots of record are located so they all abut one side property line, without a setback (see Figure 9-G).

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**FIGURE 9-G: ZERO LOT LINE DEVELOPMENT**
Zoning approval. Same as entitlement.
(Ord. 237 § 1(B), 1992; Ord. 82 § 9-9.102, 1984; Ord. 75 § 2(1), 1984; Ord. 68 § 9-9.102, 1983)