



CITY OF ATASCADERO PLANNING COMMISSION AGENDA

In accordance with City Council Resolution No. 2022-044 and the requirements of AB 361, the Planning Commission Meeting will not be physically open to the public and Planning Commissioners will be teleconferencing into the meeting.

HOW TO OBSERVE THE MEETING:

To maximize public safety while still maintaining transparency and public access, the meeting will be available by clicking on the following link:

Planning Commission - 832 5023 8111 (No Passcode Required)

<https://us02web.zoom.us/j/83250238111?pwd=SG9OdGxyNHNTNmRWEpHTzRQK0VnQT09>

The video recording of the meeting will be available through the City's website and on the City's YouTube channel.

HOW TO SUBMIT PUBLIC COMMENT:

Members of the public are highly encouraged to participate in live public comment through the Zoom platform using the link above or by calling **669-900-6833** (Meeting ID 832 5023 8111) to listen and provide public comment via phone.

If you wish to comment but not via a live platform, please email public comments to: pc-comments@atascadero.org by 12:00 pm on the day of the meeting. Such email **comments must identify the Agenda Item Number in the subject line of the email.** The comments will be forwarded to the Planning Commission and made a part of the administrative record. If a comment is received after the deadline for submission but before the close of the meeting, the comment will still be included as a part of the administrative record of the meeting but will be forwarded to the Planning Commission the next business day. ***Please note, email comments will not be read into the record.***

AMERICAN DISABILITY ACT ACCOMMODATIONS:

Any member of the public who needs accommodations should contact the City Clerk's Office at cityclerk@atascadero.org or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Planning Commission agendas and minutes may be viewed on the City's website: www.atascadero.org.

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the Community Development Department and are available for public inspection on our website, www.atascadero.org. Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the Planning Commission. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Planning Commission meetings that are either read into the record or referred to in their statement will be noted in the Minutes and available for review by contacting the Community Development Department. All documents are available for public inspection during City Hall business hours by appointment.



CITY OF ATASCADERO PLANNING COMMISSION AGENDA

**REGULAR MEETING
Tuesday, August 2, 2022
6:00 P.M.**

**City Hall Council Chambers
6500 Palma Avenue, 4th Floor
Atascadero, California 93422**

CALL TO ORDER

Pledge of Allegiance

Roll Call: Chairperson Jeff van den Eikhof
Vice Chairperson Tori Keen
Commissioner Jason Anderson
Commissioner Victoria Carranza
Commissioner Greg Heath
Commissioner Randy Hughes
Commissioner Dennis Schmidt

APPROVAL OF AGENDA

PUBLIC COMMENT (This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. The Commission may take action to direct the staff to place a matter of business on a future agenda.)

CONSENT CALENDAR (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Commission or public wishes to comment or ask questions.)

1. APPROVE THE DRAFT MINUTES OF JULY 5, 2022

- **Recommendation:** Commission approve the July 5, 2022 Minutes.

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PLANNING COMMISSION BUSINESS

COMMUNITY DEVELOPMENT STAFF REPORTS

None

PUBLIC HEARINGS

(For each of the following items, the public will be given an opportunity to speak. After a staff report, the Chair will open the public hearing and invite the applicant or applicant's representative to make any comments. Members of the public will be invited to provide testimony to the Commission following the applicant. Speakers should state their name for the record and can address the Commission for three minutes. After all public comments have been received, the public hearing will be closed, and the Commission will discuss the item and take appropriate action(s).

DISCLOSURE OF EX PARTE COMMUNICATIONS:

Prior to a project hearing, Planning Commission Members must disclose any communications they have had on any quasi-judicial agenda items. This includes, but is not limited to, Tentative Subdivision Maps, Parcel Maps, Variances, Conditional Use Permits and Planned Development Permits. This does not disqualify the Planning Commission Member from participating and voting on the matter, but gives the public and applicant an opportunity to comment on the ex parte communication.

2. UPCOMING REVISIONS TO ADU'S, URBAN DWELLING UNITS, AND URBAN LOT SPLITS

Community Development Director will give an overview of upcoming revisions to the Municipal Code to implement Government code changes related to Accessory Dwelling Units (ADU's), Urban Dwelling Units, and Urban Lot Splits.

Recommendation: Staff's recommendation is to recommend the City Council approve the updates to various sections of the Municipal Code to accommodate both SB9 and Accessory Dwelling Units. (ZCH21-0006).

COMMISSIONER COMMENTS AND REPORTS

DIRECTOR'S REPORT

ADJOURNMENT

The next regular meeting will be held on August 16, 2022, at 6:00 p.m.

Please note: Should anyone challenge in court any proposed development entitlement listed on this Agenda, that person may be limited to raising those issues addressed at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, this public hearing.

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*City of Atascadero***WELCOME TO THE ATASCADERO PLANNING COMMISSION MEETING**

The Planning Commission meets in regular session on the first and third Tuesday of each month at 6:00 p.m. at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Commission in the order of the printed Agenda.

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the Community Development Department and are available for public inspection during City Hall business hours at the Front Counter of City Hall, 6500 Palma Avenue, Atascadero, and on our website, www.atascadero.org. All documents submitted by the public during Commission meetings that are either read into the record or referred to in their statement will be noted in the minutes and available for review in the Community Development Department. Commission meetings are audio recorded, and may be reviewed by the public. Copies of meeting recordings are available for a fee. Contact the City Clerk for more information at (805) 470-3400.

In compliance with the Americans with Disabilities Act, **if you need special assistance to participate in a City meeting or other services offered by this City**, please contact the City Manager's Office or the City Clerk's Office, both at (805) 470-3400. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA

Under Agenda item, "PUBLIC COMMENT", the Chairperson will call for anyone from the audience having business with the Commission to approach the lectern and be recognized.

1. Give your name for the record (not required).
2. State the nature of your business.
3. All comments are limited to 3 minutes.
4. All comments should be made to the Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.

This is when items not on the Agenda may be brought to the Commission's attention. A maximum of 30 minutes will be allowed for Public Comment Portion (unless changed by the Commission).

TO SPEAK ON AGENDA ITEMS (from Title 2, Chapter 1 of the Atascadero Municipal Code)

Members of the audience may speak on any item on the agenda. The Chairperson will identify the subject, staff will give their report, and the Commission will ask questions of staff. The Chairperson will announce when the public comment period is open and will request anyone interested to address the Commission regarding the matter being considered to step up to the lectern. If you wish to speak for, against or comment in any way:

1. You must approach the lectern and be recognized by the Chairperson.
2. Give your name (not required).
3. Make your statement.
4. All comments should be made to the Chairperson and Commission.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present.
6. All comments limited to 3 minutes.

If you wish to use a computer presentation to support your comments, you must notify the Community Development Department at (805) 470-3402 at least 24 hours prior to the meeting. Digital presentations brought to the meeting should be on a USB drive or CD. You are required to submit to the Recording Secretary a printed copy of your presentation for the record. Please check in with the Recording Secretary before the meeting begins to announce your presence and turn in the printed copy.

The Chairperson will announce when the public comment period is closed, and thereafter, no further public comments will be heard by the Commission.

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CITY OF ATASCADERO PLANNING COMMISSION

DRAFT MINUTES

Regular Meeting – Tuesday, July 5, 2022 – 6:00 P.M.
City Hall (Teleconference)
6500 Palma Avenue, Atascadero, California

CALL TO ORDER - 6:00 p.m.

Chairperson van den Eikhof called the meeting to order at 6:00 p.m. and Commissioner Anderson led the Pledge of Allegiance.

ROLL CALL

Present: **By Teleconference** – Commissioners Anderson, Carranza, Heath, Hughes, Schmidt, Vice Chairperson Keen and Chairperson van den Eikhof.

Absent: None

Vacant: None

Others Present: None

Staff Present: **By Teleconference** –
Community Development Director, Phil Dunsmore
Senior Planner, Kelly Gleason

APPROVAL OF AGENDA

MOTION: **By Commissioner Schmidt and seconded by Commissioner Anderson to approve the Agenda.**

Motion passed 7:0 by a roll-call vote.

PUBLIC COMMENT

None.

Chairperson van den Eikhof closed the Public Comment period.

CONSENT CALENDAR**1. APPROVE THE DRAFT MINUTES OF JUNE 7, 2022**

- Recommendation: Commission approve the June 7, 2022 Minutes.

MOTION: By Vice Chairperson Keen and seconded by Commissioner Schmidt to approve the Consent Calendar.

Motion passed 7:0 by a roll-call vote.

PLANNING COMMISSION BUSINESS

None.

COMMUNITY DEVELOPMENT STAFF REPORTS**2. UPCOMING REVISIONS TO ADU'S, URBAN DWELLING UNITS, AND URBAN LOT SPLITS**

The Community Development Director will give an overview of upcoming revisions to the Municipal Code to implement government code changes related to Accessory Dwelling Units, Urban Dwelling Units and Urban Lot splits. (ZCH21-0006).

****This item was continued from June 7, 2022 and has since been scheduled as a public hearing. See Item 4. ****

PUBLIC HEARINGS**3. PARCEL MAP FOR 3710 EL CAMINO REAL**

The proposed project is for a one-lot parcel map for condo purposes on APN 049-221-016 to establish three commercial airspace units, seven residential airspace units, and four residential garage spaces associated with residential units. The project qualifies for a Class 15 (CEQA Section 15315: Minor Land Divisions) exemption.

Recommendation: Staff's recommendation is to approve the project with conditions. (SBDV22-0026).

EX PARTE COMMUNICATIONS

Commissioner Schmidt stated that some members of the public have been speaking to him about the staff report, and are not happy with the way it has been done, particularly with the size of the unit.

Planner Gleason presented the staff report, and she and Director Dunsmore answered questions from the Commission.

PUBLIC COMMENT

The following member of the public spoke: Linda Richardson with MBS Land Surveys, Martha (no last name given), Jeannie Owen, and Janet (no last name given).

Planner Gleason answered questions raised during public comment.

Chairperson van den Eikhof closed the Public Comment period.

MOTION: By Vice Chairperson Keen and seconded by Commissioner Hughes to adopt PC Resolution approving a condominium subdivision at 3710 El Camino Real for a previously approved mixed-use development, based on findings and subject to conditions of approval.

Motion passed 7:0 by a roll-call vote.

4. UPCOMING REVISIONS TO ADU'S, URBAN DWELLING UNITS, AND URBAN LOT SPLITS

Community Development Director will give an overview of upcoming revisions to the Municipal Code to implement Government code changes related to Accessory Dwelling Units (ADU's), Urban Dwelling Units, and Urban Lot Splits.

Recommendation: Staff's recommendation is that this item be continued to a date certain of July 19, 2022. (ZCH21-0006).

Director Dunsmore stated that this item is being continued. It will be a big packet when it comes back on July 19th, and we will try to get the packet out as early as possible. It will have multiple amendments to the code.

Commissioner Schmidt has a conflict of interest due to his current work on an SB9 project and will recuse himself from the discussion and any motion on this item.

PUBLIC COMMENT

None.

Chairperson van den Eikhof closed the Public Comment period.

MOTION: By Commissioner Anderson and seconded by Commissioner Hughes to continue this item to a date certain of July 19, 2022.

***Motion passed 6:0 by a roll-call vote.
(Schmidt abstained)***

COMMISSIONER COMMENTS AND REPORTS

None.

DIRECTOR'S REPORT

Director Dunsmore stated that at the next hearing, we will be discussing SB9 and ADU's. Director Dunsmore stated that in the next twelve months, we will be discussing policy along with the General Plan Update, and more policy amendments. There may be a bit of a development slowdown in the future, so it will be a good time to discuss these amendments.

Director Dunsmore answered Commissioner Schmidt's question on the Urgency Ordinance for SB9, and answered Commissioner Carranza's question on the LAMP.

ADJOURNMENT – 7:40 p.m.

The next regular meeting is scheduled for July 19, 2022, at City Hall, 6500 Palma Avenue, Atascadero.

MINUTES PREPARED BY:

Phil Dunsmore
Recording Secretary



Atascadero Planning Commission

Staff Report – Community Development

Ordinance Adopting Standards for the Implementation of Senate Bill 9: Urban Dwelling Units and Urban Lot Splits

RECOMMENDATION:

Staff recommends Planning Commission:

1. Adopt Draft Resolution A recommending that the City Council introduce an ordinance, for first reading by title only, to establish Chapter 18 in Title 9 of the Atascadero Municipal Code establishing standards for Urban Dwelling Units; and
2. Adopt Draft Resolution B recommending that the City Council introduce an ordinance, for first reading by title only, to amend Title 11 of the Atascadero Municipal code establishing standards for Urban Lot Splits consistent with State law.

DISCUSSION:

Background

On September 16, 2021 the governor signed Senate Bill 9 (SB9) into law in an effort to streamline the development of housing to allow up to two primary dwelling units on many existing single-family zoned properties and allowing lot splits on existing single-family zoned sites with approval at the staff level. SB9 does three things:

1. Allows for the development of one additional primary (“Urban Dwelling Unit”) dwelling unit on the same lot as a primary residence on all single-family zoned parcels within the urbanized area of a city
2. Requires that cities allow for the approval of Urban Lot Splits of single-family properties within the urbanized area, and allowing up to two units on each of the new resulting lots without discretionary review state and local standards are met.
3. Allows the City to approve 24-month time extensions to Tentative Maps rather than the current 12-month limit

The government code grants the City the authority to deny applications pursued in accordance with these government code sections based on health and safety issues or significant impacts on the physical environment. The law also allows cities to apply objective standards associated with the construction of new units or the design of the

subdivision. Much of the City of Atascadero has constraints to development based on a variety of factors. Fire safety, limited access, on-site wastewater overconcentration, historical resources, and sensitive environmental resources present concerns that require additional review and analysis. However, many west-side properties are outside of the Urbanized Area and therefore are not eligible to utilize SB9.

SB 9 went into effect on January 1, 2022. In December of 2021, the City Council adopted an interim ordinance to ensure that applications received on or after the effective date could be processed with health, safety, and objective design standards enforced to address the unique characters of Atascadero (Attachment 1). To date, the City has reviewed two applications for an urban lot split. No applications to construct a new unit under SB9, independent from an Urban Lot Split have yet been pursued. SB 9 allows one to either add a new Urban Dwelling Unit on an existing parcel with an existing primary unit, or allows one to subdivide an eligible parcel and have two units on each resulting parcel, whether a pre-existing unit, a new Urban Dwelling Unit, or an accessory dwelling unit/junior accessory dwelling unit. Under SB9, an existing dwelling unit, a new urban dwelling unit, or an ADU/JADU count towards the total number of units.

Analysis:

Staff has identified the following as areas of concern for increased density due to:

1. Areas with no access to City sewer
2. Neighborhoods without accessible secondary emergency egress routes
3. Properties with average slopes of 30% or greater
4. Properties that include creeks, wetlands or sensitive habitat
5. Properties in locations of known archeological resources
6. Properties that include identified historic resources

These declared areas of concern have been taken into consideration in the proposed ordinance to help preserve the health and safety of our community. SB9 requires that the City approve a lot split or the addition of new units as a ministerial act. Therefore, the City may not utilize CEQA to evaluate topics such as environmental impacts, health and safety impacts, or impacts to historic resources. These topics must be guided through the implementation of objective standards. The proposed amendments to the Atascadero Municipal Code will replace the interim standards and adopt a set of local objective standards based on new HCD guidance and City Council direction. The City Attorney has evaluated the proposed code amendments and has advised on specific topics.

Urbanized Area:

SB9 and the resulting State law amendments apply only to parcels zoned for single-family uses that are within or partially within an Urbanized Area, as defined by the US Census Bureau (see attachment 2). Atascadero is included on the El Paso de Robles (Paso Robles) – Atascadero, CA 27261 map. The area includes the east side of the City in addition to approximately half of the west side. The boundary is not parcel specific and, therefore, some parcels may be partially within the Urbanized Area. State law mandates that parcels that are partially within can apply for urban dwelling units or urban lot splits under SB9 providing no other health, safety, or environmental concerns warrant

limitations. SB9 does not apply to any properties within multi-family zones, commercial zones, or mixed-use zones. The law also allows cities to exempt lots within Planned Developments, even if the underlying zoning is single-family.

Objective Standards

The government code allows cities to establish objective design standards for urban lot splits and the construction of new Urban Dwelling Units (UDUs). Other than lot size, lot splits must comply with the City's Subdivision Regulations and any new standards established for Urban Lot Splits. The Atascadero Municipal Code already contains standards for deep lot subdivisions (flag lots) and depth to width ratios and these standards are repeated in the sections specific to urban subdivisions for clarity. Additional standards were also included in the proposed ordinance and are recommended to ensure that adequate infrastructure is available, environmentally sensitive areas are protected, and neighborhood character is preserved.

The law also stipulates that development standards cannot hinder the ability of the owner to construct an additional 800 square-foot unit on an existing residential lot, or at least two units total on each lot created by an SB9 lot split. The law, however, does not dictate a maximum unit size. The findings made by the State for enactment of SB9 include justifications based on assumptions that infill units constructed under these provisions will be smaller and thus, affordable by design. As such, the City's interim ordinance included an 800 square-foot maximum for any new urban dwelling unit constructed on a parcel. The City Council, while adopting this standard for the interim, directed staff to provide additional discussion and adjust this number to allow for some flexibility to homeowners. The proposed language includes a maximum unit size of 1,000 square-feet, consistent with recommended maximum unit sizes for Accessory Dwelling Units. Consistency will enable more streamlined implementation of both laws and minimize confusion to the public. The 1,000 square-foot limit is still anticipated to produce housing that is affordable at the moderate-income rate.

The draft ordinance provides standards that incorporate objective criteria:

1. All Parcels must be connected to the City's public sewer system or meet LAMP standards for minimum parcel size, and
2. All parcels with average slopes of 30% or greater must identify an accessible building envelope of **15%** or less for the resulting vacant parcel, and
3. Parcels with jurisdictional waters, known archeological sites, or sensitive environmental resource areas shall be excluded from allowances of SB9, and
4. All parcels containing a qualifying historic resource or qualifying historic structure shall be excluded from SB9, and
5. Urban Dwelling Units (any residential unit created in accordance with these provisions) shall be a maximum of 1,000 square-feet of habitable area, and;
6. All parcels proposing an urban lot split shall comply with the City's subdivision regulations and additional regulations as proposed specific to urban subdivisions, and
7. All properties shall show a minimum of one off-street parking space per unit unless specifically exempted by state law.

Staff is recommending that objective property development standards be included in the ordinance to ensure neighborhood compatibility and to support quality design.

These design features include the following:

1. *Specific minimum architectural features*
2. *Minimum Open space requirements (open space refers to outdoor use areas such as gardens, patios, decks, porches and yards)*
3. *Reduced footprint of the second floor to increase building articulation and reduce overlook*
4. *Dedicated laundry and storage space in each unit*
5. *Maximum lot coverage standards*
6. *Shared driveway standards for narrow properties*
7. *Maximum size of attached garages and non-habitable space*

These design guidelines are in addition to State mandated elements of the law which include:

1. *Owner-occupancy requirements: At least 3-years owner occupancy following application approval for a lot split; and*
2. *Each resulting lot shall be approximately half the size of the original lot (40% minimum); and*
3. *No rental or deed restricted affordable housing may be demolished to accommodate any lot split or second unit; and*
4. *Setback exceptions may be allowed for existing structures on parcels proposed to be subdivided; and*
5. *Prohibition of short-term vacation rentals for new units created in accordance with SB9; and*
6. *Limits on number of primary units and accessory units on each lot; and*
7. *Prohibition of further **ministerial** subdivisions on a site with a prior urban lot split.*

SB9 recognizes that the additional development would create potential impacts to the environment and particularly to historic resources. Therefore, SB9 allows local jurisdictions to exclude properties that include listed historic resources from SB9 lots splits and the development of UDUs. State law requires that these properties be identified and designated by a state or local ordinance in order to exclude them from SB9 allowances.

At this time, the City's General Plan identifies Colony Homes and related structures as historic resources and identifies an implementation goal to document and include these structures in a future historic preservation ordinance. However, this General Plan program has yet to be implemented. Only City Hall and the Printery building, along with a handful of other sites in the City, are officially designated as historic resources.

Prior to adopting an ordinance that lists all of the Colony Homes as historic resources, community outreach to each of these Colony Home owners will need to be completed. The proposed ordinance contains language to prohibit the implementation of SB9 on properties with historic resources once an ordinance has been adopted. It is also important to note that when the City includes all eligible Colony Homes on a list of Historic Resources, it may also allow these properties to be eligible for benefits such as grants,

tax reductions, and the use of the flexible standards found within the historic building code. It is also important to know that it is still possible to modify, expand, and build other units (such as ADUs, apartments, and accessory structures) in a historic structure or on the same site as a historic structure with certain design criteria incorporated.

The City may proceed with adoption of an SB9 ordinance, while separately proceeding with an ordinance that identifies and lists historic properties at a later date, following additional outreach. Staff plans to proceed with the historic listing process for applicable Colony Homes next year.

Health and Safety Considerations

State law grants local jurisdictions the authority to deny applications based on health and safety concerns that cannot be mitigated. SB9 allows for the City's building official to determine when Health and Safety factors shall limit development and subdivision under SB9 on a case by case basis. Specific criteria may also be adopted into a City ordinance for clarity where known impacts will occur that would preclude development or subdivision. The City of Atascadero contains a large area within heightened fire severity zones, however, state law specifically preempts this as a factor for denial providing the structure is built to current building and fire codes that are designed to mitigate this impact. The law does allow for consideration in neighborhoods that do not meet fire code for secondary access as this cannot be mitigated through unit construction. The proposed ordinance would prohibit urban dwelling units and urban lot splits in neighborhoods with dead end roads exceeding the length of state standards. Many of these sites are already outside of the urbanized area and therefore would not be eligible to use SB9 anyway.

Fees, improvements and Exactions

New units built in accordance with SB9, whether on an existing site or on a new site created from an urban lot split, are subject to City Development Impact and Wastewater Capacity fees and do not qualify for exceptions granted under existing ADU laws. Frontage improvements can be required as a condition of occupancy of a new unit on a site following an urban lot split.

Conclusion

In addition to recent changes to ADU policies, SB9 is a substantial expansion of state regulation that supersedes local zoning. Our General Plan, Zoning, and Subdivision standards are designed to reflect local conditions and local public input while taking into consideration our available resources, infrastructure, and service limitations. The state laws are designed to increase affordable housing availability in all sectors and in all areas of the state. Keeping this in mind, it is critical to evaluate the proposed objective standards that speak to health, safety, neighborhood compatibility, and preservation of the environment. Staff has carefully evaluated SB9 and ADU laws and is continuing to seek legal input on these evolving topics. Our proposed code will be able to guide logical, sustainable development in the City that is responsive to local conditions while respecting state policies.

FISCAL IMPACT:

The state recognizes that this law imposes an unfunded state-mandated local program. For any applications submitted pursuant to this law, staff will charge application fees based on existing applications with similar processing times to recoup staff time costs. The cost of additional infrastructure needed to support these additional units is recouped through the payment of development impact fees however, service costs associated with new units remain underfunded. Some increase in property taxes is expected for urban subdivisions and increases in assessed value if new units are constructed on an existing property.

FINDINGS:

The City is adopting a number of provisions that are directly related to unique characteristics of Atascadero and address the health, safety, and well-being of existing and future residents. As such, specific findings need to be made in accordance with State law. Findings related to specific local health and safety limitations are included in the attached Resolutions.

ALTERNATIVES:

1. The Planning Commission may recommend modifications to the proposed code amendments.
2. The Planning Commission may determine that more information is needed on some aspect of the amendments and may refer the item back to staff to develop the additional information. The Commission should clearly state the type of information that is required and move to continue the item to a future date.

ATTACHMENTS:

1. SB9 Interim Ordinance
2. US Census Bureau Urbanized Area Map
3. Draft Resolution A
4. Draft Resolution B

Interim SB9 Ordinance

DEVELOPMENT OF URBAN LOT SPLITS AND URBAN DWELLING UNITS

1. Purpose and intent.

It is the purpose and intent of this ordinance to implement the provisions of Government Code sections 65852.21 and 66411.7, which mandates the City to establish a ministerial process for approval of urban lot splits and urban dwelling units and authorizes the City to establish certain requirements and standards for such approvals, while protecting the public health, safety, and welfare of the community, such as through orderly planning and aesthetic standards.

2. Definitions.

“Urban dwelling unit” means a dwelling unit established or proposed to be developed in accordance with the standards, procedures, and requirements set forth under Government Code section 65852.21 and this chapter, either as a primary or secondary unit on a parcel.

“Urban lot split” means a subdivision or proposed subdivision of land established in accordance with the standards, procedures, and requirements set forth under Government Code section 66411.7, this chapter, and the procedures set forth in Chapter 11-14 of this code.

“Primary Frontage” means the frontage of a property abutting a street.

“Secondary Frontage” means a second side of the property that abuts a street and is parallel to the primary frontage.

“Corner street frontage” means a second side of the property that abuts a street and is perpendicular to the primary frontage.

“Individual Property Owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. This does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified non-profit corporation (as defined by Revenue and Taxation Code Section 214.15).

3. Urban Dwelling Units.

(a) Ministerial Review Process. An application for development of an urban dwelling unit will be reviewed ministerially, without discretionary review or a hearing if it meets all the requirements set forth in this section and after payment of all applicable fees.

(b) Location Requirements. An application for development of an urban dwelling unit must meet all the following location requirements:

(1) The subject parcel must be located in an area zoned for residential single-family use and be within or partially within the urbanized area, as designated by the US Census Bureau.

(2) The subject parcel must not be located in an area designated in Government Code sections 65913.4(a)(6)(B) through (K). This includes, but is not limited to, certain farmland, wetlands, hazardous waste sites, earthquake fault zones, special flood hazard areas,

regulatory floodways, lands identified for conservation, on a site with a historic resource, and within or adjacent to habitats for protected species.

(3) The subject parcel must not be located within a historic district or property, as set forth in Government Code section 65852.21(a)(6).

(c) Limitation on Demolition and Alterations. A proposed urban dwelling unit must not involve demolition or alteration of:

(4) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(5) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(6) Housing that has been occupied by a tenant in the last three years.

(7) More than 25% of the existing exterior structural walls, unless the housing has not been occupied by tenants within the last three years.

(d) Limitation on Parcels Withdrawn from Rental Market. A proposed urban dwelling unit must not involve property withdrawn from rental market under GC §7060 and following, within 15 years before the date that the development proponent submits an application.

(e) Development Standards. A proposed urban dwelling unit must comply with the following development standards:

(1) No more than two dwelling units on any lot may be developed. Primary dwellings, Urban Dwelling Units, Accessory dwelling units (ADUs) and junior ADUs constitute units towards the maximum number of units.

(2) Maximum Size limitations shall be as follows:

(i) The maximum size of a proposed urban dwelling unit must not exceed 800 square feet in floor area, including attached accessory storage rooms or enclosed porches.

(ii) A dwelling unit, primary or secondary, that was established on the lot prior to the submittal of a complete application for a development pursuant to this chapter may not be altered or expanded to a size greater than 800 square-feet, inclusive of any attached garage, storage space, or enclosed porch.

(3) The minimum setback from the side and rear property line shall be four feet. No setback is required for an existing, permitted structure or a structure constructed in the same location and to the same dimensions as an existing, permitted structure.

(4) The minimum setback for the primary street frontage shall be 25-feet. The minimum setback for the secondary street frontage shall be 12.5-feet. The minimum setback for the corner street frontage shall be 10-feet.

(5) The minimum setback from an access way (flag or easement) shall be 10-feet.

(6) Any proposed urban dwelling unit must be connected to the City's public sewer system.

(7) There must be at least one off-street parking space per proposed urban dwelling unit unless specifically exempted by state law.

(8) Private open space shall be provided for each residential unit at a ratio of three hundred (300) square feet for units that provide 2 or less bedrooms. Each bedroom in excess of two (2) shall require an increase of private open space by fifty (50) square feet. The required front yard setback area shall not be used to satisfy the open space requirement; however, side and rear setback areas may be utilized. The minimum width of the private open space area shall not be less than ten (10) feet.

(9) Unconditioned Spaces. Structures such as garages and workshops attached to urban dwelling units shall be accessory to the residential unit and shall be limited to two hundred and eighty (280) square feet. Attached structures shall be included in the maximum floor area of the unit.

(10) Two (2) story units built in accordance with urban dwelling unit standards shall have a second floor that is limited to seventy-five percent (75%) of the gross area of the first floor inclusive of any attached garage.

(11) Porches shall be provided for each new unit. Porches shall be a minimum of six (6) feet deep and 8-feet wide.

(12) Lot coverage shall not exceed forty percent (40%) of the net lot area.

(13) Each unit shall include the following:

- a) Three hundred (300) cubic feet of shelved storage area. (Bedroom and entry/coat closets shall not count toward this requirement);
- b) Dedicated space for laundry facilities with hookups.

(14) All utilities shall be installed underground.

(15) Where the street frontage of a lot (or the combined street frontage of the two lots created through an urban lot split) is 80 feet or less, all units on the lot (or all units on both lots created through an urban lot split) shall share the same drive approach and driveway.

(f) The subject property shall be owned solely by one or more individual property owners.

(g) Denial Based Upon Adverse Impacts. The City will deny a proposed urban dwelling unit if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(h) Short Term Rental Limitation. Urban dwelling units developed under this section may not be rented for a term less than 30 days. Prior to construction permit completion, a covenant shall be recorded on each lot with a new urban dwelling unit stating the terms of long term occupancy.

(i) Election of development standards. If necessary, objective zoning, subdivision, or design standards will be set aside in the following order until the site can contain two, 800 square foot units. Such standards will be set aside in the following order until the site can contain two, 800 square foot units:

- a. Lot Coverage
- b. Second Floor Area limitations
- c. Porch requirement
- d. Private open space
- e. Setbacks to the degree allowed by State law

(i) A deed notification shall be recorded on all properties exercising development per the provisions of this chapter as necessary to describe these limitations.

4. Urban Lot Splits.

(a) Ministerial Review Process. An urban lot split parcel map application will be reviewed ministerially, without discretionary review or a hearing, if it meets all the requirements set forth in this section and in accordance with the procedures set forth in Chapter 11-14 of this code.

(b) Location Requirements. An urban lot split parcel map application must meet all the following location requirements:

(1) The subject parcel must be located in an area zoned for single-family use and be within or partially within the urbanized area, as designated by the US Census Bureau.

(2) The subject parcel must not be located in an area designated in Government Code sections 65913.4(a)(6)(B) through (K). This includes certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, and habitats for protected species.

(3) The subject parcel must not be located within a historic district or property, as set forth in Government Code section 65852.21(a)(6).

(c) Limitation on Demolition and Alterations. A proposed urban lot split must not involve demolition or alteration of:

(1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(3) Housing that has been occupied by a tenant in the last three years.

(d) Limitation on Parcels Withdrawn from Rental Market. A proposed urban lot split must not involve property withdrawn from rental market under GC §7060 and following, within 15 years before the date that the development proponent submits an application.

(e) Development Standards. A proposed urban lot split must comply with the following development standards:

(1) No more than two dwelling units may be developed on either resulting lot. Accessory dwelling units (ADUs) and junior ADUs will be included in the maximum number of units. An urban dwelling development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The maximum size of a proposed urban dwelling unit shall not exceed 800 square feet in floor area including any attached, enclosed storage rooms, enclosed porches, or enclosed garage areas.

(3) The minimum setback from the side and rear property line is four feet. No setback is required for an existing, permitted structure or a structure constructed in the same location and to the same dimensions as an existing, permitted structure.

(4) Any proposed urban dwelling unit must be connected to the City's public sewer system.

(5) There must be at least one off-street parking space per proposed urban dwelling unit unless specifically exempted by state law.

(6) All parcels proposing an urban lot split must comply with the following design standards:

(i) Lot lines shall be at the top of slope banks.

(ii) Side lot lines shall be perpendicular to the street on straight streets, or radial to the street on curved streets.

(iii) Lots with a ratio of depth to width greater than 3:1 shall not be permitted.

(iv) All new lots shall have a minimum primary frontage width of 40-feet, unless approved as a flag lot subdivision.

(v) Where the street frontage of a lot (or the combined street frontage of the two lots created through an urban lot split) is 80 feet or less, all units on the lot (or all units on both lots created through an urban lot split) shall share the same drive approach and driveway.

(vi) Flag lot subdivisions may be approved subject to the following:

(A) The original lot shall have frontage on a dedicated street with a minimum width of at least 65 feet;

(B) The accessway to the rear shall be at least twenty (20) feet wide (developed to City standards), except where the accessway is more than one hundred fifty (150) feet long, it shall be at least twenty-four (24) feet wide with twenty (20) feet of pavement.

(C) The lot farthest from the street shall own the accessway in fee. Other lots using the accessway shall have an access and utility easement over it and a maintenance agreement shall be recorded with the final parcel map.

(D) A reflectorized house number master sign shall be located at the intersection of the street and accessway and individual reflectorized address signs shall be placed on the right-hand side of the driveway to each individual lot.

(8) All parcels with average slopes of 30% or greater must identify an accessible building envelope of 20% or less for the resulting vacant parcel.

(9) All utilities shall be separate for units residing on separate parcels. Multiple units on the same parcel may share utility connections unless prohibited by city code for residential uses.

(10) One street tree per 30-feet of primary frontage shall be installed.

(g) Denial Based Upon Adverse Impacts. The City will deny a proposed urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(h) Short Term Rental Limitation. A unit located on an urban lot split approved under this section may not be rented for a term less than 30 days. In conjunction with lot recordation, a covenant shall be recorded on each lot with a new urban dwelling unit stating the terms of long term occupancy.

(i) Compliance with the Subdivision Map Act. Urban lot splits must conform to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as expressly provided in this section.

(j) Dedication and Off-Site Improvements. A dedication of rights-of-way or the construction of offsite improvements for the parcels being created cannot be required as a condition of issuing a parcel map. All required frontage improvements shall be completed prior to or concurrently with a building permit for an urban dwelling unit on either resulting lot.

(k) Fire Department & Utility Easements, An easement must be provided over the front parcel to the rear parcel for access to the public right of way, providing public services and facilities, maintenance of utilities, and (if required) fire department access.

(l) Owner Occupancy. The applicant for an urban lot split must be an existing owner and occupant of the subject lot and must sign an affidavit stating that the applicant will occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split. This does not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(m) Residential Use Requirement. All uses allowed on a site subdivided as an urban lot split must be limited to residential uses. This does not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of

subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(n) Non-Conforming Zoning Conditions. Nonconforming zoning conditions are not required to be made conforming before approving an application.

(o) Prior Urban Lot Split. The parcel being subdivided may not have not been established through prior exercise of an urban lot split. In addition, neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel may have used the urban lot split process as provided for in this section.

(p) Size Requirements. The urban lot split meets all of the following size requirements:

- (1) Both newly created parcels must be no smaller than 1,200 square feet;
- (2) Both newly created parcels must be of approximately equal lot area, which for purposes of this paragraph means that one parcel may not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(q) A deed notification shall be recorded on all properties exercising development per the provisions of this chapter as necessary to describe these limitations.

5. Appeals.

For the purposes of this chapter, decisions of the Community Development Director or Building Official to appeal or deny an application may be appealed in compliance with section 9-1.111 of the Atascadero Municipal Code.

6. Conflict.

If any section within this chapter conflicts with Government Code sections 65852.21 or 66411.7, then the Government Code sections will apply.

URBAN LOT SPLIT PROCEDURES

Purpose and intent.

It is the purpose and intent of this chapter to implement the provisions of Government Code section 66411.7, which mandates the City to establish a ministerial process for approval of urban lot splits.

Definitions.

“Urban lot split” means a subdivision or proposed subdivision of land established in accordance with the standards, procedures, and requirements set forth under Government Code section 66411.7, this chapter, and the procedures set forth in Chapter 9-18 of this code.

Urban Lot Split Procedures.

(a) Ministerial Review Process. An urban lot split parcel map application will be reviewed ministerially, without discretionary review or a hearing, if it meets all the requirements set forth in this section and with the development requirements set forth in Chapter 9-18.

(b) Preparation of Urban Lot Split Parcel Maps. An urban lot split parcel map must be prepared by or under the direction of a registered civil engineer or licensed land surveyor, must show the location of streets and property lines bounding the property, must conform to all of the provisions of Section 66445 of the Subdivision Map Act, and must be based upon a field survey made in conformity with the Land Surveyors Act and in accordance with Government Code section 66448.

(c) Application. An application for the urban lot split must be filed in accordance with the forms and policies set forth by the Community Development Director. All applications must include a tentative parcel map and the applicable review fees as established by resolution. The Department of Community Development will not accept an application or map for processing unless the Department finds that the urban lot split parcel map is consistent with the zoning provisions of this code and that all approvals and permits required by the city zoning provisions for the project have been given or issued.

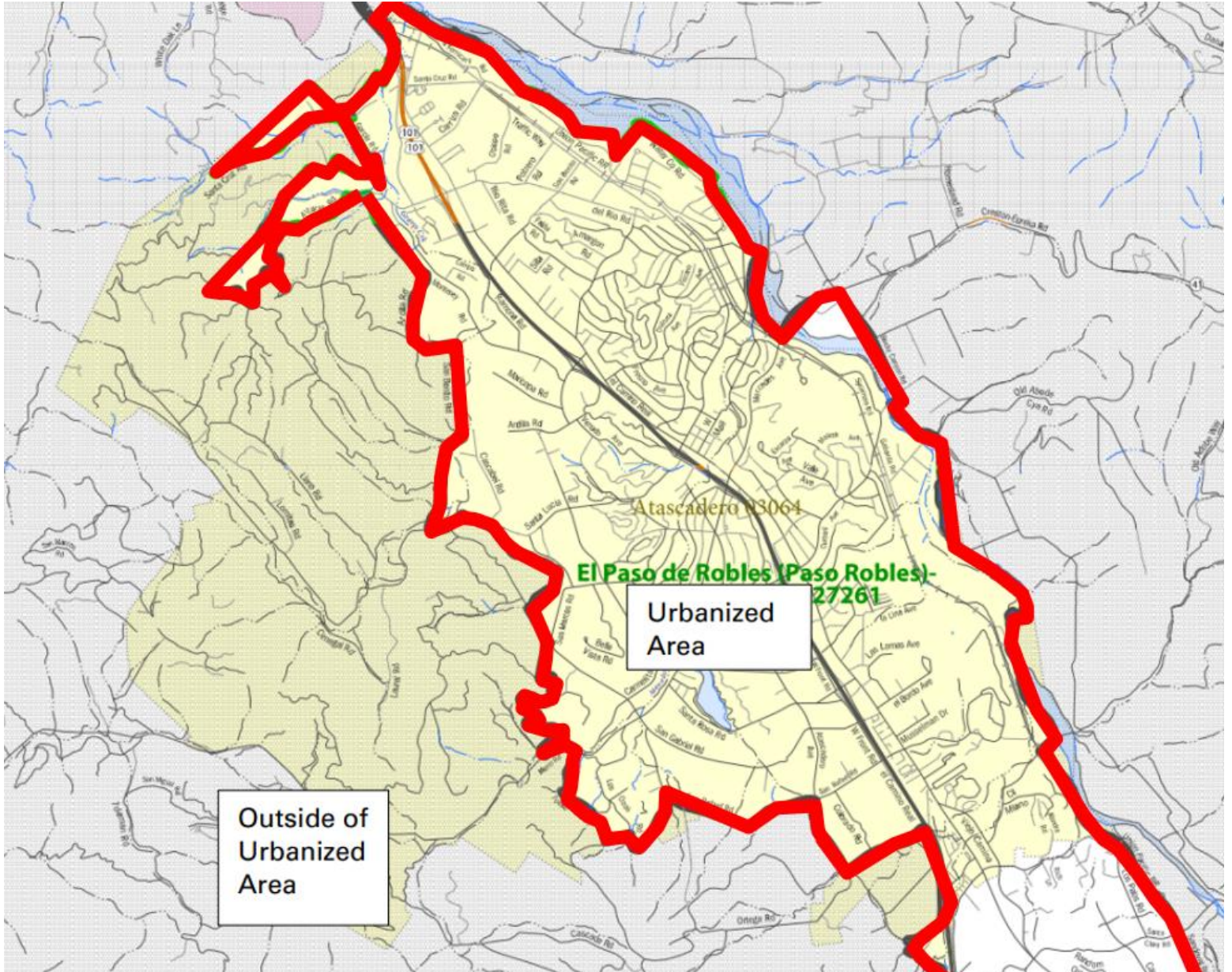
(d) Staff Review. The Community Development Director will circulate the application for an urban lot split, together with the tentative map, to affected city departments for review and comment. Staff will transmit to the applicant for review and consideration comments from the city departments.

(e) Approval Authority. The Community Development Director is the approving authority on all urban lot split applications for tentative or parcel map approvals.

(f) Approval. If the application for the urban lot split meets all the requirements in this section and with the development requirements for the urban lot split as set forth in Chapter 9-18, the Community Development Director may approve the urban lot split ministerially and without a public hearing. The action of the director upon an urban lot split application is final and conclusive, in the absence of an appeal.

(g) Appeal. Decisions of the Community Development Director may be appealed to the Planning Commission in compliance with section 11-1.10 of this code.

Urbanized Area Map



PC RESOLUTION A

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATASCADERO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL AMEND TITLE 9 PLANNING & ZONING, TO ADD CHAPTER 18: URBAN DWELLING UNITS

URBAN DWELLING UNITS (ZCH21-0006)

WHEREAS, The City of Atascadero (6500 Palma Ave., Atascadero, CA 93422), is considering Zone Change Text Amendments to Title 9 to accommodate Senate Bill 9; and

WHEREAS, the State of California has adopted Government Code Section 65852.21 which mandates that cities update and adopt standards and requirements related to urban dwelling units; and

WHEREAS, the City recognizes opportunities to implement policies and programs of the Atascadero General Plan housing element providing for, and regulating, expanded housing opportunities for all persons within the community, and

WHEREAS, state law allows cities to designate requirements for urban dwelling units based on health and safety standards, such as the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

WHEREAS, large portions of the City of Atascadero where residential uses are permitted do not have access to City sewer and are served by private individual on-site wastewater treatment systems, and

WHEREAS, an overconcentration of nitrogen can occur where the density of on-site wastewater facilities exceeds a density of 1 system per half acre, and

WHEREAS, an overconcentration of nitrogen can degrade water quality and impact the natural environment, and

WHEREAS, the City has a responsibility to ensure that groundwater quality is not degraded by an overconcentration of nitrogen to ensure safe drinking water for the community both from the municipal water supplier and private individual wells.

WHEREAS, portions of the City of Atascadero are within heightened fire severity zones where adequate access is required to ensure the safety of residents and allow for evacuation of neighborhoods, and

WHEREAS, the California Code of Regulations sets forth standards for minimum access requirements from residential neighborhoods, and

WHEREAS, the City has an obligation to enforce the California Code of Regulations, and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact these amendments Title 9, Planning and Zoning, of the Municipal Code for consistency with State law and to maintain a clear and legible set of Zoning Regulations that is easily interpreted by the public and staff; 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,

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Atascadero, California makes the following findings, determinations and recommendations with respect to the proposed Zoning Code Text Amendment:

SECTION 1. Findings for Approval. The Planning Commission finds as follows:

A. Findings for Zone Text Amendment:

1. **FINDING:** The Planning and Zoning Text Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: The proposed zoning code text updates an existing chapter for consistency with State law. The updates are consistent with the City's recently adopted Housing Element and are intended to implement Government Code Section 65852.21.

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

FACT: The proposed text contains provisions that address the unique characteristics of Atascadero and provide for safe and orderly development of Urban Dwelling Units consistent with State law.

3. **FINDING:** The Text Change will not, in itself, result in significant environmental impacts.

FACT: The State of California does not recognize urban dwelling units as primary units for the purposes of determining density. In addition, the City has included standards to ensure that groundwater and fire safety impacts are mitigated.

B. Findings related to Urban Dwelling Units

1. **FINDING:** The limitations on location of areas appropriate for urban dwelling units are based on health and safety concerns related to water quality and the California Code of Regulations Section 1273.08.

FACT: The City conducted a nitrogen loading analysis to determine locations where ADUs could be constructed without degrading water quality and creating unsafe drinking or environmental water conditions. Standards have been included only where necessary to ensure water quality. In addition, standards also include consistency with additional State laws including the California Code of Regulations Section 1273.08

SECTION 2. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3).

SECTION 3. Recommendation of Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on August 2, 2022, resolved to recommend that the City Council introduce for first reading by title only, an Ordinance that would add Chapter 18 to Title 9 of the Atascadero Municipal Code, consistent with the following:

EXHIBIT A: Municipal Code Chapter 18, Title 9

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

On motion by Commissioner Anderson, and seconded by Commissioner Schmidt, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

ADOPTED:

CITY OF ATASCADERO, CA

Jeff van den Eikhof
Planning Commission Chairperson

Attest:

Phil Dunsmore, Planning Commission Secretary

Chapter 18

9-18.001: Urban Dwelling Units. The following sections establish standards for the development of Urban Dwellings Units (UDUs) consistent with Section 65852.21 of the Government Code. Urban Dwelling units that comply with this chapter are considered not to exceed the density limits prescribed within this title for residential zoning districts.

- 9-18.010 Purpose
- 9-18.020 Definitions
- 9-18.030 General Requirements
- 9-18.031 Applicability
- 9-18.032 Development Standards
- 9-18.053 Development Fees

9-18.010 Purpose.

- (a) The purpose of this chapter is to prescribe development and site regulations that apply, except where specifically stated, to Urban Dwelling Units (UDUs). This chapter is intended to implement Government Code Section 65852.21, as amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods while meeting statewide housing goals and responding to wildfire and wastewater constraints.
- (b) The City recognizes opportunities to implement policies and programs of the Atascadero General Plan housing element providing for, and regulating, expanded housing opportunities for all persons within the community.
- (c) Implementation of this chapter is meant to expand housing opportunities for very-low, low and moderate-income and/or elderly households by increasing the number of affordable by design and rental units available within existing neighborhoods.

9-18.020 Definitions.

As used in this chapter:

Accessory Dwelling Unit (ADU). ADUs are defined by Government Code Section 65852.2 to mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and shall have a bathroom, and shall be located on the same parcel as the single-family or multifamily dwelling per the standards set forth in this section. An Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the

Health and Safety Code and a manufactured home as set forth in Section 18007 of the Health and Safety Code.

Existing Structure. For the purposes of this chapter and implementation of Gov't Code Section 65852.21, an existing accessory structure or existing primary structure is defined as a structure, or the confines of a structure, that has received a passed final inspection prior to January 1, 2020^[RR1].

Guesthouse. Guesthouses are defined as residential occupancy construction (R) structures permitted prior to 2004 with a full bathroom, partial kitchen, and are the same as a residential dwelling unit for the purposes of defining use and calculating fees^{[RR2][PD3]}.

Individual Property Owner. A natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. This does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified non-profit corporation (as defined by Revenue and Taxation Code Section 214.15^{[RR4][PD5]}).

Junior Accessory Dwelling Unit (JADU). JADUs are defined by Government Code Section 65852.2 to mean a residential dwelling unit internal to an existing or new primary dwelling unit that provides complete independent living facilities for one or more persons. JADUs shall include permanent provisions for living and shall be located on the same parcel and within the same structure as the single-family dwelling. A Junior Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

Primary Dwelling Unit. A primary dwelling unit (primary unit) is a principal or urban dwelling unit.

Principal Dwelling Unit. An existing or new proposed dwelling unit on a residential zoned legal lot of record permitted as allowed by the City's zoning and allowed density of the parcel and not constructed under the provisions for Chapter 5 or Chapter 18 of this title. Any additional existing units above the base residential density shall be considered an ADU or UDU. New units built as part of an SB9 lot split shall not be considered a principal dwelling unit if a principal unit already exists on the parent parcel or new parcel that is created from the lot split.

Residential Single-Family Property. A property zoned for single-family development with a base density of one dwelling unit per parcel.

Short-Term Rental: Short term rentals (vacation rental) shall be defined as rental units with stays of 30 consecutive calendar days or less per individual or party.

Urban Dwelling Unit (UDU). A primary dwelling unit established or proposed to be developed in accordance with the standards, procedures, and requirements set forth under Government Code section 65852.21 and this chapter, either as a primary or second primary unit on a parcel.

Urbanized Area (UA). An urbanized area is a census boundary designated by the US Census Bureau.

Urban Lot Split. A lot split that divides one single family parcel into two lots consistent with Government Code section 65852.21 and consistent with Title 11.

9-5.030: General Requirements

- (a) **Building Permit Required.** A building permit application shall be required for the construction, occupancy or conversion of any UDU.
- (b) **Ministerial Review Process.** An application for development of a UDU will be reviewed as a ministerial permit, without discretionary review or a hearing, if it meets all the requirements set forth in this section, and after payment of all applicable fees.
- (c) **Water Service.** All UDUs shall be served by a public water system^[RR6]
- (d) **Wastewater Service.** To avoid health and safety impacts to ground water quality and nitrogen loading, UDUs shall be served by the City sanitary sewer system when located on lots with a gross area less than one (1) acre, except when^[PD7]:
 - (1) The parcel is 0.75 gross acres or greater and^[PD8] all of the following criteria can be met:
 - i. it can be demonstrated that all properties within a ¼ mile radius are of sufficient size, considering possible future lot splits and full development potential, to provide a minimum density of at least 0.5 acres per unit within the ¼ mile radius.
 - ii. It shall be demonstrated that a new or expanded onsite wastewater disposal system can accommodate the additional unit while meeting requirements of the City's Local Area Management Plan (LAMP).
 - (2) UDUs that do not meet the above requirements and do not have the ability to connect to City sewer must be served by an on-site wastewater system that includes pre-treatment and shall be subject to the approval of the City Engineer and must be approved and constructed in accordance with the City's LAMP standards
- (e) The maximum amount of paving for parking and access for any principal, primary, accessory, and junior accessory unit in a front setback area is limited to fifty percent (50%) of the front yard setback area.
- (f) **Design.** The design of an UDU shall be consistent with any objective design standards listed in this chapter.

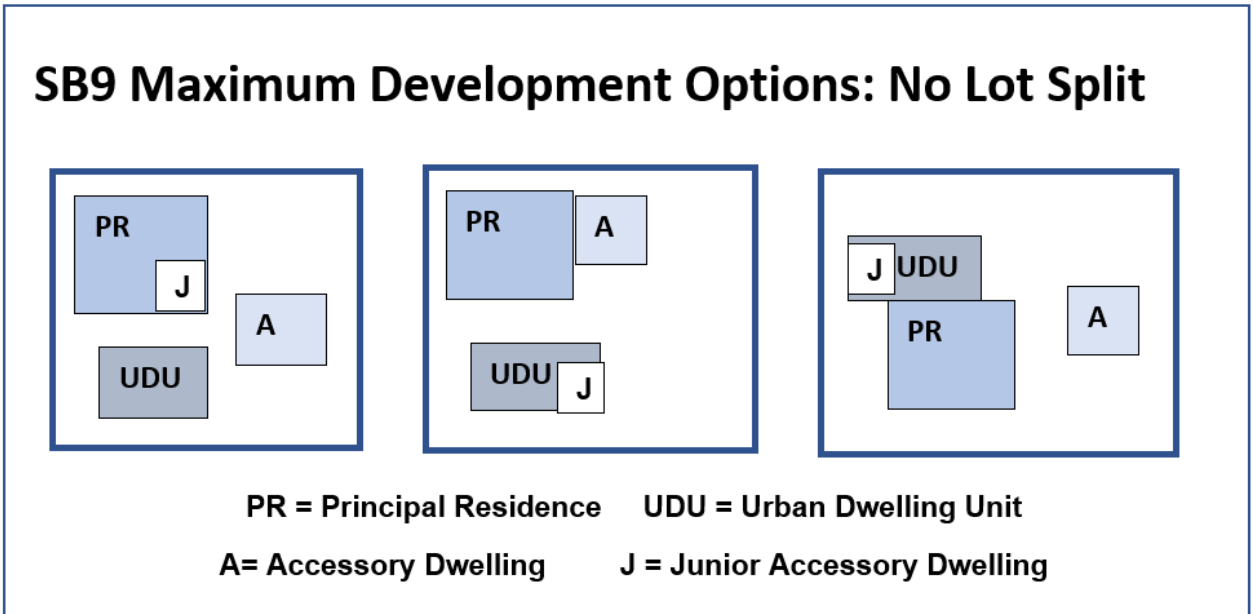
- (g) Short-term vacation rental prohibited. UDUs shall not be rented for terms of 30 days or less.
- (h) Illegal Unit. The construction, establishment, or occupancy of an Urban Dwelling Unit that has not received a valid construction permit and is contrary to the provisions of this chapter is declared to be unlawful and shall constitute a misdemeanor and a public nuisance.
- (i) Deed Notification Required. Prior to issuance of a building permit for the UDU, the Individual Property Owner shall submit to the City a deed covenant for recordation with the County Recorder in a form approved by the Community Development Director, which shall run with the land and include at a minimum the following provisions:
 - (1) A prohibition on the sale of the UDU separate from the sale of the principal dwelling unit, unless a subsequent lot split is approved and recorded.
 - (2) A restriction on the size and attributes of the UDU that conforms with this Section
 - (3) A prohibition on using the UDU as a short-term rental.
 - (4) Owner occupancy requirements
 - (5) A statement that the restrictions shall be binding upon any successor owner of the property and that failure to comply with the restrictions shall result in legal action against the owner.[PD9]

9-10.031 Applicability

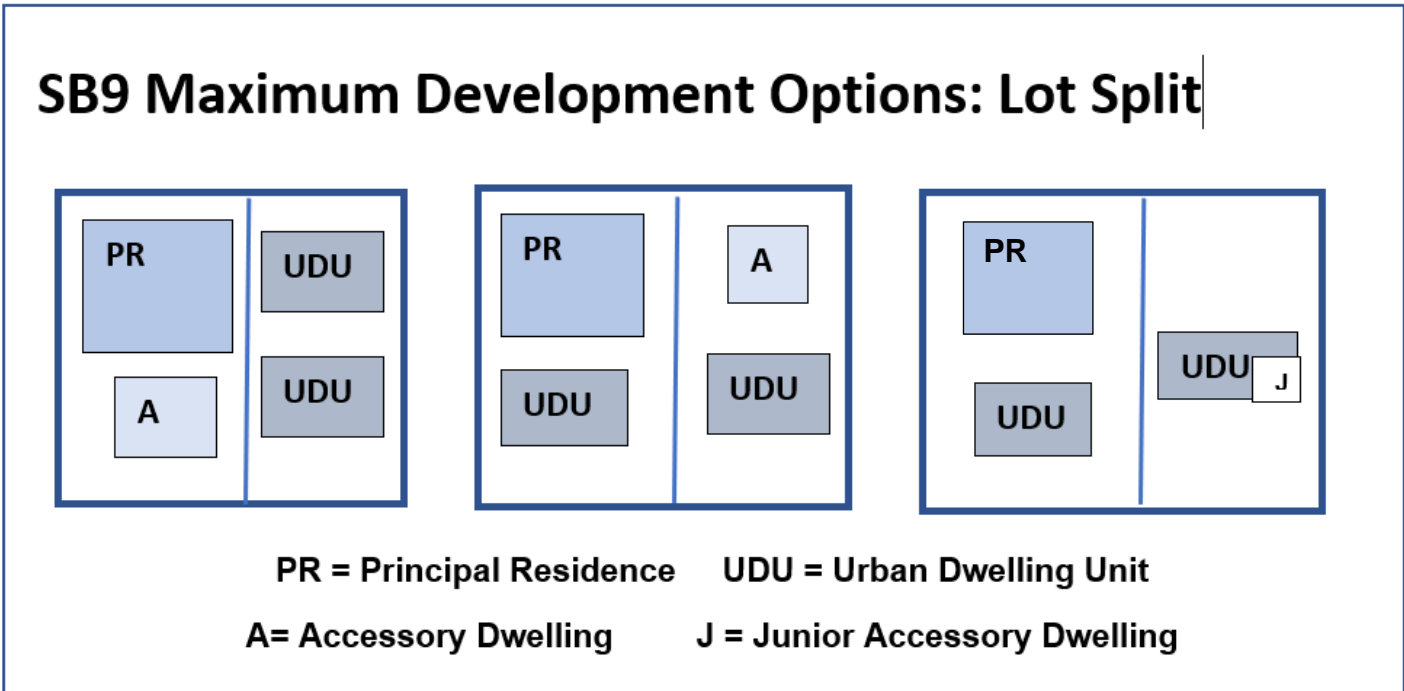
- (a) Location Requirements. An application for development of an Urban Dwelling unit must meet all the following location requirements[RR10][PD11]:
 - (1) The subject parcel must be located in an area zoned for residential single-family use and be within or partially within the Urbanized Area, as designated by the US Census Bureau.
 - (2) The subject parcel must not be located in an area designated in Government Code sections 65913.4(a)(6)(B) through (K). This includes, but is not limited to, certain farmland, wetlands, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, on a site with a historic resource, and within or adjacent to habitats for protected species.
 - (3) Number of UDUs.
 - i. No more than two primary dwelling units may be developed on any parcel, and
 - ii. Pursuant to the authority provided by section 65852.21(f) of the Government Code, no Urban Dwelling Unit shall be permitted on

any lot in a single-family zoning district if: 1) an Urban Lot Split [RR12][PD13] has been approved pursuant to Title 11; and 2) two units (Principal Dwelling Unit, UDU, ADU, or JADU) have already been approved for construction on either resulting lot [RR14].

- iii. The maximum development of any dwelling units is shown below if no Urban Lot Split has been recorded [RR15][PD16]:



- iv. The maximum development of any dwelling units is shown below if an Urban Lot Split [RR17][PD18] has been recorded:



- v. If multiple units exist on a site that were constructed prior to designation as an accessory, junior accessory, or Urban Dwelling Unit, those units must be designated as one of the permitted housing unit types prior to further development of the property.
- (4) UDUs and Urban Lot Splits^[RR19]_[PD20] shall not be allowed in Planned Developments.
 - (5) No UDUs shall be allowed inconsistent with the California Code of Regulations Section 1273.08

9-5.032 Development Standards. Standards for the development of UDUs shall be governed by this Chapter. Each UDU shall be subject to compliance with the California Building Code and the following standards:

- (a) **Limitation on Demolition and Alterations.** A proposed Urban Dwelling Unit must not involve demolition or alteration of:
 - (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - (3) Housing that has been occupied by a tenant in the last three years.
 - (4) More than 25% of the existing exterior structural walls, unless the housing has not been occupied by tenants within the last three years.
- (b) **Limitation on Parcels Withdrawn from Rental Market.** A proposed Urban Dwelling Unit must not involve property withdrawn from rental market pursuant to GC §7060 and following, within 15 years before the date that the development proponent submits an application.
- (c) **Development Standards.** A proposed Urban Dwelling Unit must comply with the following development standards:
 - (1) **Maximum Size.** The maximum size of UDUs shall be as follows:
 - i. The maximum size of a proposed Urban Dwelling Unit must not exceed 1,000 square feet in floor area.
 - ii. Any dwelling unit other than the principal dwelling unit, that was established on the lot prior to the submittal of a complete

application for a development pursuant to this chapter may not be altered or expanded to a size greater than 1,000 square-feet, exclusive of any attached garage, storage space, or enclosed porch. No additional unconditioned space can be added if greater than the maximum allowances described in section (8) below. If existing units exceed the maximum size thresholds, no expansion or additions shall occur.

- (2) Setbacks. Minimum setbacks shall be as follows:
 - i. Primary street frontage: 25-feet.
 - ii. Secondary street frontage: 12.5-feet.
 - iii. Corner street frontage: 10-feet.
 - iv. Access way (flag or easement): 10-feet.
 - v. Side: 5-feet unless the unit is 16-feet or less in height, then the setback shall be reduced to 4-feet
 - vi. Rear: 10-feet unless the unit is 16-feet or less in height, then the setback shall be reduced to 4-feet
 - vii. No minimum setback is required for the conversion of an existing permitted structure or a structure constructed in the same location and to the same dimensions as an existing permitted structure.
- (4) Height. All UDUs shall comply with the height limitations of the underlying zoning district except all units that are closer than 10-feet to the rear property line or 5-feet from a side property line shall be a maximum of 16-feet.
- (5) Parking. There must be at least one off-street parking space per proposed Urban Dwelling Unit unless specifically exempted by state law. If required parking spaces are eliminated as part of the construction of the UDU, replacement parking shall be required.
- (6) Open Space. Private open space shall be provided for each residential unit at a ratio of three hundred (300) square feet for each unit that provides 2 or less bedrooms. Each bedroom in excess of two (2) shall require an increase of private open space by fifty (50) square feet. The required front yard setback area shall not be used to satisfy the open space requirement; however, side and rear setback areas, decks, and patios may be utilized. The minimum length and width of the private open space area shall not be less than ten (10) feet.
- (7) Unconditioned Spaces. A garage or other unconditioned space may be attached to a UDU providing any attached space with a non-R occupancy shall be limited to 250 square-feet, except as follows:
 - i. Any non-R occupancy space may be up to 450 square feet if it is on a different level than the UDU and used for vehicle parking and

the entirety of the UDU is located on a different floor with the exception of an entry and stairs.

- ii. If an existing accessory structure is converted to an ADU and the size of the unconditioned space exceeds the maximum limit, the existing space can remain but may not be expanded.^[K621]
- (8) Second Story. Two (2) story units built in accordance with Urban Dwelling Unit standards shall have a second floor that is limited to seventy-five percent (75%) of the gross area of the first floor inclusive of any attached garage.
- (9) Architectural Features: Use of at least five (5) of the following architectural features on all street facing elevations, and at least three (3) of the following architectural features on all interior and rear yard elevations, as appropriate for the building type and style, is required.
- i. Dormers;
 - ii. Gable roof form;
 - iii. Recessed entries (at least 3 feet);
 - iv. Covered porch entries with a minimum projection of 6-feet;
 - v. Cupolas or towers;
 - vi. Pillars or posts;
 - vii. Eaves (minimum 12-inch projection);
 - viii. Off-sets in building face (minimum 16 inches);
 - ix. Window trim;
 - x. Bay or oriel windows;
 - xi. Balconies;
 - xii. A minimum of 2 decorative patterns on exterior finishes (e.g., scales/shingles, wainscoting, board and batten, and similar features); and
 - xiii. Decorative cornices and roof lines (e.g., for flat roofs).
- (10) Lot Coverage. Lot coverage of all primary dwelling units shall not exceed forty percent (40%) of the net lot area.
- (11) Storage and Laundry. Each unit shall include the following:
- i. Three hundred (300) cubic feet of shelved storage area. (Bedroom and entry/coat closets shall not count toward this requirement);
 - ii. Dedicated space for laundry facilities with hookups.
- (12) Undergrounding of Utilities. All new utilities shall be installed underground, per Title 8.

- (13) Driveways. Where the street frontage of a lot is 80 feet or less, all units on the lot shall share the same drive approach and driveway.
- (d) Frontage Improvements. All required frontage improvements shall be completed prior to, or concurrently with, the building permit for an Urban Dwelling Unit
- (e) Denial Based Upon Adverse Impacts. The City will deny a proposed Urban Dwelling Unit if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- (f) Election of development standards. If necessary, objective zoning, subdivision, or design standards will be set aside for the construction of new units in the following order until the site can contain two 1,000 square foot units:
 - (1) Lot Coverage
 - (2) Second Floor Area limitations
 - (3) Storage and Laundry
 - (4) Architectural Features
 - (5) Private open space
 - (6) Setbacks to the degree allowed by State law [KG22]
 - (7) Shared Driveway requirements

9-5.053 Development Fees

- (a) Urban Dwelling Units shall be subject to single-family impact fees, and all other development and utility connection fees, adopted and in effect at the time of permit application.

PC RESOLUTION B

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ATASCADERO, CALIFORNIA, RECOMMENDING THE CITY
COUNCIL AMEND TITLE 11: SUBDIVISIONS, FOR CONSISTENCY WITH
ADU AND UDU REGULATIONS**

**ZONING CODE UPDATE
(ZCH21-0006)**

WHEREAS, an application has been received from the City of Atascadero (6500 Palma Ave., Atascadero, CA 93422), to consider Text Amendments to Title 11 to accommodate Senate Bill 9; and

WHEREAS, the State of California has adopted Government Code Sections 65852.21 and 66411.7 which mandates that cities update and adopt standards and requirements related to urban dwelling units and urban subdivisions; and

WHEREAS, the City recognizes opportunities to implement policies and programs of the Atascadero General Plan housing element providing for, and regulating, expanded housing opportunities for all persons within the community, and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact amendments to Title 11, Subdivisions, of the Atascadero Municipal Code for consistency with the General Plan and new state laws related to urban subdivisions and to maintain a clear and legible set of Subdivision Regulations that is easily interpreted by the public and staff; 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 municipal code amendment was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said amendments; and,

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Atascadero, California makes the following findings, determinations and recommendations with respect to the proposed amendment:

SECTION 1. Findings for Approval. The Planning Commission finds as follows:

A. Findings for Subdivision Code Amendment:

1. FINDING: The amendments to Title 11 comply with all provisions of California Government Code Section 65913.2.

FACT: The proposed code updates are consistent with the provisions and intentions of Government Code Section 65913.2 related to fair housing practices.

2. FINDING: The proposed amendments are not more restrictive than the regulations included in the Subdivision Map Act for subdivisions requiring a tentative and final map.

FACT: The proposed amendments are consistent with newly adopted State law governing Urban Subdivisions and do not add restrictions above and beyond those specifically allowed by State law to ensue public health, safety, and welfare.

3. FINDING: Per Subdivision Map Act Section 66412.3, the amendments consider the housing needs of the region while balancing against the public service needs of residents and the available fiscal and environmental resources.

FACT: The proposed amendments implement new State law (California Government code Section 66411.7: Urban Lot Splits) and include provisions the increase housing while maintaining public health and safety. Additional units not anticipated in the General Plan or City budget will impact City services and fiscal health, however, the newly adopted State law is recognized as an unfunded mandate.

4. FINDING: The amendments are consistent with State law and enacts Government Code Section 66411.7: Urban Lot Splits.

FACT: The proposed amendments implement new State law (California Government code Section 66411.7: Urban Lot Splits) and include provisions the increase housing while maintaining public health and safety.

SECTION 2. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3).

SECTION 3. Recommendation of Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on 8-2-22 resolved to recommend that the City Council introduce for first reading by title only, an Ordinance that would make amendments to Title 11 of the Atascadero Municipal Code, consistent with the following:

EXHIBIT A: Municipal Code Updates: Title 11

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

On motion by Commissioner Anderson, and seconded by Commissioner Schmidt, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: ()

NOES: ()

ABSTAIN: ()

ABSENT: ()

ADOPTED:

CITY OF ATASCADERO, CA

Jeff van den Eikhof
Planning Commission Chairperson

Attest:

Phil Dunsmore
Planning Commission Secretary

11-6.24 Minimum lot sizes.

Minimum lot sizes shall be as established in the zoning ordinance for the underlying zoning district for which a subdivision or other action pursuant to this title is proposed, or as permitted as an urban subdivision consistent with Government Code 66411.7 and AMC 11-6.27.

(The following section is a new addition to the Municipal Code)

11-6.27: Urban subdivisions – *An urban subdivision, or urban lot split is the division of one single family zoned residential parcel into two lots, consistent with the Government Code 66411.7 and this code.*

(a) Ministerial Review Process. An urban lot split parcel map application will be reviewed ministerially, without discretionary review or a hearing, if it meets all the requirements set forth in this section and in accordance with the procedures set forth in Chapter 11-14 of this code.

(b) Location Requirements. An urban lot split parcel map application must meet all the following location requirements:

- (1) The subject parcel must be located in an area zoned for single-family use, owned by an Individual Property Owner (as defined in Title 9, Chapter 18) and be within or partially within the Urbanized Area, as designated by the US Census Bureau.
- (2) The subject parcel must not be located in an area designated in Government Code sections 65913.4(a)(6)(B) through (K). This includes certain farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, earthquake fault zones, special flood hazard areas, regulatory floodways, lands identified for conservation, and habitats for protected species.
- (3) The subject parcel must not be located within a historic district or property, as set forth in Government Code section 65852.21(a)(6).

(c) Limitation on Demolition and Alterations. A proposed urban lot split must not involve demolition or alteration of:

- (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- (3) Housing that has been occupied by a tenant in the last three years.

(d) Limitation on Parcels Withdrawn from Rental Market. A proposed urban lot split must not involve property withdrawn from rental market under GC §7060 and following, within 15 years before the date that the development proponent submits an application.

(e) Development Standards. A proposed urban lot split must comply with the following development standards:

- (1) No more than two dwelling units may be developed on either resulting lot. Existing residential units, Accessory dwelling units (ADUs), and junior ADUs (JADUs) (ADU's and JADU's are defined in title 9, chapter 5) shall be included in the maximum number of units.
- (2) All UDUs must be consistent with the standards of Chapter 18 of Title 9.
- (3) All parcels proposing an urban lot split must comply with the following design standards:
 - (i) Lot lines shall be at the top of slope banks.
 - (ii) Side lot lines shall be perpendicular to the street on straight streets, or radial to the street on curved streets.
 - (iii) Lots with a ratio of depth to width greater than 3:1 shall not be permitted.
 - (iv) All new lots shall have a minimum primary frontage width of 40-feet, unless approved as a flag lot subdivision.
 - (v) Where the street frontage of a lot (or the combined street frontage of the two lots created through an urban lot split) is 80 feet or less, all units on the lot (or all units on both lots created through an urban lot split) shall share the same drive approach and driveway.
 - (vi) Flag lot subdivisions may be approved subject to the following:
 - A. The original lot shall have frontage on a dedicated street with a minimum width of at least 65 feet;
 - B. The accessway to the rear shall be at least twenty (20) feet wide (developed to City standards), except where the accessway is more than one hundred fifty (150) feet long, it shall be at least twenty-four (24) feet wide with twenty (20) feet of pavement.
 - C. The lot farthest from the street shall own the accessway in fee. Other lots using the accessway shall have an access and utility easement over it and a maintenance agreement shall be recorded with the final parcel map.
 - D. A reflectorized house number master sign shall be located at the intersection of the street and accessway and individual reflectorized address signs shall be placed on the right-hand side of the driveway to each individual lot.
- (4) All parcels with average slopes of 30% or greater must identify an accessible building envelope of 15% or less for the resulting vacant parcel.

(5) All utilities shall be separate for units residing on separate parcels. Multiple units on the same parcel may share utility connections unless prohibited by city code for residential uses.

(6) One street tree per 30-feet of primary frontage shall be installed.

(f) Denial Based Upon Adverse Impacts. The City will deny a proposed urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(g) Any units constructed on a lot that was created by an urban lot split are subject to the standards and requirements of Chapter 18 including, but not limited to, prohibition of short-term rentals, size limitations, and owner occupancy.

(h) Compliance with the Subdivision Map Act. Urban lot splits must conform to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as expressly provided in this section.

(i) Dedication and Frontage Improvements. A dedication of rights-of-way or the construction of offsite improvements for the parcels being created cannot be required as a condition of issuing a parcel map. All required frontage improvements shall be completed prior to or concurrently with a building permit for an urban dwelling unit on either resulting lot.

(j) Fire Department & Utility Easements, An easement must be provided over the front parcel to the rear parcel for access to the public right of way, providing public services and facilities, maintenance of utilities, and (if required) fire department access.

(k) Owner Occupancy. The applicant for an urban lot split must be an existing owner and occupant of the subject lot and must sign an affidavit stating that the applicant will occupy one of the housing units on site as their principal residence for a minimum of three years from the date of the approval of the urban lot split. This does not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(l) Residential Use Requirement. All uses allowed on a site subdivided as an urban lot split must be limited to residential uses. This does not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified

nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

(m) Non-Conforming Zoning Conditions. Nonconforming zoning conditions are not required to be made conforming before approving an application.

(n) Prior Urban Lot Split. The parcel being subdivided may not have not been established through prior exercise of an urban lot split. In addition, neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel may have used the urban lot split process as provided for in this section.

(o) Size Requirements. The urban lot split meets all of the following size requirements:

(1) Both newly created parcels must be no smaller than 1,200 square feet;

(2) Both newly created parcels must be of approximately equal lot area, which for purposes of this paragraph means that one parcel may not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(p) Deed Covenant Required. Prior to recordation of any final map for an Urban Lot Split, a covenant shall be recorded that provides notification as necessary to describe the limitations of this chapter including, but not limited to, the following:

- (1) Notification that the parcel is subject to standards required by Government Code 66411.7 and this code, which may include, but are not limited to, size of residence, design standards, rental requirements, etc.
- (2) No unit on either property may be used as a short-term rental unit (stays 30-days or less).

(q) Appeals.

For the purposes of this chapter, decisions of the Community Development Director or Building Official to approve or deny an application may be appealed in compliance with section 9-1.111 of the Atascadero Municipal Code.

(r) Conflict.

If any section within this chapter conflicts with Government Code sections 65852.21 or 66411.7, then the Government Code sections will apply.



Atascadero Planning Commission

Community Development Department

Accessory Dwelling Unit Text Amendments (AMC Title 9)

RECOMMENDATION:

Staff recommends Planning Commission:

1. Adopt Draft Resolution A recommending that the City Council introduce for first reading, by title only, an ordinance to repeal and replace Chapter 5 of Title 9, of the Atascadero Municipal Code (Accessory Dwelling Units); and
2. Adopt Draft Resolution B recommending that the City Council introduce for first reading, by title only, an ordinance that would amend Title 9 for consistency with updated Chapters 5 and 18 related to accessory dwelling units and urban dwelling units.

DISCUSSION:

Background

Staff introduced this topic to the Planning Commission on June 7th and provided an overview of pending code updates. Following an extensive review by the City's legal team and a review of state policies, the code updates are ready for action and recommendation to the City Council. These updates will repeal and replace Title 9, Chapter 5, of the Atascadero Municipal Code, regulating Accessory and Junior Accessory Dwelling Units (ADUs and JADUs). Updates to the zoning ordinance to implement SB9 are discussed in a separate report, although some provisions of both SB9 and ADU policies are interrelated.

Multiple amendments to the Atascadero Municipal Code are concurrently proposed to align local standards with State law and create consistency throughout the code relative to development standards and terminology. Proposed amendments and additions include:

- Repeal and replacement of Title 9, Chapter 5 (Accessory and Junior Accessory Dwelling Units)
- Amendments to Title 9, Chapters 3, 4, and 9 to update definitions for consistency with amended standards.

The recommended adoption separates these actions into separate resolutions as the City is required to submit final ADU ordinances to HCD for review and comment but is not required to submit sections governing implementation of updates needed for consistency nor is the City required to submit changes to HCD related to SB9.

Analysis

In 2020, the City adopted its 2021-2028 Housing Element which identified implementation programs requiring the City update the ADU ordinance consistent with state law changes. The Housing Element identified ADUs as a component in helping to meet the City's moderate- and low-income RHNA requirements. A portion of all new ADUs and JADUs will count towards the City's affordable housing stock and can be utilized for calculating our annual Regional Housing Needs Allocation (RHNA) since these units are "affordable by design".

Some basics about these units:

- An ADU is defined as an attached or detached accessory dwelling unit that shares a property with a primary unit.
- A JADU is defined as a unit solely converted from existing residential space within an existing or proposed primary unit and is limited in size to 500 square-feet.
- A single site may have an ADU and a JADU if it can meet development standards.
- ADUs are allowed in conjunction with any legal primary dwelling unit, whether the unit is part of a mixed-use project, an apartment project, planned development, condominium, or standard single-family dwelling. However, ADUs have additional limitations within multi-family or mixed-use sites.

Some of the more significant changes to State law include:

- The introduction of Junior ADUs.
- Considerations for the allowance of ADUs on multi-family and mixed-use properties in commercial zones.
- Prohibition of required replacement parking when a garage is converted to create an ADU.
- Establishment of impact fee reductions or waivers for ADUs and JADUs.
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency.
- Limitations on parking standards for new ADUs and JADUs.
- Provides that covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable.
- Prohibits the use of ADUs or JADUs as short-term (vacation) rentals.

On September 28, 2021, staff brought this topic before the City Council for direction prior to preparing a final ordinance. The Council directed staff to analyze the following standards for inclusion in the updated ordinance:

- Consider the maximum size of an allowed ADU to be 1,000 square-feet but consider an option to allow for larger ADU's on larger Single-Family properties with appropriate setbacks and design standards.
- Limit the construction of detached ADUs on properties less than 1 acre gross if served by an on-site wastewater system (septic). In addition, explore parameters for exceptions if a smaller parcel is surrounded by larger parcels.
- Limit ADU construction on sites in the City's WUI zone that do not meet fire standards for secondary road access.
- Provide standards for ADUs in planned developments and multi-family and mixed-use zones.

Because septic suitability and fire access are related to public health and safety, specific findings have been included in Draft Resolution A as required by State law.

Proposed ADU/JADU Objective Standards

Local agencies may adopt design standards that include, but are not limited to, parking, height, setbacks, landscaping, architecture, unit size, and integration with historic resources. However, these standards must not preclude the ministerial review of an ADU. The following discussion provides "objective" design standards that will be incorporated into the City code for ADUs and JADUs.

Unit Size:

ADUs and JADUs are intended to increase housing options and affordability by providing units that are considered to be affordable-by-design and easy to construct. Therefore, maintaining size limits for ADUs within the scope of state law becomes necessary to meet these goals.

State law allows for Cities to establish standards that allow for ADUs with a floor area up to 1,200 square-feet. However, the City has discretion to require smaller units provided that standards allow at least an 850 square-foot unit for a one bedroom or studio unit, or 1,000 square-feet if the unit has 2 or more bedrooms. The City's current code allows up to 1,200 square-feet for an ADU regardless of zoning district or property size. In September 2021, City Council directed staff to update the ADU ordinance to include a maximum unit size of 1,000 square-feet and provide allowances for the full 1,200 square-feet on larger single-family properties.

- *Proposed amendments to Chapter 5 includes the following size standards for ADUs:*
 1. *Up to 1000 square feet*
 2. *Up to 1,200 square-feet for properties 1 acres gross or larger when the ADU does not exceed 50% of the floor area of the primary residence.*

Junior accessory dwelling units are limited by state law to a maximum of 500 square-feet. JADUs must be created by the conversion of existing space within the existing residence or proposed as part of a new primary dwelling unit. JADUs can be conversions of existing habitable space and/or conversion of an attached garage. The proposed ordinance includes language consistent with these standards.

The proposed ordinance includes standards for garage and storage spaces attached to an ADU. Current City ADU standards allow a garage/storage space up to 500 square-feet to be attached to an ADU. The code also provides an exception process through approval of an Administrative Use Permit or a Conditional Use Permit reviewed by the Planning Commission if a larger garage is requested. Larger garages attached to ADUs may conflict with neighborhood character, especially as side and rear setbacks are reduced for ADUs that are under 16-feet in height.

Proposed Code amendments limit the size of garage or non-habitable space attached to an ADU to 250 square feet. However, in cases where the garage is above or below the ADU (on a different floor than the ADU), then the non-habitable space may be up to 450 square feet.

Building Setbacks:

The State requires that standard City setbacks be reduced to 4-feet from the side and rear property lines for ADUs that are less than 16-feet in height. Standard City setbacks are 5-feet from a side property line and 10-feet from the rear. The State requires that both the side and rear setbacks be reduced to 4-feet for a qualifying ADU. The reduced setback will result in design limitations because the building code requires fire rated construction for any building wall that is less than 5-feet from a property line. Therefore, a structure that is less than 5-feet from a property line may not be able to have any operable windows, opening doors, or other features that are not fire-rated facing the property line that is less than 5-feet away. Other walls may still have these features.

While the City cannot override these standards, the City will need to modify our standard definitions to clarify side, front, and rear setbacks. Specifically, our existing code labels a corner setback adjacent to a street as a “corner side setback”. Based on State law, the City would be required to allow an ADU up to 4-feet from the right-of-way on a corner lot, which can result in neighborhood character impacts in addition to safety concerns. The amended language uses the term “corner street setback” to allow the City to maintain a 10-foot setback from the right-of-way (street).

- *ADUs will be subject to a new four foot minimum setback when the ADU complies with maximum size standards and is no taller than 16 feet in height. New definitions for setbacks are proposed that will clarify each setback standard.*

Parking

The State law includes automatic parking reductions for ADUs. This includes both prohibitions against requiring replacement parking for ADU and JADU garage conversions in addition to waiving parking requirements based on proximity to transit stops.

- *The draft ordinance includes provisions requiring 1 parking space per ADU, consistent with State law, except where waived by state law.*

Multi-Family Standards:

The State expanded the government code section related to accessory dwelling units to include provisions for ADUs within multi-family projects. Cities must allow the conversion of existing non-habitable space (this includes garages and other non-conditioned storage or use areas) into ADUs at a ratio up to 25% of the number of existing units on-site. In

addition to this allowance, cities must also allow at least one and no more than 2 new ADUs on the site that can be detached or constructed as an addition to an existing building. The proposed code update includes provisions for these State mandates for all multi-family properties.

It is important to note that garages and carports are considered existing space on a multi-family site and are eligible for conversion. If converted, the City cannot require replacement parking but can require one new parking space per ADU. The City has no authority to limit the conversion of required parking nor require additional parking on-site other than the required parking for the new ADU(s).

- *Staff is recommending an updated land use definition for multi-family to clarify that multi-family zoned properties must be developed to allowed density and cannot build additional units prior to approval construction of an ADU.*

Atascadero has many multi-family properties that have not yet been developed to full density. The City's Housing Element contains policies and programs to encourage infill development on these sites and these sites are included in calculating the City's ability to meet RHNA requirements. Requiring buildout to specified density prior to development of ADUs will allow compliance with Housing Element goals and eliminates a potential loophole.

Mixed-Use Standards:

Updated State law expanded opportunities for ADUs to all districts that allow residential uses, including commercial districts that allow for multi-family development. Residential development in a commercial zone (aka Mixed-Use) would fall under the same parameters of multi-family per state law and would allow ADUs consistent with the standards noted above.

However, the intent of a mixed-use project is not to allow the conversion of commercial zoned property to solely a multi-family use. The intent is to allow for residential units to be built above a commercial project in locations that might be compatible for a mix of uses. Mixed-use residential above commercial is currently allowed within the downtown zoning district and requires a conditional use permit in the CR, CP, and CN zoning districts outside of downtown.

Zoning amendments to clarify the definition of Commercial Mixed-Use as compared to Residential Multi-Family are required in order to clearly navigate the new government code. A new land use definition that includes "**Mixed-Use Development**" will clarify the distinction between a commercial mixed-use project (no residential on the ground floor) and a "residential multi-family development". Current code does not have a separate definition and considers the residential portion of mixed-use developments as "Multi-Family" with a development standard for residential uses to be above the ground floor. Adding this definition will clarify that upper floor residential requirements are not property development standards that can be waived or modified through the State density bonus program or ADU law but are integral to zoning and land use designations. New changes to the government code could result in a substantial loss of commercial land inventory unless this item is clarified in the zoning text.

- *Proposed text amendments include new definitions for **Mixed-Use** and **Residential Multi-Family Development** to ensure that the commercial viability of non-residential properties is maintained..*

Planned Developments:

State law prohibits cities from disallowing ADUs in planned developments and prohibits privately enforced CC&Rs from limiting ADUs. Within Atascadero, planned developments exist in both single-family (Apple Valley and Las Lomas) and Multi-Family zoning districts (Dove Creek). Each of these housing types result in different housing configurations and different densities. Some PD's are more like a condominium or multi-family project, or some or more similar to a single-family neighborhood. For comparison, the Colony Homes development on the north end of town is 4 units per gross acre in a single-family zoning district, while the Oak Haven development on El Camino Real near Home Depot is 11 units per gross acre in a multi-family zoning district.

The draft code differentiates between a "Single Family" density PD and a "Multi-Family" PD to clarify which ADU standards apply.

Per the code standards, small lot single-family subdivisions have a density of 9 units per gross acre or less (roads and common facilities are included in this calculation) and could accommodate ADUs under the state's provisions for single-family uses. A density of 10 units per acre or greater would be considered a multi-family development for the purposes of determining ADU standards.

- *The new definition for a Residential Multi-Family project proposes that projects with 10 units per net acre or more be considered a multi-family project, regardless of the design of the units or whether the units are owned or rented.*

Other General Requirements for ADU's, including Health and Safety Provisions

Minimum Lot Size:

The new Government code Prohibits the City from limiting ADUs based on minimum lot size unless lot size is a factor in determining health and safety standards. The Government Code allows local agencies to limit the development of ADUs based on the adequacy of water and sewer services and adequate road access in order to preserve public health and safety.

The City's Local Area Management Plan (LAMP) is approved by the Regional Water Quality Control Board, a State Agency. The LAMP governs septic systems from a technical aspect based on regional board standards. The LAMP provides design parameters for a variety of site-specific characteristics but does not analyze or address neighborhood or regional impacts to groundwater quality.

City staff has coordinated with an engineering consultant (Monsoon Consultants) to determine what areas or parcels in the City may be most impacted by the expansion of on-site wastewater systems due to overall density or overconcentration concerns. The analysis focused on determining wastewater system densities that would contribute to high nitrogen loading rates should systems be expanded or added to accommodate additional units.

- *The resulting analysis concluded that a minimum lot size of **one gross acre** would be required for ADUs to ensure that established thresholds for nitrogen overconcentration would not be exceeded. No minimum lot size will be established for ADUs that are connected to City sewer, only setbacks and design standards would apply.*

This lot size limit captures smaller parcels on the west side in addition to known areas of concern related to septic concentration and failure such as River Gardens, the neighborhood south of Pine Mountain, some areas west of Atascadero High School and some of the neighborhoods near Rosario north east of the downtown.

The one-acre minimum assumes nitrogen concentrations based on one detached ADU, one primary residence and one JADU for a total of three (3) units on a 1-acre site with an on-site wastewater disposal system or multiple onsite systems. Junior ADUs do not typically produce the same level of impact due to size limitations, requirements that they be converted from existing square-footage, and the fact that they are not allowed to be vacation rentals. JADUs are envisioned to be similar to a master bedroom expansion or bedroom replacement and therefore, the septic concerns are reduced to a level of insignificance as long as the existing system or proposed upgrades can accommodate the additional occupancy consistent with the City's LAMP standards.

- *The draft code amendment allows for JADUs served by on-site wastewater systems on any size lot, providing on-site septic systems can be designed to accommodate any additional load per the requirements of the City's LAMP.*

Council also requested that staff explore an exception process that would allow some smaller parcels without City sewer access to construct ADUs if certain standards related to nitrogen loading could be met.

- *Staff has included language in the draft code text that would allow ADUs on properties between $\frac{3}{4}$ and 1-acre to construct an ADU if the average lot size within a $\frac{1}{4}$ -mile radius is over 1-acre gross. This calculation is required to consider any potential future lot split possibilities in determining average gross acreage. Properties enacting this provision will also have to comply with all LAMP standards.*

Emergency Access Standards:

In addition to the amendment described above regarding wastewater, the City may adopt regulations that limit ADUs where hazardous conditions exist, such as on properties that have limited road access (only one way out) and that are within the City's identified Wildland Urban Interface (WUI) zone. Staff has identified several neighborhoods that do not have sufficient road access and are within these areas. The draft code amendment recommends that ADUs be prohibited in these areas however suggests that JADUs still be allowed as the limitations on JADUs require that they be within the existing residential dwelling and are limited to 500 square-feet with the primary or JADU being owner-occupied. Specific findings related to this safety limitation are included in the draft resolution.

- *No ADUs shall be allowed in areas that are within the identified Wildland Urban Interface (WUI) Zone on roads that do not comply with California Code of Regulations section 1273.08. JADUs may still be allowed on these properties.*

Code changes needed for State Law Consistency:

Owner Occupancy:

The new State law prohibits the City from placing owner-occupancy requirements for residential properties that contain ADUs but allows Cities to require owner occupancy provisions for residences that contain JADUs. This requirement would be satisfied through the recordation of a deed covenant on the property prior to occupancy. Establishing an owner occupancy requirement will ensure that properties with 3 units retain some level of accountability to the neighborhood and community by not allowing these solely as investment properties. It is important to note that SB9, which governs the creation of Urban Dwelling Units, also has similar requirements for owner occupancy.

- *The proposed ordinance language includes requirements for owner occupancy of either the primary, ADU, or JADU as a condition of a construction permit for a JADU.*

Short-term Rental Prohibition

State law requires that ADUs that are developed consistent with the current government code be reserved for stays of greater than 30-days, thereby prohibiting the use of new ADUs or JADUs as vacation rentals. However, the state law does not prohibit a property owner from living in an ADU and utilizing a primary residence as a vacation rental. This provision is supported by the State's findings that ADUs will provide additional opportunities for affordable housing.

- *The proposed code prohibits the use of an ADU or JADU as a vacation rental and includes a requirement to record a deed restriction prior to occupancy.*

Atascadero Municipal Code consistency:

Changes to Title 9, chapter 5 of the Zoning Code to accommodate the new ADU language will result in the need to amend the General Definitions, the Land Use Definitions, and the property development standards.

These amendments include:

- Moving the definition (9-3.500) for detached accessory structures that are not considered dwelling units (ADUs), including standards for detached offices and art studios to Chapter 6, section 106: *Residential Accessory Uses*.
- Updating land-use definitions related to mixed-use and multi-family residential development for clarity on when ADU standards apply (9-3.500).
- Updating general definitions and development standards to clarify setback standards (9-9.102).
- Modifications to existing planned development language to clarify setbacks as they may relate to ADUs (9-3.642).

Conclusion

This activity is a direct implementation of mandated policies of the City's adopted General Plan Housing Element. The State department of Housing and Community Development (HCD) is required to review and approve any municipal code changes related to ADUs

and JADUs and may provide comment if code language does not align with HCDs guidance and legislative intent. It is to the City's advantage to amend our code to adopt specific standards that speak to our local conditions, especially recognizing health and safety impacts such as fire and wastewater limitations. This code amendment will implement an identified Housing Element program, providing additional ADU development that will help achieve our RHNA and comply with the latest updates to State law.

FINDINGS:

The City is adopting a number of provisions that are directly related to unique characteristics of Atascadero and relate to the health, safety, and well-being of existing and future residents. As such, specific findings need to be made in accordance with State law. Findings related to emergency access and wastewater standards are included in attached Resolution A.

ALTERNATIVES:

1. The Planning Commission may recommend modifications to the proposed code amendments.
2. The Planning Commission may determine that more information is needed on some aspect of the amendments and may refer the item back to staff to develop the additional information. The Commission should clearly state the type of information that is required and move to continue the item to a future date.

FISCAL IMPACT:

The addition of ADUs and JADUs in accordance with State law - without fees or other mechanisms in place to ensure that services and infrastructure can be provided to serve the residents of the new units - will have a significant long-term negative fiscal impact to the City, its infrastructure, and its capacity to serve its citizens. New ADUs that are less than 750 square feet in size are required to be exempt from Development Impact Fees. However, these projects are still subject to other permit fees and will result in larger property tax assessments. Larger ADUs are subject to development impact fees, however their fees are reduced to a proportional basis compared to a typical single-family home. The long-term addition of new units to the City is likely to increase the cost of services such as roads, police, fire and related infrastructure. The State recognizes that this is an unfunded mandate.

ATTACHMENTS:

1. Draft Resolution A
2. Draft Resolution B

PC RESOLUTION A

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATASCADERO, CALIFORNIA, RECOMMENDING THE CITY COUNCIL AMEND TITLE 9 PLANNING & ZONING, TO REPEAL AND REPLACE CHAPTER 5: ACCESSORY DWELLING UNITS

ACCESSORY DWELLING UNITS (ZCH21-0006)

WHEREAS, the City of Atascadero (6500 Palma Ave., Atascadero, CA 93422), is considering Zone Change Text Amendments to Title 9; and

WHEREAS, the State of California has adopted revisions to Government Code Section 65852.2 which mandates that cities update and adopt standards and requirements related to accessory dwelling units; and

WHEREAS, portions of the City's current regulations regarding ADUs are inconsistent with the state legislation and require amendment to remain consistent; and

WHEREAS, Accessory and Junior Accessory Dwelling Units do not count as additional residential density per State law for the purposes of zoning compliance and CEQA, and

WHEREAS, the City recognizes opportunities to implement policies and programs of the Atascadero General Plan housing element providing for, and regulating, expanded housing opportunities for all persons within the community, and

WHEREAS, state law allows cities to designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted and those areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

WHEREAS, large portions of the City of Atascadero where residential uses are permitted do not have access to City sewer and are served by private individual on-site wastewater treatment systems, and

WHEREAS, an overconcentration of nitrogen can occur where the density of on-site wastewater facilities exceeds a density of 1 system per half acre, and

WHEREAS, an overconcentration of nitrogen can degrade water quality and impact the natural environment, and

WHEREAS, the City has a responsibility to ensure that groundwater quality is not degraded by an overconcentration of nitrogen to ensure safe drinking water for the community both from the municipal water supplier and private individual wells.

WHEREAS, portions of the City of Atascadero are within heightened fire severity zones where adequate access is required to ensure the safety of residents and allow for evacuation of neighborhoods, and

WHEREAS, the California Code of Regulations sets forth standards for minimum access requirements from residential neighborhoods, and

WHEREAS, the City has an obligation to enforce the California Code of Regulations, and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact these amendments to Chapter 5 of Title 9, Planning and Zoning of the Municipal Code for consistency with State law and to maintain a clear and legible set of Zoning Regulations that is easily interpreted by the public and staff; 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,

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Atascadero, California makes the following findings, determinations and recommendations with respect to the proposed Zoning Code Text Amendment:

SECTION 1. Findings for Approval. The Planning Commission finds as follows:

A. Findings for Zone Text Amendment:

1. **FINDING:** The Planning and Zoning Text Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: The proposed zoning code text updates an existing chapter for consistency with State law. The updates are consistent with the City's recently adopted Housing Element and are intended to implement Government Code Section 65852.2.

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

FACT: The proposed text contains provisions that address the unique characteristics of Atascadero and provide for safe and orderly development of Accessory and Junior Accessory dwelling units consistent with State law.

3. FINDING: The Text Change will not, in itself, result in significant environmental impacts.

FACT: The State of California does not recognize accessory or junior accessory dwelling units as primary units for the purposes of determining density. In addition, the City has included standards to ensure that groundwater and fire safety impacts are mitigated.

B. Findings related to Accessory Dwelling Units

1. FINDING: The limitations on location of areas appropriate for accessory dwelling units and/or junior accessory dwelling units are based on health and safety concerns related to water quality and the California Code of Regulations Section 1273.08.

FACT: The City conducted a nitrogen loading analysis to determine locations where ADUs could be constructed without degrading water quality and creating unsafe drinking or environmental water conditions. Standards have been included only where necessary to ensure water quality. In addition, standards also include consistency with additional State laws including the California Code of Regulations Section 1273.08

SECTION 2. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)).

SECTION 3. Recommendation of Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on 8-2-22, resolved to recommend that the City Council introduce for first reading by title only, an Ordinance that would repeal and replace Title 9, Chapter 5 consistent with the following:

EXHIBIT A: Municipal Code Chapter 5, Title 9

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

On motion by Commissioner Anderson, and seconded by Commissioner Schmidt, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: ()
NOES: ()
ABSTAIN: ()
ABSENT: ()

ADOPTED:

CITY OF ATASCADERO, CA

Jeff van den Eikhof
Planning Commission Chairperson

Attest:

Phil Dunsmore
Planning Commission Secretary

Chapter 5 ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS

9-5.040: Accessory and Junior Accessory Dwelling Units

The following sections establish standards for the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in accordance with Gov Code Section 65852.2.

9-5.010 Purpose

9-5.020 Definitions

9-5.041 Applicability

9-5.142 Objective Design Standards for Accessory Dwelling Units.

9-5.143 Junior Accessory Dwelling Units

9-5.044 Development Fees

9-5.010 Purpose.

- (a) The purpose of this chapter is to prescribe objective development and site regulations that apply, except where specifically stated, to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). This chapter is intended to implement Government Code Sections 65852.2, as amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods while meeting statewide housing goals and responding to wildfire and wastewater constraints.
- (b) The City recognizes opportunities to implement policies and programs of the Atascadero General Plan housing element providing for, and regulating, expanded housing opportunities for all persons within the community.
- (c) Implementation of this chapter is meant to expand housing opportunities for very-low, low and moderate-income and/or elderly households by increasing the number of affordable by design and rental units available within existing neighborhoods.
- (d) As mandated in Section 65852.2 of the Government Code, units that comply with this chapter are considered not to exceed the density limits prescribed by the General Plan and/or this title for residential zoning districts.

9-5.020 Definitions.

As used in this chapter:

Accessory Dwelling Unit (ADU). ADUs are defined by Government Code Section 65852.2 to mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and shall have a bathroom, and shall be located on the same parcel as the single-family or multifamily dwelling per the standards set forth in this section. An Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as set forth in Section 18007 of the Health and Safety Code.

Existing Structure. For the purposes of this chapter and implementation of Gov't Code Section 65852.2, an existing accessory structure or existing primary structure is defined as a structure, or the confines of a structure, that has received a passed final inspection prior to January 1, 2020.

Guesthouse. Guesthouses are defined as residential occupancy construction (R) structures permitted prior to 2004 with a full bathroom, partial kitchen, and are the same as a residential dwelling unit for the purposes of defining use and calculating fees.

Junior Accessory Dwelling Unit (JADU). JADUs are defined by Government Code Section 65852.2 to mean a residential dwelling unit internal to an existing or new primary dwelling unit that provides complete independent living facilities for one or more persons. JADUs shall include permanent provisions for living and shall be located on the same parcel and within the same structure as the single-family dwelling. A Junior Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

Primary Dwelling Unit. A primary dwelling unit (primary unit) is a principal or urban dwelling unit.

Principal Dwelling Unit. An existing or new proposed dwelling unit on a residential zoned legal lot of record permitted as allowed by the City's zoning and allowed density of the parcel and not constructed under the provisions for Chapter 5 or Chapter 18 of this title. Any additional existing units above the base residential density shall be considered an ADU or UDU. New units built as part of an SB9 lot split shall not be considered a principal dwelling unit if a principal unit already exists on the parent parcel or new parcel that is created from the lot split.

Residential Multi-Family Development. A Residential Multi-family property zoned for multiple principal dwelling units that has been developed to the maximum allowed density and which shares access, parking, and/or amenities regardless of the number of underlying parcels. This may include, but is not limited to, attached or detached residential units, common interest subdivisions, and related residential development on a single or multiple lots developed as a single development project with a developable density of at least 10 units per acre.

Residential Single-Family Property. A property zoned for single-family development with a base density of one dwelling unit per parcel.

Short-Term Rental: Short term rentals (vacation rental) shall be defined as rental units with stays of 30 consecutive calendar days or less per individual or party.

Small-lot Single-Family Subdivision. A subdivision with private side and rear yard areas built to a density of less than or equal to 9 dwelling units per acre.

Urban Dwelling Unit (UDU). A primary dwelling unit established or proposed to be developed in accordance with the standards, procedures, and requirements set forth under Government Code section 65852.21 and Chapter 18 of Title 9, either as a primary or secondary primary unit on a parcel.

9-5.030: General Requirements

- (a) **Building Permit Required.** A building permit application shall be required for the construction, occupancy, or conversion of any ADU or JADU.
- (b) **Ministerial Review Process.** An application for development of an ADU or JADU, will be reviewed as a ministerial permit, without discretionary review or a hearing if it meets all the requirements set forth in this section, does not impact environmental (including historic) resources, and after payment of all applicable submittal fees.
- (c) **Water Service.** All habitable dwelling units shall be served by a public water system
- (d) **Wastewater Service.** To avoid health and safety impacts to ground water quality and nitrogen loading, ADUs shall be served by the City sanitary sewer system when located on lots with a gross area less than one (1) acre, except when:
 - 1. The parcel is 0.75 gross acres or greater and all of the following criteria can be met:
 - i. it can be demonstrated that all properties within a ¼ mile radius are of sufficient size, considering possible future lot splits and full development potential, to provide a minimum density of at least 0.5 acres per unit within the ¼ mile radius.
 - ii. It shall be demonstrated that a new or expanded onsite wastewater disposal system can accommodate the additional unit while meeting requirements of the City's Local Area Management Plan (LAMP).
 - 2. ADUs that do not meet the above requirements and do not have the ability to connect to City sewer must be served by an on-site wastewater system that includes pre-treatment and shall be subject to the approval of the City Engineer and must be approved and constructed in accordance with the City's LAMP standards.
- (e) The maximum amount of paving for parking and access for any Principal Dwelling Unit, ADU, JADU and UDU in a front setback area is limited to fifty percent (50%) of the front yard setback area.
- (f) **Design.** The design of an ADU and/or JADU shall be consistent with any objective design standards listed in this chapter.

- (g) Short-Term Rental prohibited. ADUs and JADUs developed in accordance with Govt Code 65852.2 shall not be rented for terms of 30 days or less.
- (h) Illegal Unit. The construction, establishment, or occupancy of an ADU and/or JADU that has not received a valid construction permit and is contrary to the provisions of this chapter is declared to be unlawful and shall constitute a misdemeanor and a public nuisance.
- (i) Deed Notification Required. Prior to issuance of a building permit for the ADU, the property owner shall submit to the City a deed covenant for recordation with the County Recorder in a form approved by the Community Development Director, which shall run with the land and include at a minimum the following provisions:
 - 1. A prohibition on the sale of the ADU separate from the sale of the principal dwelling unit, unless specifically authorized by State law or a subsequent lot split is approved and recorded.
 - 2. A restriction on the size and attributes of the ADU that conforms with this Section
 - 3. A prohibition on using the ADU as a Short-Term Rental.
 - 4. Owner occupancy requirements for properties constructing or containing a JADU, as applicable.
 - 5. A statement that the restrictions shall be binding upon any successor owner of the property and that failure to comply with the restrictions shall result in legal action against the owner.

9-5.041 Applicability.

- (a) Permitted Zoning Districts. Accessory and Junior Accessory Dwelling Units shall be allowed in all areas zoned to allow single-family or multi-family dwellings consistent with the standards of this section. ADUs shall not be allowed within the following locations:
 - 1. Pursuant to the authority provided by section 65852.21(f) of the Government Code, no Accessory Dwelling Unit or Junior Accessory Dwelling Unit shall be permitted on any lot in a single-family zoning district if: 1) an Urban Lot Split has been approved pursuant to Title 11; and 2) two units (Primary Dwelling Unit, ADU, or JADU) have already been approved for construction on either resulting lot.
 - 2. No ADUs shall be allowed inconsistent with the California Code of Regulations Section 1273.08
 - 3. No ADU or JADU may be established in a commercial district unless all of the following conditions have been met:
 - a. The ADU or JADU is part of an approved mixed use project; and

- b. The ADU or JADU is built above the ground floor; and
- c. The ADU or JADU is within a mixed-use project that has reached its maximum allowable residential density.

9-5.042 Objective Design Standards for Accessory Dwelling Units. Standards for the development of ADUs shall be governed by this Chapter. Each ADU shall be subject to compliance with the California Building Code and the following standards:

(a) Maximum Floor Area:

- 1. An **attached** ADU shall have a maximum floor area of 50% of the existing or proposed primary dwelling unit or 1,000 square-feet, whichever is less. In no instance shall this section limit the size of an attached ADU to less than 850 square-feet.
- 2. A **detached** ADU shall have a maximum floor area of 1,000 square-feet, except as follows:
 - i. A garage or other unconditioned space may be attached to an ADU providing any attached space with a non-R occupancy shall be limited to 250 square-feet. Any non-R occupancy space may be up to 450 square feet if it is on a different level than the ADU and used for vehicle parking and the entirety of the ADU is located on a different floor with the exception of an entry and stairs. If an existing accessory structure is converted to an ADU and the size of the unconditioned space exceeds the maximum limit, the existing space may remain but shall not be expanded.
 - ii. Properties that are 1 acre gross or greater may have a detached ADU up to 1,200 square-feet of residential floor area if the ADU is less than 50% of the floor area of the primary residence and the ADU has an equal or greater street yard setback than the primary residence.
- 3. Any dwelling unit other than the principal dwelling unit, that was established on the lot prior to the submittal of a complete application for a development pursuant to this chapter may not be altered or expanded to a size greater than 1,000 square-feet, exclusive of any attached garage, storage space, or enclosed porch. No additional unconditioned space can be added if greater than the maximum allowances described in section (8) below. If existing units exceed the maximum size thresholds, no expansion or additions shall occur.

(b) Parking. One off-street parking space (standard or tandem within a driveway) shall be required for each ADU, with the following exceptions;

- 1. No parking shall be required if the ADU is within one-half mile walking distance of public transit

2. No parking shall be required when the ADU is within a designated historic district or on the site of a designated historic property within a one-mile walking distance to public transit.
 3. No parking shall be required when the ADU is part of a proposed or existing primary residence or a converted existing accessory structure.
 4. No parking shall be required when there is a car-share vehicle available to the tenant of the ADU and located within one block of the ADU
- (c) **Garage Conversions.** Garages may be converted to ADUs provided that one parking space is reserved for the ADU on the site. A parking space that is lost as part of the garage conversion need not be replaced other than the parking required for the new ADU.
- (d) **Accessory Structure Conversion.** ADU's may be constructed within existing accessory structures subject to the following:
1. The size of the ADU shall comply with the size limitations set forth in 9-5.042 (a) above.
 2. Any portions of the accessory structure not utilized for the ADU shall remain as non-habitable storage space and shall be separated with a permanent wall from the interior space of the ADU. Any openings (doors) between the ADU and non-habitable space shall comply with building and fire code standards.
- (e) **Height.** ADUs shall conform to the height limits of the underlying zoning district, except as follows:
1. Newly constructed ADUs that are setback less than 5-feet to a side property line or less than 10-feet to a rear property line, as permitted by Government Code Section 65852.2, are limited to 16-foot maximum height.
- (f) **Setbacks.** An ADU shall maintain the following setbacks:
1. Side Setback: 5-feet
 2. Primary Street Frontage: 25-feet for single-family properties, 15-feet for multi-family properties
 3. Corner Street Frontage: 10-feet
 4. Secondary Street Frontage: ½ the front setback
 5. Rear: 10-feet
 6. Access way (flag or easement): 10-feet.
 7. An ADU that is 16-feet or less in height may be located a minimum of 4-feet from a side and/or rear property line.
 8. No setback is required for an existing permitted structure or a structure constructed in the same location and to the same dimensions as an existing permitted structure.

- (g) **Building Separations.** A minimum separation of five (5) feet shall be maintained between a Primary Dwelling Unit and a detached Accessory Dwelling Unit.
- (h) **Fire Sprinklers.**
 - 1. An ADU shall comply with all applicable fire safety provisions of state law, as well as locally adopted building and fire codes under Chapter 15.04.
 - 2. A detached ADU shall be required to be equipped with fire sprinklers unless the primary dwelling unit is not sprinklered.
 - 3. An attached ADU shall provide fire sprinklers per the standards for residential additions.
- (i) **Number of ADUs permitted.**
 - 1. **Single-Family Zoned Parcels and Small-Lot Single Family Subdivisions:** One ADU per parcel shall be permitted. If a lot contains the maximum number of allowed dwelling units no additional ADU or JADU shall be allowed.
 - 2. **Residential Multi-Family / Mixed-Use Developments:** ADUs shall be permitted in multi-family and mixed-use developments subject to the following:
 - i. Existing non-habitable space within a multi-family building may be converted to one or more ADUs at a maximum ratio of 25% of the existing on-site units above the permitted site density.
 - ii. In addition to the units authorized by subsection (i) above, one additional Accessory Dwelling Unit above the permitted site density shall be permitted within a multi-family or mixed-use development
 - iii. All residential units in a mixed-use development must meet the provisions of the underlying zoning district, except as provided for by Gov Code Section 65852.2, and must be consistent with all land use definitions for such development.
 - 3. If multiple units exist on a site that were constructed prior to designation as an ADU, JADU or UDU, those units must be designated as one of the permitted housing unit types prior to further development of the property

9-5.043 Junior Accessory Dwelling Units. Each Junior Accessory Dwelling Unit (JADU) shall be subject to compliance with the building permit requirements and the following standards:

- (a) **Maximum Floor Area:** Each JADU shall be constructed within the walls of an existing or proposed primary dwelling unit and shall be a maximum of 500 square-feet.

- (b) Septic Systems. JADUs may be served by the system serving an existing or proposed primary unit or a secondary septic system, subject to the approval of the City Engineer and provisions of the City's LAMP.
- (c) Number of JADUs permitted: One JADU is permitted per single-family residential property or small-lot single-family residential subdivision parcel. If a lot contains the maximum number of allowed dwelling units no additional ADU or JADU shall be allowed.
- (d) Design Standards:
 - 1. Each JADU may contain separate sanitation facilities or may share sanitation facilities with the principal dwelling unit.
 - 2. Each JADU shall include a separate entrance from the main entrance to the existing or proposed principal dwelling unit and may include an interior entry to the main living area.
 - 3. Each JADU shall, at a minimum, include an efficiency kitchen as defined by the building code.
- (e) Owner Occupancy: The property owner shall reside onsite and maintain primary residency in either a primary dwelling unit, ADU, or the JADU.

9-5.044 Development Fees

- (a) Accessory units, whether attached or detached, shall be exempt from Development Impact Fees when the gross floor area is less than 750 square feet. Units 750 square feet and larger shall be subject to the City's adopted development impact fee schedule.

PC RESOLUTION B

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ATASCADERO, CALIFORNIA, RECOMMENDING THE CITY
COUNCIL AMEND SECTIONS OF TITLE 9 PLANNING & ZONING, FOR
CONSISTENCY WITH ADU AND UDU REGULATIONS**

**ZONING CODE UPDATE
(ZCH21-0006)**

WHEREAS, an application has been initiated by the City of Atascadero (6500 Palma Ave., Atascadero, CA 93422), to consider Zone Change Text Amendments to Title 9; and

WHEREAS, the State of California has adopted Government Code Sections 65852.2 and 65852.21 which mandates that cities update and adopt standards and requirements related to accessory dwelling units and urban dwelling units; and

WHEREAS, the City recognizes opportunities to implement policies and programs of the Atascadero General Plan housing element providing for, and regulating, expanded housing opportunities for all persons within the community, and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact amendments to Title 9 Planning and Zoning of the Atascadero Municipal Code for consistency with the General Plan and new state laws related to urban dwelling units and accessory dwelling units and to maintain a clear and legible set of Zoning Regulations that is easily interpreted by the public and staff; 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,

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Atascadero, California makes the following findings, determinations and recommendations with respect to the proposed Zoning Code Text Amendment:

SECTION 1. Findings for Approval. The Planning Commission finds as follows:

A. Findings for Zone Text Amendment:

1. FINDING: The Planning and Zoning Text Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: The proposed zoning code text updates an existing chapter for consistency with State law. The updates are consistent with the City’s recently adopted Housing Element and are intended to implement Government Code Sections 65852.2 and 65852.21.

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

FACT: The proposed text contains provisions that address the unique characteristics of Atascadero and provide for safe and orderly development of Urban, Accessory, and Junior Accessory dwelling units consistent with State law.

3. FINDING: The Text Change will not, in itself, result in significant environmental impacts.

FACT: The State of California does not recognize urban, accessory, or junior accessory dwelling units are primary units for the purposes of determining density. In addition, the City has included standards to ensure that groundwater and fire safety impacts are mitigated.

SECTION 2. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)).

SECTION 3. Recommendation of Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on 8-2-22 resolved to recommend that the City Council introduce for first reading by title only, an Ordinance that would make amendments to Title 9 of the Atascadero Municipal Code, consistent with the following:

EXHIBIT A: Municipal Code Updates: Title 9

BE IT FURTHER RESOLVED that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

On motion by Commissioner Anderson, and seconded by Commissioner Schmidt, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: ()
NOES: ()
ABSTAIN: ()

ABSENT:

()

ADOPTED:

CITY OF ATASCADERO, CA

Jeff van den Eikhof
Planning Commission Chairperson

Attest:

Phil Dunsmore
Planning Commission Secretary

9-3.651 Establishment of Planned Development Overlay Zone No. 7: (PD7).

A Planned Development Overlay Zone No. 7 may be established in multiple-family residential zones. The following development standards shall be applied to all projects within Planned Development Zone No. 7:

- (a) A Master Plan of Development of the site shall be approved. All construction and development shall be done in conformance with the approved master plan.
- (b) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved Master Plan of Development.
- (c) A proposed planned development project shall consist of no fewer than four (4) residential units.
- (d) A parent lot or lots shall have frontage on a public street.
- (e) Each dwelling unit shall be subject to review under the City’s Appearance Review Guidelines.
- (f) Building setbacks shall be as follows:

Front <u>Primary Street</u> yard at residence	15 feet
Side yards (combined)	10 feet
Side <u>Corner Street</u> yard (corner lot)	12 feet
Rear yard (single-story)	10 feet
Rear yard (two-story)	15 feet

Garages shall be recessed from the front of the residence by at least five (5) feet.

(1) Physically Unique Sites. Sites with one (1) or more mature trees, steep slopes, riparian areas and/or some other unique physical characteristic are not subject to the above setback requirements provided the following findings are made: (i) that flexibility from the above setback standards is necessary to enable the environmentally superior design alternative; (ii) that at least fifty percent (50%) of each individual lot will be landscaped; and (iii) that at least sixty percent (60%) of the net area of the overall site will be landscaped.

(g) Building coverage (residence plus garage footprint) shall not exceed thirty-five percent (35%) of the individual lot area. Landscaping shall constitute a minimum of forty percent (40%) of the lot area. The measurement of landscaped areas shall be exclusive of driveways, patios, decks, etc.

(h) Two (2) story residences shall have a second floor that is limited to seventy-five percent (75%) of the gross area of the first floor inclusive of the garage.

(i) All mechanical equipment, including HVAC units and utility meters, shall be screened from view from adjacent streets and properties.

(j) Exterior fencing shall be consistent throughout the project. Design and appearance of fences and/or walls shall be compatible with the design of the dwelling units.

(k) Accessory buildings (sheds, etc.) will be allowed; however, the footprint of such accessory buildings will count toward the maximum percent of allowable building coverage.

(l) Each proposed lot shall have a minimum frontage of forty-five (45) feet, except that lots at the end of a cul-de-sac may be forty (40) feet.

(m) Parking for two-resident vehicles shall be provided in a garage with minimum interior dimensions of twenty (20) feet by twenty (20) feet. One guest parking space of at least nine (9) feet by eighteen (18) feet shall be provided on each individual lot. The driveway area may be used to satisfy the guest parking requirement. On-street parking shall not be used to satisfy the parking requirements.

(n) Private open space shall be provided for each residential unit at a ratio of three hundred (300) square feet for the first two (2) bedrooms. Each bedroom in excess of two (2) shall cause the private open space to be increased by fifty (50) square feet. The required front yard setback area shall not be used to satisfy the open space requirement; however, side and rear setback areas may be utilized. The minimum width of the private open space area shall not be less than ten (10) feet.

(o) Individual trash collection shall be used for each residential unit. Provisions shall be made for storage of trash cans within the garage or fenced area.

(p) All utilities, including electric, telephone and cable, along the frontage of and within the PD shall be installed underground.

(q) Alterations or additions to established dwelling units shall be subject to the density standards of the underlying zone and shall be reviewed pursuant to the City's Appearance Review Guidelines.

(r) All dwelling units shall be equipped with water conservation devices to include low-flow shower heads and toilets, and drip irrigation systems.

9-3.662 Establishment of Planned Development Overlay Zone No. 17: (PD17).

A Planned Development Overlay Zone No. 17 may be established in the RSF-X Single Family Residential Zones on lots with a net acreage exceeding one acre. The maximum density within the planned development shall not exceed a gross density of four (4.0) units per acre. The following development standards shall be applied to all projects within Planned Development Zone No. 17:

(a) A master plan of development of the site shall be approved. All construction and development shall be done in conformance with the approved master plan of development.

(b) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development.

(c) A proposed planned development project shall consist of no fewer than four (4) residential units.

(d) A parent lot or lots shall have frontage on a public street.

(e) Each dwelling unit shall be subject to review under the City's Appearance Review Guidelines.

(f) Building setbacks shall be as follows:

Front <u>Primary Street</u> yard at porch	15 feet
Front <u>Primary Street</u> yard at dwelling	20 feet
Front <u>Primary Street</u> yard at garage	25 feet
Side yards	5 feet
Front Corner <u>street</u> yard (corner lot)	12 feet
Rear yard	10 feet
Accessory structure side and rear yards	5 feet

Garages shall be recessed from the front of the residence by at least ten (10) feet.

(1) Physically Unique Sites. Sites with one or more mature trees, steep slopes, riparian areas and/or some other unique physical characteristic are not subject to the above setback requirements provided the following findings are made: (i) that flexibility from the above setback standards is necessary to enable the environmentally superior design alternative; (ii) that at least fifty percent (50%) of each individual lot will be landscaped; and (iii) that at least sixty percent (60%) of the net area of the overall site will be landscaped.

(g) Building coverage (residence plus garage footprint) shall not exceed thirty-five percent (35%) of the individual lot area. Landscaping shall constitute a minimum of forty percent (40%) of the lot area. The measurement of landscaped areas shall be exclusive of driveways, patios, decks, etc.

(h) Two- (2) story residences shall have a second floor that is limited to seventy-five percent (75%) of the gross area of the first floor inclusive of the garage.

(i) All mechanical equipment, including HVAC units and utility meters, shall be screened from view from adjacent streets and properties.

(j) Exterior fencing shall be consistent throughout the project. Design and appearance of fences and/or walls shall be compatible with the design of the dwelling units.

(k) Accessory buildings (sheds, etc.) will be allowed; however, the footprint of such accessory buildings will count toward the maximum percent of allowable building coverage.

(l) Each proposed lot shall have a minimum frontage of sixty (60) feet measured at the twenty-five- (25) foot setback line. The minimum net lot area shall be six thousand four hundred (6,400) square feet.

(m) Parking for two- (2) resident vehicles shall be provided in a garage with minimum interior dimensions of twenty (20) feet by twenty (20) feet. One guest parking space of at least nine (9) feet by eighteen (18) feet shall be provided on each individual lot. The driveway area may be used to satisfy the guest parking requirement. On-street parking shall not be used to satisfy the parking requirements.

(n) All front yards and street facing side yards shall be landscaped.

(o) Individual trash collection shall be used for each residential unit. Provisions shall be made for storage of trashcans within the garage or fenced area.

(p) All utilities, including electric, telephone and cable, along the frontage of and within the PD shall be installed underground.

(q) Alterations or additions to established dwelling units shall be subject to the density standards of the underlying zone and shall be reviewed pursuant to the City's Appearance Review Guidelines.

(r) No farm animals may be kept on a lot.

9-3.679 Establishment of Planned Development Overlay Zone No. 34 (PD34).

A Planned Development Overlay Zone No. 34 shall be established for a thirty-two (32) lot subdivision know as Tract 3099, located at parent Assessor Parcel Number 045-351-008 with a total net acreage of 3.79 acres. Development shall be permitted as follows:

(a) A master plan of development of the site shall be approved under the form of a Major Conditional Use Permit. All construction and development shall be in conformance with the approved master plan of development.

(b) No subsequent lot splits or lot line adjustments shall be approved unless found to be consistent with the approved Master Plan of Development.

(c) Any deviations from the approved architecture, colors and materials board, and other architectural enhancement or features shall be approved by the Design Review Committee (DRC) or its successor committee or board.

(d) All lots shall front on a public street or dedicated right-of-way.

(e) Architectural elevations shall be consistent with approved elevations as shown in the approved master plan of development.

(f) Building setbacks shall be consistent with the approved master plan of development:

Front <u>Primary Street</u> Yard Garages (measured from the back of sidewalk)	25 feet
<u>Primary Street</u> Front Yard Covered Porches/Decks (measured from back of sidewalk)	3 feet
<u>Primary Street</u> Front Yard Residential Units (measured from back of sidewalk)	15 feet
<u>Primary Street</u> Front Yard (Lot 31, Senior Apartments, measured from property line)	10 feet
Side Yards (measured from property line)	0 feet
Side Yard (Lot 31, Senior Apartments)	15 feet
Corner Lot Side <u>Street</u> yard (measured from back of sidewalk)	15 feet
Corner Lot <u>Street</u> Covered Porch/Deck (measured from back of sidewalk)	3 feet
Rear Yard (measured from property line)	5 feet

(g) All mechanical equipment, including HVAC units and utility meters, shall be screened from view from adjacent streets and properties.

(h) Maximum height of residential structure(s) on lot 31 shall be forty-four (44) feet. All other residential unit heights shall be consistent with heights contained in the Atascadero Municipal Code.

(i) Exterior fencing and walls design, and location, shall be consistent with the approved master plan of development landscaping plan. “Dog-eared” type fencing is prohibited throughout the development.

(j) The use of residential accessory buildings (sheds, etc.) will be allowed on the designated rear half of a lot, if the structure can meet setback requirements for residential accessory structures contained in both the [California Building Code](#) (CBC) and the Atascadero Municipal Code (AMC).

(k) The minimum lot area shall be two thousand three hundred fifty (2,350) square feet for lots containing residential units. No minimum lot size for lots containing common open spaces or utilities within the subdivision.

(l) Parking for resident vehicles shall be provided within the provided garage on lots containing garages. The driveway area may be used to satisfy the parking requirements.

(m) All front yards and street facing side yards shall be landscaped with drought tolerant landscaping consistent with the State of California drought tolerant landscaping guidelines.

(n) Individual trash collection shall be used for each residential unit. Provisions shall be made for storage of trashcans within the garage or fenced area. These shall be identified in the approved landscape plan.

(o) All utilities, including electric, telephone and cable, along the frontage of and within the PD shall be installed underground, unless both the Community Development Director and the Public Works Director determine that relocation of existing utilities underground renders the project infeasible.

(p) Alterations or additions to established dwelling units shall be subject to the density standards of the underlying zone and shall be reviewed pursuant to the City's Appearance Review Guidelines.

(q) No farm animals may be kept on a lot.

(r) All identified roadway improvements shall be completed as shown in the Master Plan of Development.

(s) Any native tree removals beyond what is identified in the approved Tree Removal will require prior Planning Commission approval with appropriate findings made, consistent with the City's Native Tree Ordinance.

(t) No additional units shall be approved within the development without amending the master plan of development. Density must be consistent with the underlying zoning ordinance.

9-3.677 Establishment of Planned Development Overlay Zone No. 32: (PD32).

A Planned Development Overlay Zone No. 32 shall be established for twelve (12) lots in Subdivision Tract 2625, recorded in Book 31 of Recorded Maps, page 23 through 25, San Luis Obispo County, CA (assessor parcel numbers 049-105-01 through 012). The maximum density within this planned development shall not exceed a gross density of four (4.0) units per acre and shall have an underlying zoning designation of Residential Single Family (RSF-X). The following development standards shall be applied to all properties recorded:

(a) A master plan of development of the site shall be approved (CUP 2004-0126). All construction and development shall be in conformance with the approved master plan of development.

(b) No subsequent lot splits or lot line adjustments shall be approved unless found to be consistent with the approved master plan of development.

(c) All lots shall front on a public street.

(d) Architectural elevations shall be consistent with approved elevations as shown in the approved master plan of development (CUP 2004-0126).

(e) Building setbacks shall be consistent with the approved master plan of development (CUP 2004-0126):

Front Primary street yard at porch (measured from back of sidewalk)	10 feet
Front Primary street yard at dwelling (measured from back of sidewalk)	20 feet
Front Primary street yard at garage (measured from back of sidewalk)	25 feet
Side yards (measured from property line)	5 feet
Corner lot side-street yard (measured from back of sidewalk)	5 feet
Rear yard (measured from property line)	5 feet
Rear yard adjacent to existing lots greater than a one-half (½) gross acre (Lots 1, 2, 3, 6, 7)	12 feet

(f) Garages placement shall be consistent with the approved master plan of development (CUP 2004-0126).

(g) Building coverage (residence plus garage footprint) shall not exceed thirty-five percent (35%) of the individual lot area. Landscaping shall constitute a minimum of forty percent (40%) of the lot area. The measurement of landscaped areas shall be exclusive of driveways, patios, decks, etc.

(h) Two (2) story residential additions are permitted; however, the additions shall be reviewed by the Design Review Committee or referred to a separate committee as directed by the Planning Director.

(i) All mechanical equipment, including HVAC units and utility meters, shall be screened from view from adjacent streets and properties.

(j) Exterior fencing shall be consistent with the approved master plan of development landscaping plan (CUP 2004-0126).

(k) The use of residential accessory buildings (sheds, etc.) will be allowed; however, the footprint of such accessory buildings will count toward the maximum

percent of allowable building coverage. Residential accessory buildings shall be consistent with the setbacks set forth in subsection (e) of this section. All other regulations shall be consistent with residential accessory structures contained in both the [California Building Code](#) (CBC) and the Atascadero Municipal Code (AMC).

(l) Each proposed lot shall have a minimum frontage of fifty (50) feet measured at the front setback line. The minimum net lot area shall be six thousand (6,000) square feet.

(m) Parking for two (2) resident vehicles shall be provided within the provided garage. One (1) guest parking space shall be provided on each individual lot. The driveway area may be used to satisfy the guest parking requirement. On-street parking shall not be used to satisfy any of these parking requirements.

(n) All front yards and street facing side yards shall be landscaped with drought tolerant landscaping consistent with the State of California drought tolerant landscaping guidelines.

(o) Individual trash collection shall be used for each residential unit. Provisions shall be made for storage of trashcans within the garage or fenced area. These shall be identified in the approved landscape plan.

(p) All utilities, including electric, telephone and cable, along the frontage of and within the PD shall be installed underground.

(q) Alterations or additions to established dwelling units shall be subject to the density standards of the underlying zone and shall be reviewed pursuant to the City's Appearance Review Guidelines.

(r) No farm animals may be kept on a lot.

(s) Sewer service shall be provided with connection to the City's sewer system. The project Homeowners Association or similar financial mechanism shall be responsible for the cost of abandoning injector pumps on individual lots when sewer service is made available to El Camino Real or Carrizo Road.

(t) All identified roadway improvements shall be completed as shown in the Master Plan of Development (CUP 2004-0126).

(u) Lot 1 of Recorded Map Books 31, pages 23 through 25 (APN 049-105-001) shall have a Historic Site Overlay zone designation. Further development of this lot shall be consistent Atascadero Municipal Code Section 9-3.623 or successor code.

(v) Any native tree removals beyond what is identified in Tree Removal Permit 2015-0193 will require Planning Commission approval prior with appropriate findings made, consistent with the City's Native Tree Ordinance.

9-4.106 Front Street setbacks.

The A front street setback is measured at right angles from the nearest point on the front property line to the building line. ~~All structures are to be set back a minimum of twenty-five (25) feet from the nearest point on the front property line, except where this section establishes other requirements.~~ Front setback landscaping and fencing standards are in Sections 9-4.125(a) and 9-4.128 of this chapter, respectively.

(a) A, RS, RSF, and LSF Zones. All residential uses shall have a minimum primary front street setback of twenty-five (25) feet, except as follows:

~~(1)~~ Shallow Lots. The front setback shall be a minimum of twenty (20) feet for any lot less than ninety (90) feet deep.

~~(2)~~ (1)

~~(3)~~ (2) Flag Lots and Lots without Street Frontage. Determination of that portion of the site to constitute the required front yard within the flag shall be at the discretion of the applicant. The front setback of the flag of the lot shall be a minimum of ten (10) feet. The front setback within the accessway shall be as in subsection (a) of this section.

~~(4)~~ (3) Sloping Lot Adjustment. Where the elevation of the natural grade on a lot at a point fifty (50) feet from the centerline of the adjacent street right-of-way is seven (7) feet above or below the elevation of the centerline, a private garage may be located, at the discretion of the applicant, as close as five (5) feet to the street property line (primary or corner), subject to the approval of an administrative use permit (Section 9-1.112 of this title), provided that portions of the dwelling other than the garage shall be established at the setback otherwise required.

~~(5)~~ (4) Variable Setback Block. Where a residential block is partially developed with single-family dwellings having less than the required primary front setbacks and no uniform front setback is established, the primary front street setback may be adjusted by approval of an administrative use permit (Section 9-1.112 of this title) at the option of the applicant, as follows:

(i) Prerequisites for Adjustment. Adjustment may be granted only when twenty-five percent (25%) of the lots on the block with the same frontage are developed and the entire block is within a single zone.

(ii) Allowed Adjustment. The normally required minimum primary front street setback is to be reduced to the average of the primary front setbacks of the existing dwellings, which include attached garages but not detached garages, to a minimum of ten (10) feet.

(5) The Design Review Committee (DRC) may grant an exemption to the front setback requirement based on neighborhood compatibility for structures that meet the following criteria:

(i) Structures are no greater than ten (10) feet in height;

(ii) Structures do not exceed front yard coverage of more than fifty percent (50%);

(iii) Structures do not impair sight distances for vehicular traffic as reviewed by the City Engineer.

(b) RMF Zone and Residential Uses in Commercial and Industrial Zones. All residential units shall have a minimum setback of fifteen (15) feet. All garages shall have a minimum front setback of twenty (20) feet.

(c) CN, CP, CR, CS, CT, CPK, IP and I Zones. No front setbacks are required. Ground floor residential uses are subject to the setback requirements of subsection (a) of this section.

(1) Adjacent to Residential Zone. Where a commercial or industrial zone has a primary or secondary front street setback, including a double frontage setback, on a street where more than fifty percent (50%) of the lots in the same block are zoned for residential use, the primary front setback shall be twenty-five (25) feet, except that a one-story building or parking may encroach into one-half (1/2) the required front setback depth.

(d) L, LS and P Zone. A minimum ten (10) foot primary front street setback is required, provided that residential uses are subject to the setback requirements of subsection (a) of this section.

(e) Flag Lots. Any accessway adjacent to a public street shall be subject to the front setback requirements of subsections (a), (b), (c), and (d) of this section. Determination of that portion of the site to constitute the required front yard within the flag shall be at the discretion of the applicant. The front setback of the flag of the lot shall be subject to the side setback requirements of Section 9-4.107 of this chapter.

(f) Double Frontage Lots.

(1) Selecting the Setback Location. Where double frontage setback locations are not specified by subdivision requirements or other applicable regulations, the applicant may select the primary front setback street unless fifty percent (50%) of the lots on a double frontage block are developed with the same front yard orientation. In that case, all remaining lots are to orient their primary front setbacks with the majority.

(1) ~~—(2)~~ Double Frontage Setback Requirements (Secondary Frontage). A full-front setback is to be provided adjacent to one frontage (primary), and a setback of one-half (1/2) the required front setback depth adjacent to the other frontage (secondary).

(g) Corner front street setback (Corner Street Frontage). The front primary street setback on the street side of a corner lot is to be a minimum of ten (10) feet from the property line.

(gh) Establishment of Front Setback on Zoning Map. The Planning Commission may establish greater front setbacks than those required in this section by delineating the setback on the zoning map. Procedures specified by Section 9-1.115 of this title shall be followed in establishing such setbacks.

9-4.107 Side setbacks.

The side setback is measured at right angles to the side property line to form a setback line parallel to the side property line, which extends between the front and rear setback areas, or primary front street and secondary front-street setback areas for double frontage lots. The minimum side setback is to be as follows:

(a) A, RS, RSF, LSF and RMF Zones and Residential Uses in Commercial and Industrial Zones. All residential uses except for second story dwellings over commercial and industrial uses shall have a minimum side setback of five (5) feet, except as follows:

~~— (1) Corner Lots. The side setback on the street side of a corner lot is to be a minimum of ten (10) feet.~~

~~— (2) A Corner Lot Adjacent to a Key Lot. A side setback equal to one-half (1/2) the depth of the required front setback of the key lot shall be provided, except that:~~

~~— (i) Where the corner lot is less than fifty (50) feet in width, the setback is to be a minimum of ten (10) feet; or~~

~~— (ii) Where an alley is between the corner lot and a key lot, the setback on the street side of the corner lot is to be five (5) feet.~~

(31) Accessory Buildings Structures. A side yard may be used for an accessory building no greater than twelve (12) feet in height, provided that it is not used for human habitation or the keeping of animals and is either:

(i) Located no closer than five three (53) feet to any property line;

(ii) Located on the rear half of the lot; or

(iii) Established on the property line as a common wall structure pursuant to subsection (a)(4) of this section, or as a zero lot line structure, provided that all applicable Uniform Building Code requirements are satisfied for a property line wall.

~~(4-2)~~ Common Wall Development. Any two (2) dwelling units, and/or their accessory garages, may be constructed on adjoining lots without setbacks between them provided that:

(i) The setback has been eliminated through subdivision map or conditional use permit approval;

(ii) A common wall or party wall agreement, deed restriction, or other enforceable restriction has been recorded;

(iii) The side setbacks opposite the common wall property line are not less than two (2) times the minimum width required by this section; and

(iv) Common wall construction is in compliance with the Uniform Building Code.

(53) Zero Lot Line Development. A group of dwelling units on adjoining lots may be established so that all units abut one (1) side property line, provided that:

(i) The setback has been eliminated for an entire block through subdivision map or conditional use permit approval;

(ii) The modified setback requirements for the block are recorded as part of a land division map, deed restriction, or other enforceable restriction;

(iii) The side setback shall not be eliminated or reduced on the street side of a corner lot; and

(iv) Side setbacks opposite the zero setback property line are not less than twice the minimum required by this section.

(64) Access Easements. All access easements shall have a minimum setback of five (5) feet, measured from the edge of the easement.

(75) Additional height for buildings in RMF. Multifamily dwellings exceeding twenty-five (25) feet in height shall have a ten (10) foot setback for all portions of the building over twenty-five (25) feet in height.

(b) CN, CP, CR, CS, CT, CPK, IP, I and P Zones. No side setbacks are required. Ground floor residential uses are subject to the setback requirements of subsection (a) of this section.

(c) L and LS Zones. A minimum five (5) foot side setback is required.

9-4.108 Rear setbacks.

The rear setback is measured at right angles to the rear property line to form a setback line parallel to the rear property line.

(a) A, RS, RSF, LSF, and RMF Zones and Permitted Ground Floor Residential Uses in Commercial and Industrial Zones. All residential uses except for second story dwellings over commercial and industrial uses shall have a minimum rear setback of ten (10) feet, except as follows:

(1) Accessory ~~Buildings~~Structures. A rear setback except for the portion of the rear yard adjacent to the street of a corner lot ~~adjacent to a key lot~~, may be used for an accessory building no greater than twelve (12) feet in height, provided the accessory building is not used for human habitation or the keeping of animals, and is not closer than three feet to a side or rear property line or alley.

(b) CN, CP, CR, CS, CT, CPK, IP and I Zones. No rear setback is required in commercial or industrial zones, except as follows:

(1) Adjacent to an Alley. The ~~rear~~secondary frontage setback shall be a minimum of five (5) feet, except where the alley provides vehicular access to the interior of the building, in which case the setback shall be ten (10) feet.

(2) Adjacent to Residential Use Zone. Where the rear property line abuts a residential zone or use, no rear setback is required for buildings or portions of buildings

which do not exceed twelve (12) feet in height within ten (10) feet of the rear property line. The rear setback shall be a minimum of ten (10) feet for buildings or portions of buildings which exceed twelve (12) feet in height.

- (c) L, LS and P Zones. A minimum of ten (10) foot rear setback is required.

9-4.116 Location of parking on a site.

Required parking spaces may be located as needed on a proposed site, subject to the design and construction standards of Sections 9-4.117 and 9-4.119 of this chapter and the following:

- (a) Use of Front Setback. Required parking spaces are not to be located within the required front setback.

- (b) Use of Side and Rear Setbacks. Side and rear setbacks may be used for vehicle parking except on the street sidefrontage of a corner lot and except where landscaping is required by Section 9-4.125 of this chapter.

9-4.128 Fencing and screening.

Standards for fencing and screening are established by this section to protect certain uses from intrusion, to protect the public from uses that may be hazardous, and to increase compatibility between different land uses by visual screening. Fencing is the enclosure of an area by the materials identified in subsection (c) of this section. Screening is the enclosure of an area by a visual barrier, which may include solid fencing or other materials, as specified in subsection (c) of this section.

- (a) Fencing and Screening—Where Required. Within the urban services line, the uses and areas listed in this subsection shall be fenced and/or screened, as indicated. Unless otherwise specified, fencing and screening are to be a minimum height of six (6) feet. Fencing and screening materials of a height greater than three (3) feet shall not be located within a required primary, secondary, or corner front street setback ~~or side setback adjacent to a street.~~

- (1) Mechanical Equipment. When located outside of a building, support equipment, including air conditioning and heating devices, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the particular piece of equipment, as follows:

- (i) Roof-Mounted Equipment. To be screened by architectural features from the view of abutting streets.

- (ii) Equipment at Grade. When located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.

This subsection does not apply to single-family residential uses.

(2) Outdoor Storage. To be screened on all sides by a wall or fencing.

(3) Public Utility Substations. To be screened on all sides in a manner that will provide an effective visual barrier as well as the necessary safety clearances required by order of the California Public Utilities Commission.

(4) Side and Rear Lot Lines. The side and rear property lines of all nonresidential uses are to be screened as follows:

(i) Adjacent to a Residential Use or Zone. A solid wall or fencing shall be located on side and rear property lines of any nonresidential or nonagricultural use abutting a residential use or zone.

(5) Swimming Pools. Yard areas with private swimming pools are to be fenced to discourage unsupervised access and use by small children. Such fencing is to be constructed per building code requirements.

(b) Exceptions to Fencing and Screening Requirements.

(1) Buildings Abutting Property Lines. Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.

(2) Location Adjustment. Where property fencing or screening is required, the location may be adjusted by approval of an administrative use permit (refer to Section 9-1.112 of this title), so the fencing may be constructed at or within the setback line, provided the areas between the fence and the property lines are landscaped, or in rural areas, retained in their natural vegetative state.

(3) Planning Commission Modification. Any of the requirements of this section may be waived or modified through conditional use permit approval, provided the Planning Commission first finds that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective.

(c) Standards for Fencing and Screening Materials. All fencing and screening shall be allowed as follows:

(1) Height. Fence and screen height shall be permitted as follows:

(i) RS/RR/RSF-Z/RSF-Y (with one (1) acre net or larger) Zones.

a. Fencing within a required ~~front street or corner yard~~ setback may be up to five (5) feet in height, provided that the top two (2) feet remain a minimum of eighty percent (80%) visibility. The fence shall not impair safe sight distance for vehicular traffic nor result in any other potential adverse impact on human health and safety (refer to

engineering standard: Minimum Sight Distance for Driveways and Intersecting Roads with Stop Control).

b. Fencing associated with agriculture type activities including, but not limited to, “deer fencing” and other fencing that is a minimum of eighty percent (80%) visible may be up to seven (7) feet in height. Chain link fencing, wrought iron fencing, and any other decorative type of fencing is not considered “agriculture” type fencing for the purposes of this subsection.

c. Fencing within a required side or rear setback may be a maximum of six (6) feet in height.

(ii) RSF-Y (less than one (1) acre net) /RSF-X/LSF-Z/LSF-Y/LSF-X/RMF-10/RMF-20.

a. Fencing within a required primary, secondary, or corner front street or corner yard setback can be a maximum of four (4) feet in height.

b. Fencing within a required side or rear yard setback shall be a maximum of six (6) feet in height.

(iii) Residential Gates:

a. Gates are permitted in single-family residential zoning districts for private driveways.

b. Gates shall be setback a minimum of twenty (20) feet from the right of way in accordance with engineering standards.

c. Gates shall be a maximum of twelve (12) feet in height and shall remain residential in nature.

d. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height.

e. Gates shall comply with emergency access standards.

f. Gates shall not swing open toward the street unless the maximum swing is not closer than sixteen (16) feet from the edge of the right-of-way.

g. Gates or associated structures shall comply with minimum sight-distance standards.

h. A construction permit shall be required for all gates that exceed six(6) feet in height or contain electrical components.

(iv) Height Measurement. Fence height shall be measured from the adjacent grade of the downhill side of the wall, fence, or hedge.

a. Where fences or walls are located on retaining walls or berms, the height of the retaining wall or berm shall be considered as part of the overall height of the fence or wall if the retaining wall or berm exceeds two (2) feet in height.

b. If a retaining wall is terraced and separated by five (5) feet of horizontal space or greater, they shall be considered individual walls for the purposes of measuring height.

(2) The Design Review Committee (DRC) may grant an exemption to the front setback fencing requirement to a maximum of six (6) feet in height if proposed fence would be consistent with the neighborhood character and does not impair site distance for vehicular traffic, as reviewed by the City Engineer.

(3) Permit to Exceed Height. A minor conditional use permit approval is required where fencing is proposed to be greater than six (6) feet in height within or outside any required setback, with the exception of fencing described in subsection (c)(1)(i)(b) or subsection (c)(1)(a).

(4) Screening Materials Substitution. Where screening is required to be a solid wall or fence, the following materials may be substituted through adjustment (see Section 9-1.112 of this title), except where screening is required adjacent to a residential use or zone:

(i) Landscape Screen. Screening plant materials may be substituted for a wall or fence, where:

a. Proposed plant materials are certified in writing by a registered landscape architect as having the capability of achieving sixty percent (60%) of total view blockage within eighteen (18) months of planting, and one hundred percent (100%) of total view blockage within thirty-six (36) months of planting; and

b. The applicant agrees in writing to install solid fencing after the expiration of thirty-six (36) months, in the event that the landscaping has not totally blocked the view of areas required to be screened.

(ii) Berms. A landscaped berm may be substituted for a wall or fence, provided that the combination of berm and landscaping is no less than the required height of the fence or wall, and that the berm is constructed with a maximum slope of three to one (3:1), with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. The berm shall be planted with shrubs, lawn or groundcover.

(iii) Chain-Link Fencing. Vinyl-coated, chain-link fencing with evergreen landscape screen planting may be substituted for a solid wall or fence in commercial and industrial zones, except where screening fencing is required adjacent to residential uses and zones.

9-6.103 Accessory storage.

Where the principal building or use on a site is some use other than storage, and storage accessory to that use is also located on the site, the accessory storage is subject to the following standards (see also Section 9-6.140). A zoning approval is not required to establish accessory storage except when subsections (b) and (g) of this section requires such approval for a specific type of storage.

(a) Outdoor accessory storage is limited to ten percent (10%) of the floor area of the principal building.

(1) Any size modification for outdoor accessory storage over ten percent (10%) of principal floor area will require a conditional use permit.

(b) Building Materials and Equipment. Building materials and equipment being used in a construction project on the same or adjacent site may be stored on or adjacent to the construction site as long as a valid building permit is in effect for construction on the premises. Building materials and equipment include stockpiles of construction materials, tools, equipment, and building component assembly operations. When storage is proposed on a lot adjacent to the construction site, the application for the project is to also describe the storage site. Temporary storage of construction materials on a site not adjacent to the construction is subject to Section 9-6.175.

(c) Commercial Vehicles. This subsection applies to the accessory storage of vehicles used for shipping and/or the delivery of freight and products in support of a business or used for other commercial activity, when such vehicles are larger than a standard passenger car, pickup truck or van. Storage means parking a commercial vehicle longer than for a single weeknight, weekend or holiday. The storage of vehicles as a principal use is subject to the standards of Section 9-6.183.

(1) Commercial vehicles are to be stored in an enclosed building unless otherwise allowed by the provisions of this code.

(2) The storage of agricultural vehicles in the A Zone is unrestricted.

(3) Commercial vehicles may be allowed in residential zones where the resident of the premises can show that:

(i) The site is of sufficient size to allow parking of the vehicle in the buildable area of the site;

(ii) The number of such vehicles is limited to a maximum of one (1);

(iii) The vehicle can be maintained on the site in a manner which will not be disturbing to nearby residents as a result of unsightly appearance, excessive noise, or operation between 9:00 p.m. and 7:00 a.m.;

(iv) The vehicle due to its size, length or weight will not damage streets leading to the site beyond normal levels and will not create traffic safety problems due to maneuvering necessary to enter and exit the site; and

(v) There are no other suitable locations available to store the vehicle.

(d) Inoperative Vehicles. The storage or keeping of inoperative vehicles is subject to the following. Nothing in this title shall be construed as preventing the abatement of an inoperative vehicle which is found to be a nuisance:

(1) Vehicles Under Commercial Repair. The repair of vehicles is allowed only in commercial or industrial zones as provided by Chapter 9-3, except for repair of a personal vehicle by the vehicle owner on a site owned or rented by the vehicle owner. The storage of inoperative vehicles in a commercial or industrial zone for the purposes of repair, alteration, painting, impoundment or temporary storage by a towing service is subject to Section 9-6.168.

(2) Wrecked and Abandoned Vehicle Dismantling or Storage. Any area used for the dismantling of inoperative vehicles or for the storage of wrecked or abandoned vehicles not being dismantled or repaired is subject to Section 9-6.131.

(3) Automobiles Stored in Residential Areas. The storage of inoperative vehicles in a residential zone is limited to one vehicle when stored outdoors. Such storage may be located only where it is within the buildable area of the site. Inoperative vehicles may be abated as set forth in Chapter 9-8. Storage of such vehicles within an approved accessory building (Section 9-6.106) is not subject to limitation on the number of vehicles.

(e) Accessory Storage of Flammable and Combustible Liquids. The accessory storage of flammable and combustible liquids is subject to the following standards:

(1) Limitations on Quantity. The quantity of flammable or combustible liquids stored on a site shall be limited as follows:

(i) Residential Zones. Ten (10) gallons, unless authorized through precise plan approval. Excluded from this requirement is the storage of flammable liquids in the fuel tanks of self-propelled vehicles, mobile power or heat generators or similar equipment and the storage of paints, oils, varnishes or combustible mixtures when such liquids are stored for maintenance, painting, or similar purposes. The storage of propane or other fuels which provide energy to heat a residence is also excluded from this limitation, when such storage is in tanks directly connected to the residence for consumption or when the quantity is limited to a reasonable reserve for personal use which is stored in an approved manner.

(ii) Agricultural, Commercial and Industrial Zones. Storage shall be limited to the following quantities on any single building site, unless greater quantities are authorized through conditional use permit approval:

Type of Storage		
Type of Liquid	Above Ground	Underground
Combustible	1,000 gallons	Unlimited
Flammable	1,000 gallons	20,000 gallons

(2) Setbacks. Aboveground storage facilities for flammable or combustible liquids shall be set back a minimum of fifty (50) feet from any property line and from any residential use on the same property.

(3) Additional Standards.

(i) All storage of bulk flammable liquids shall be underground; except as specified by subsection (d)(1)(i) of this section; except where a refining or similar industrial use has been allowed in the CPK, IP or I Zone; and except, where an automobile service station or other approved vendor of flammable liquids stores such liquids for sale in approved quantities and containers.

(ii) All aboveground storage of flammable and combustible liquids shall be within types of containers approved by the Fire Department.

(iii) Access, circulation and emergency fire equipment requirements of the Fire Department shall be provided or installed within thirty (30) days where such need has been identified and posted by the Fire Department.

(f) Recreational Vehicles in Residential Zones. The storage of recreational vehicles or dependent trailers or RV equipment (camper shells, etc.), airplanes, and boats is permitted as an accessory use in the RSF, LSF, RMF, RS, or A Zones as

follows (the storage of recreational vehicles in other zones is subject to Section 9-6.183; the storage of mobile homes is subject to Section 9-6.142(c)):

(1) Location of Storage. Recreational vehicles are not to be stored in the required ~~front~~ primary, secondary, or corner street setback area.

(2) Use. Recreational vehicles are not to be used for living, sleeping, or housekeeping purposes except as provided by Section 9-6.176.

(g) Scrap and Junk. The outdoor storage of scrap, junk and miscellaneous articles and materials accessory to another use is limited to a maximum area of two hundred (200) square feet, with a maximum height of five (5) feet except that the outdoor storage of scrap, junk, and miscellaneous articles and materials accessory to another use may be allowed up to one thousand (1,000) square feet when completely screened from neighboring properties and from the public right-of-way. Such storage shall be located only where it is within the buildable area of the lot. The storage of scrap and junk as a principal use is subject to the standards of Section 9-6.131.

(h) Cargo Containers. Cargo containers (also referred to as “seatrains” or shipping containers) are defined as a prefabricated metal structure designed for use as an enclosed truck trailer in accordance with Department of Transportation (DOT) standards. This does not include architecturally modified cargo containers used as a building material. The use of cargo containers for accessory storage purposes is permitted based on the following standards:

(1) Use of Cargo Containers.

(i) Cargo containers shall be utilized for accessory storage only. Occupancy shall be limited to a “U” occupancy consistent with the California Building Code (CBC) or its successor title.

(ii) Cargo containers shall not be used for permanent or temporary human occupancies, including, but not limited to, living, sleeping, or other residential uses.

(2) Number of Cargo Containers Permitted.

(i) One (1) cargo container may be permitted on a commercial, industrial or single-family residential lot over one (1) gross acre in size, subject to Design Review Committee (DRC) review for neighborhood compatibility and approval of a building permit.

(ii) Two (2) or more cargo containers may be permitted with a minor conditional use permit (CUP) on a commercial, industrial, or single-family residential lot over one

(1) gross acre in size, subject to Planning Commission review for neighborhood compatibility and approval of a building permit.

(3) Standards for Cargo Containers.

(i) Building Permit. A building permit is required for cargo containers over one hundred twenty (120) square feet in size. A cargo container which is one hundred twenty (120) square feet or less, is exempt from building permit requirements provided it meets property line and structure setbacks required by this title and does not have any utility connections.

(ii) Setbacks. Cargo containers shall be located in the rear half of the property in commercial, industrial and residential zones. Cargo containers shall not be permitted within the ~~front or street facing side primary, secondary, or corner street yard~~ setback of a residential property. Setbacks shall be consistent with underlying zone setback requirements and is consistent with the preceding subsections (1) and (2).

(iii) Foundation. Cargo containers shall be anchored on a foundation system capable of withstanding all imposed vertical and horizontal loads and consistent with all applicable codes. Any alterations to the container shall be designed and detailed by a licensed design professional. All foundations and alterations shall be approved by the Chief Building Official.

(iv) The cargo container may not occupy any required parking areas or obstruct any Fire Department access ways.

(4) Exemptions.

(i) Use of cargo containers for temporary on-site storage associated with a construction project is exempt from this section (refer to subsection (b)).

(ii) Use of cargo containers for temporary commercial storage may be allowed with the approval of an administrative use permit for a period not to exceed four (4) months.

9-6.106 Residential accessory uses.

The standards of this section apply to the specific types of residential accessory uses and structures as listed. Standards for agricultural accessory structures are subject to Section 9-6.109. Agricultural accessory structures for the keeping of animals are subject to Section 9-6.112.

(a) Swimming Pools. Swimming pools, including hot tubs, spas, and related equipment, may be located within any required side or rear setback, provided that they

are no closer than eighteen (18) inches to a property line (additional setbacks may be required by the adopted building code), and provided that they are fenced as required by Section 9-4.128.

(b) Detached Accessory Structures. Any detached accessory structure intended for residential accessory uses and accessory storage.

(1) Limits on Use. An accessory structure may be constructed or used solely for noncommercial hobbies or amusements; for maintenance of the principal structure or yards; for artistic endeavors such as painting, photography or sculpture; for maintenance or mechanical work on vehicles owned or operated by the occupants; for an approved home occupation; or for other similar purposes.

(2) Floor Area. The gross floor area of a detached accessory structure is not to exceed one hundred percent (100%) of the gross floor area of the principal structure, up to 2,000 square feet.

(i) The floor area may be increased by approval of an administrative use permit (Section 9-1.112) to allow additional floor area over the specified limits, when consistent with the appearance and design criteria in Section 9-6.106 (3) and when additional findings can be made to support an increased size.

(3) Appearance and Design. An accessory structure that exceeds fifty percent (50%) of the gross floor area of the principle structure shall adhere to the following criteria:

(i) Accessory structure shall not be located between the primary structure and the public roadway;

(ii) Accessory structure shall be compatible with the pattern of development in the neighborhood (there are similar structures on adjacent properties, and properties are of a size, nature and topography so as to not create a significant aesthetic impact);

(iii) Accessory structure is compatible or complementary with the architectural style of the primary structure;

(iv) The floor area of the accessory structure is equal or lesser than the floor area of the primary structure;

(v) The accessory structure is located on a conforming lot;

(vi) The accessory structure can be built to avoid substantial grading and the removal of significant native trees;

(vii) The accessory structure does not block sunlight for adjacent properties, alter site distance for roads or driveways, nor substantially alter the visual quality of the property;

(viii) The accessory structure shall be located no closer than ten (10) feet to the side property line as measured from the nearest roof eave; and

(ix) The accessory structure shall be located no closer than forty (40) feet to the nearest residential dwelling on an adjacent property.

(4) Residential accessory structures one hundred twenty (120) square feet or less are exempt from requiring a permit if the structure is incidental to the primary use and meets the following requirements:

(i) The structure does not create a nuisance;

(ii) The use of the structure is permitted under its zoning;

(iii) The structure meets the property's rear and side yard minimum setback requirement of three (3) feet if the structure is less than twelve (12) feet in height;

(iv) If the structure is more than twelve (12) feet in height, standard setback shall be required regardless of exemption;

(v) The accessory structure is located outside of the required front yard setback;

(vi) A minimum (5) foot setback is required between structures. If structures are abutting, the aggregate area of the buildings shall be considered one (1) building and shall require a building permit; and

(vii) Hoop structures/greenhouses: Limited to two (2) per residential property. Additional structures may be approved with DRC approval.

(5) Offices/Art Studio. Offices or Art Studios are defined as any type of residential occupancy construction (R) with no kitchens, no overnight stays, cooking facilities and/or no bathing facilities (one (1) water closet is permitted). Studios shall be limited to four hundred fifty (450) square feet. Studios greater than four hundred fifty (450) square feet shall be considered accessory or urban dwelling units. Deed restrictions shall be required for any proposed office or art studio with plumbing limiting the use of the studio.

(56) Number of Structures. The number of nonexempt accessory structures requiring a building permit shall be limited to two (2) structures.

(c) Mini-bike, motorcycle, dirt bike or similar two (2) or more wheel motor vehicle riding is allowed subject to the following limitations:

(1) No more than two (2) such vehicles shall be operating at the same time.

(2) Operation is limited to a maximum of two (2) hours in a day—Limit applies even if only one (1) such vehicle is being operated.

(3) Operation is limited to a maximum of eight (8) hours in a week.

(i) This limit applies even if only one (1) such vehicle is operated.

(ii) A week shall be measured from Monday through Sunday.

(4) Notwithstanding the above, no such use shall be allowed prior to noon on Sundays.

(5) Any violations to the above-mentioned limitations are subject to cost recovery for responses to disturbances, as listed in Section 9-14.14.

(d) Exceptions to Accessory Structure Standards.

(1) Detached accessory structures that deviate from requirements are subject to the approval of a minor conditional use permit.

(2) Any detached accessory structure in excess of the two (2) structures permitted or when multiple exempt accessory structures (less than one hundred twenty (120) square feet) are constructed on the premises that are no longer accessory uses to the primary unit as determined by the Community Development Director is subject to the approval of a minor conditional use permit.

(e) Agricultural accessory uses. This subsection applies to small-scale agricultural uses that are incidental to a primary use in residential zoning districts.

(1) Hobby crop production and processing. Incidental crop production and small-scale processing is permitted subordinate to the residential use of the property. Any accessory structures used for this purpose must comply with accessory structure standards of this section.

(i) Agriculture intended for commercial use must also comply with home occupations standards as listed in Section 9-6.105.

(2) Produce stands are permitted in compliance with Section 9-6.117.

(3) Farm animal raising is permitted in compliance with Section 9-6.112.

Article 5. Land Use Definitions

9-3.490 Purpose.

This article contains descriptions of the types of land uses which can be established in the various zones. The uses described here are allowed in the various zoning districts established. The descriptions of land uses are intended only to list the various land uses included under each general heading and do not explain what permit requirements or performance standards may be applicable to a given use. If a use here within is not defined in this section, or in other provisions of the City of Atascadero Municipal Code, the Community Development Director shall determine the correct definition.

9-3.500 Definitions.

As used in Title 9, the following terms and phrases shall have the meaning ascribed to them in this section, unless the context in which they are used clearly requires otherwise.

A. Definitions “A”

Accessory Storage. The indoor or outdoor storage of various materials on the same site as a principal building or land use which is other than storage, which supports the activities or conduct of the principal use. Outdoor accessory storage is limited to 10% of the floor area of the principal building in accordance Section 9-6.103.

Adult-Oriented Business. Any business defined by Chapter 19 of Title 9 in the Atascadero Municipal Code, or subsequent code section, as an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor (excluding State-licensed massage therapy), sexual encounter establishment, or nude model studio is an adult-oriented business.

Age Restricted Housing. Residential multifamily or single-family units that restrict occupancy based on age. This use typically consists of senior housing which restricts age for fifty-five (55) and older.

Agricultural Accessory Uses. Residential accessory uses that are part of small-scale and/or hobby agricultural activities incidental to the primary residential use of the property, including structures that are designed to house farm implements, hay, grain, poultry, livestock, or other horticulture products. This does not include garages, workshops, or other similar residential accessory structures for nonagricultural uses.

Agricultural Produce Stands. Open structures for the retail sale of agricultural products (except hay, grain and feed sales which are included under “Farm Equipment and Supplies”) which are grown on the site in residential or agriculture zones. This does not include farmers’ markets or “seasonal sales” located in nonresidential zoning districts, defined under “temporary sales.”

Agriculture Employee Housing. Includes single-family dwellings, or other lodging accommodations provided as a part of farming operations, as regulated under the

California Health and Safety Code, employees on land owned by the owner of the building site on which the lodging is located.

Amusement Services. Establishments providing indoor amusement, entertainment, or personal enrichment services on payment of a fee or admission charge, such as: arcades and coin-operated amusements; dance halls, and ballrooms which are principal uses rather than being subordinate to an eating or drinking place; health and exercise facilities including yoga, dance, martial arts and similar small studios that do not include courts or similar facilities; and music and arts and crafts instruction. Athletic facilities with basketball, racquetball or similar indoor participation sports are classified as “indoor recreation services.” Card rooms, billiard and pool halls as a primary use are classified as “Personal services-restricted.”

Animal Hospitals. Establishments primarily engaged in performing services for animals, including veterinary services and animal hospitals. Does not include kennels, which are listed as a separate category.

Artisan Foods and Products. An establishment that specializes in artisan food production, art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes a retail component.

Auto Dealers (New and Used) and Supplies. Retail and wholesale trade establishments selling new and used automobiles, including, but not limited to, light trucks (US DOT Class 1, 2, and 3), boats (FBSA Class A and Class 1 boats (under twenty-six (26) feet in length)), recreational vehicles, recreational/utility trailers, motorcycles and mopeds. Also includes establishments selling new parts and accessories within a building for the above. Does not include establishments dealing exclusively in used parts. Includes automobile repair shops only when maintained by establishment engaged in the sale of vehicles on the same site. Does not include “service stations,” which are separately defined.

Auto Repair and Services. Service establishments primarily engaged in the repair, alteration, painting, washing or waxing of automobiles, and lube services. May also include rental of cars, trucks or trailers; leasing of cars and trucks. Does not include repair shops which are subordinate to and maintained by a vehicle dealership.

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

B. Definitions “B”

Bar/Tavern. Establishments where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs, night clubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. Does not include adult entertainment businesses or uses defined under microbreweries or tasting rooms.

Bed and Breakfast. Transient lodging establishments primarily engaged in providing overnight or otherwise temporary lodging for the general public. Such establishments provide limited meal service, generally breakfast, for lodgers.

Brewery – Production. An establishment which produces ales, beers, meads, hard ciders, and/or similar beverages on-site. Production breweries are classified as a use which requires a Class 01 type licensure from Alcohol Beverage Control (ABC). Breweries may also serve beverages on-site, and sell beverages for off-site consumption in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF).

Broadcasting Studios. Commercial and public communications uses including radio, television broadcasting and receiving stations and studios with facilities entirely within buildings. Does not include antennas and towers, which are defined under “telecommunications facilities.”

Building Materials and Hardware. Retail trade establishments primarily engaged in the sale of lumber and other building materials, including paint, wallpaper, glass, hardware, nursery stock, lawn and garden supplies. Includes all such stores selling to the general public, even if sales to contractors account for a larger proportion of total sales. Establishments primarily selling plumbing, heating, and air conditioning equipment and electrical supplies are classified in “wholesaling and distribution centers.”

Business Support Services. An establishment or business located entirely within a building that is open to customer visitation and with limited or no storage, which provides services to other business including, but not limited to:

- Blueprinting and reprographics, copying and quick printing services;
- Computer related services, repair and rental;
- Private mail and mailbox service not affiliated with federal mailing agency;
- Co-working spaces, incubator-type services that provide office-type working spaces for a fee.

C. Definitions “C”

Caretaker Residence/Employee Unit. A permanent residence that is secondary or accessory

to the primary use of the property, and used for housing a caretaker employed on the site of any nonresidential use where a caretaker is needed for security purposes or to provide twenty-four (24) hour care or monitoring of plants, animals, equipment, or other conditions on the site. Does not include housing for caretaker-type employees in the Agriculture Zone which is defined as “agriculture employee housing.”

Cemeteries. Interment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes animal cemeteries and cemetery, mausoleum and columbarium operations. Excludes funeral parlor and related facilities which are listed under “mortuary services.”

Churches and Related Activities. Religious organization facilities operated for worship or for promotion of religious activities, including churches and religious Sunday-type schools. Other establishments maintained by religious organizations, such as educational institutions, hospitals and other operations that may be considered

commercial in nature if not run by the religious organization (such as a recreational camp) are classified according to their respective activities.

Collection Stations. Facilities for the temporary accumulation and storage of recyclable discarded materials, which are subsequently transported to recycling centers or solid waste disposal sites for further processing. Does not include automobile wrecking yards or any recycling processing facilities, which are listed under “recycling and scrap.” Does not include temporary storage of toxic, mutagenic or radioactive waste materials.

Common Interest Development. A common interest development is a real property development where property owners share a common set of financial obligations, property and easement rights established in a set of recorded restrictions (commonly referred to as “CC&Rs”). Common interest developments may include but are not limited to condominiums, planned developments, stock cooperatives, and small lot single family and multi-family developments along with commercial or mixed-use developments.

Contract Construction Services (Indoor). Office uses with or without indoor storage facilities operated by, or on behalf of, a building contractor, exterminator, janitorial service or similar. Can include the indoor storage of materials used for repair and maintenance of contractor’s own equipment and for use by the contractor. All uses must be located within an approved, permitted building. Outdoor storage of construction related vehicles, fleet, or accessory storage (other than an approved parking lot for employees or fleet vehicles) is limited to ten percent (10%) of the floor area of the fully enclosed building utilized for the business.

Contract Construction Services (Outdoor). Office uses with outdoor facilities operated by, or on behalf of, a building contractor, exterminator, janitorial service, or similar. Outdoor uses may include storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor’s type of business and can include the storage of materials used for repair and maintenance of contractor’s own equipment. May also include accessory buildings or structures for uses by the contractor. An on-site office building is required. All applicable development standards listed in the code as well as standards for outdoor storage uses must be met.

D. Definitions “D”

Data and Computer Services/Center. A use where the majority of the space is occupied by computers and/or related equipment and where information is processed, transferred, and/or stored (also commonly referred to as “server farms.”) Data and computer services/centers may contain data technology centers, internet service providers (ISPs), network operation centers, web hosting facilities and other similar establishments primarily engaged in providing direct access through telecommunication networks to computer-held information.

Day Care. Facilities that provide nonmedical care and supervision of individuals for periods of less than twenty-four (24) hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services or successor agency. Day care uses include the following:

- **Child Care Center.** Child day care facilities designed and approved to accommodate fifteen (15) or more children. Includes infant centers, nursery schools, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
- **Large Family Day Care Home.** As provided by Health and Safety Code Section 1596.78 or successor provision, a home that regularly provides care, protection, and supervision for seven (7) to twelve (12) children, including up to two (2) children under the age of ten (10) years who reside in the home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away.
- **Small Family Day Care Home.** As provided by Health and Safety Code Section 1596.78 or successor provision, a home that provides family day care for six (6) or fewer children, including two (2) children under the age of ten (10) years who reside in the home.
- **Adult Day Care Facility.** A day care facility providing care and supervision for adult clients.

Drive-Through Sales or Services. A facility where food or other products may be purchased or where services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, photo-stores, pharmacies, etc. Examples of drive-through service facilities include drive-through bank teller windows, automated teller machines (ATM), dry cleaners/laundromats, etc., but do not include service stations or other vehicle services, which are separately defined.

E. Definitions “E”

Eating and Drinking Places. Restaurants and other establishments selling prepared foods and drinks for consumption on the premises, as well as facilities for dancing and other entertainment which are secondary and subordinate to the principal use of the establishment as an eating and drinking place. Also includes lunch counters and refreshment stands selling prepared goods and drinks for immediate consumption. Restaurants, lunch counters, and drinking places operated as subordinate service facilities within other establishments are not included here unless they are operated as leased departments by outside operators. Does not include establishments with drive-through facilities or uses defined under adult-oriented business.

EV Charging Site. Electric Vehicle (EV) charging site includes level one, level two, and level three charging sites that are an accessory use to a primary use, such as a parking lot, building, or multifamily residence. These charging sites are incidental uses and may or may not charge a fee for use. Does not include stand-alone EV charging station as defined in “service stations.”

F. Definitions “F”

Farm Animal Raising. The keeping, feeding or grazing of animals as an avocation, hobby, or school project, subordinate to the principal residential use of a property, includes species commonly considered as farm animals as well as exotic

species, but does not include household pets. This includes the raising or feeding of beef cattle, sheep and goats by grazing or pasturing. Does not include uses defined as “livestock specialties.”

Farm Equipment and Supplies. Establishments primarily engaged in the sale or rental of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm; also dairy and other livestock equipment including trailers. Includes agricultural machinery, dairy farm machinery and equipment, irrigation equipment, poultry equipment and frost protection equipment; hay, grain and feed sales.

Farmers’ Market. The temporary and intermittent use of a public or private property for the outdoor sales of food and farm produce in compliance with California Food and Agriculture Code Section 1392 et seq., and artisan products or similar farmers’ markets products that include multiple sales vendors.

Financial Services. Service establishments primarily engaged in the field of finance, including: banks and trust companies; credit agencies other than banks; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies.

Fuel Dealers. Retail trade establishments primarily engaged in the sale to consumers of liquefied petroleum gas (LPG), propane, bottled or other fuels in bulk. Does not include accessory uses as part of a service station.

G. Definitions “G”

General Retail. Stores and shops selling either many lines of merchandise, or specialized type of merchandise, where the retail sales are conducted primarily within a building. Examples include, but not limited to:

- Antique stores, second hand stores, jewelry stores, hobby materials, specialty stores;
- Art galleries, art supplies, collectibles, hobby materials;
- Bicycles, toys, games, sporting goods and equipment;
- Department stores, drug stores, pharmacies, supermarkets, groceries stores, specialty food markets, membership warehouse clubs;
- Florists, house plant stores (indoor sales), small house wares;

- Home furniture stores, consumer electronic/audio visual goods, bookstores, home and/or office appliance stores (excludes wholesale sales not open to the general public);
- New clothing, shoes, and accessory retail stores;
- Stationery, dry goods, fabric stores and sewing supplies, and variety stores;

- Stand-alone convenience markets (excludes fuel sales), warehouse retail stores, building supply hardware stores where outdoor sales are limited to under ten thousand (10,000) square feet.

Pawn shops and retail stores that sell smoking, tobacco and vaping products as the primary use are included in “retail sales–restricted.”

Government Offices and Facilities. Administrative, clerical, or public contact and/or service offices of recognized local, state, or federal agencies. Includes post offices, City Hall, municipal corporation yards, etc.

H. Definitions “H”

Health Care Services. Service establishments primarily engaged in furnishing medical, mental health, surgical and other personal health services including: medical, dental, and psychiatric offices (mental health) related services, including various types of counseling practiced by licensed individuals other than medical doctors or psychiatrists, medical and dental laboratories; outpatient care facilities; and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included. Also includes hospitals and similar establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical and other hospital services; such establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. Nursing homes and similar long-term personal care facilities are classified in “residential care.”

Home Occupations. The gainful employment of the occupant of a dwelling, with such employment activity being subordinate to the residential use of the property.

Horticultural Specialties. Businesses engaged in the production of ornamental plants, tree farms, and other products, grown under cover or outdoors. Also includes establishments engaged in the sale or on-site production of such product.

Hotels, Motels. Commercial transient lodging establishments, including hotels, motor hotels, motels, tourist courts, or cabins, primarily engaged in providing overnight or otherwise temporary lodging for less than 30-days, with or without meals, for the general public. Such establishments shall not provide kitchen facilities in more than twenty-five percent (25%) of the units.

I. Definitions “I”

Indoor Recreation Services. Facilities for various indoor sports and recreation, including: bowling alleys; ice skating and roller skating; gymnasiums, health and athletic clubs; tennis, handball, racquetball and similar indoor sports; shooting and archery ranges; recreation and community centers. Smaller fitness studios without courts are classified as “amusement services.”

J. Definitions “J”

K. Definitions “K”

Kennels. A lot, building, structure, enclosure or premises where four (4) or more dogs or cats (four (4) months of age or older) are kept or maintained, including the

keeping of such animals for sale, for commercial breeding or for lodging and care. Does not include dogs and cats kept for noncommercial purposes.

L. Definitions “L”

Large Scale Ag Manufacturing. The large scale processing of agriculture products subsequent to their harvest, with the intent of preparing them for market or further processing including: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packaging of fruits and vegetables; tree nut hulling and shelling; cotton ginning; and wineries in excess of one thousand (1,000) square feet in total use area. This does not include the growing, harvesting, and production of medical marijuana, or legally approved uses of marijuana by either the State of California or Federal Government.

Laundries and Dry Cleaning Plants. Service establishments primarily engaged in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pickup stores without dry cleaning equipment, which are classified in “personal services.”

Laundromat/Coin-Operated Laundry. Facilities providing washing and drying machines for use by customers for a fee as a primary use. Dry cleaning pick-up stores are classified as “personal services.”

Libraries, Museums. Permanent public or quasi-public facilities generally of a noncommercial nature such as libraries, museums, art exhibitions, planetariums, aquariums, botanical gardens, arboretums and zoos. Also includes historic sites and exhibits.

Livestock Specialties. Agricultural establishments primarily engaged in commercial livestock keeping or feeding as a principal land use which, because of operational characteristics, may generate dust, odors or visual impacts which could have an adverse effect upon adjacent properties. Such uses include dairies; chicken, turkey and other poultry farms; animal specialties (such as rabbit farms and other fur-bearing animals); other specialties such as bee farms, aviaries, worm farms, etc.

Live/Work Units. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

- Complete kitchen space and sanitary facilities in compliance with the Building Code;
- Working space reserved for and regularly used by one or more occupants of the unit;
- Working space includes uses that are permitted within the zoning district.

M. Definitions “M”

Manufacturing, Repair, and Processing – High Intensity. A facility or establishment that accommodates manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and other similar manufacturing uses, where the intensity or scale of operations is determined to be greater than those classified under “manufacturing and processing – low intensity,” but where impacts to surrounding neighborhoods, businesses, and the community may cause a significant impact. Uses may have an indoor setting, however uses may also be conducted outdoors. Examples of manufacturing and processing uses that are considered high-intensity include the following, but are not limited to:

- Machinery manufacturing that makes or process raw materials into products;
- Metal fabrication and welding shops engaged in the production and/or assembly of metal, and other similar metal shops;
- Manufacturing that cuts, shapes, and/or finishes building materials used in home or nonresidential construction;
- Chemical product manufacturing that produces or uses basic chemicals and other establishments creating products predominantly by chemical processes;
- Product manufacturing that produces bulk concrete, asphalt, and other paving materials;
- Paving and roof materials manufacturing of various common paving and petroleum-based roofing materials including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar;
- Plastics, other synthetics and rubber manufacturing;
- Primary metal industries engaged in smelting, refining of ferrous and nonferrous metals;
- Other similar heavy intensive uses.

Manufacturing, Repair, and Processing – Low Intensity. A facility or business that engages in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing process and the materials used are unlikely to cause significant impacts to the existing surrounding neighborhood or businesses in a indoor setting. Examples of manufacturing and processing uses that are considered low intensity include the following, but are not limited to:

- Artisan manufacturing and production where no retail component exists;
- Production, assembly, and/or repair where no raw materials are manufactured;
- Production and assembly of precision electronics and scientific instruments, including on-site offices;
- Producing or processing of foods and beverages for human consumption where no retail component exists and does not include noxious odors or excessive noise and no slaughter occurs on-site;

- Repair and service of small consumer products;
- Small scale manufacturing where assembling and/or manufacturing is completed by hand or precision tools;
- Small product manufacturing not classified in another major manufacturing group.

Medical Extended Care Services. Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under “residential care.”

Medical Research. Establishment related to medical and/or dental research, testing and analysis, including but not limited to trial and clinical research. Biomedical and pharmaceutical research and development facilities are not included in this definition. Medical research does not include the storage or use of quantities of hazardous materials nor any toxic gas. Additionally, medical research may include storage and use of etiological (biological) agents up to and including Risk Group 2 or Bio Safety Level 2 (Center for Disease Control). Typically uses are a part of a campus-like setting such as a business park or stand-alone building.

Membership Organizations. Organizations operating on a membership basis for the promotion of the interests of the members, including: business associations; professional membership organizations; labor unions and similar labor organizations; civic, social and fraternal organizations (not lodging); political organizations and other membership organizations.

Micro-Brewery/Brewpub. An establishment that produces ales, beers, meads, hard ciders/and or similar beverages to serve on-site. Sale of beverages for off-site consumption is also permitted consistent with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Food service for on-site consumption is allowed as an ancillary use. Brewpubs and microbreweries are considered small operations consistent with ABC license type 23, 40, or 42 or State similar licensures.

Mini-Storage. Buildings containing individual storage areas rented or leased to the general public. Does not include warehousing or exterior storage facilities.

Mixed-Use Development: A development that allows for the use to be separated vertically, with commercial land uses on the ground floor and residential uses above the ground floor. Mixed use development within a commercial district shall dedicate at least 40% of all floor area solely to commercial land uses in accordance with the applicable commercial zoning. Residential land uses within a commercial district are subject to compliance with allowed density and shall not be an allowed land use on the ground floor.

Mobile Eating and Drinking Vendors. Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk, on which food is displayed, prepared, or processed for the purpose of selling food or drinks to a consumer.

Mobile Home/Manufactured Home. A modular structure that is transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, is tied down to a permanent foundation with wheels removed and skirted. A mobile home on a permanent foundation is considered a single-family dwelling.

Mobile Home Park. Any site that is planned and improved to accommodate two (2) or more mobile homes used for residential purposes, or on which two (2) or more mobile homes, as the term “mobile home” is defined in California Civil Code Section 798.3 or successor provision of the California Mobilehome Residency Law, for nontransient use, are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Mortuary Services. Establishments with facilities for the preparation of the dead for burial, cremation and for the holding of funeral observances and services. Accessory facilities may include a cemetery, columbarium or mausoleum. Includes: funeral homes and parlors, mortuaries and related facilities.

Multiple-Family Dwelling. Two (2) or more primary attached dwelling units located on a single lot within a residential zoning district, each occupied by a single housekeeping unit; includes buildings or groups of buildings designated as apartments, duplexes, triplexes and condominiums, but not including ~~motels, hotels,~~ dormitories, or RV parks as herein defined. Also includes transitional housing and; supportive housing and single-room occupancy housing where people live as independently as possible with the assistance of social services tailored to each person’s needs as defined in Section 9-9.102 of the Zoning Ordinance. This also does not include secondary accessory dwelling units or urban dwelling units in single-family zoning districts.

N. Definitions “N”

O. Definitions “O”

Offices. Establishments engaged in performing a service in a professional office including: engineering, architectural and surveying services; real estate agencies; noncommercial educational, scientific and research organizations; accounting, auditing, and bookkeeping services; authors, writers, artists, etc.; advertising agencies; photography studios and small commercial art studios; employment agencies and stenographic services; reporting services; data processing and computer services; management, public relations, and consulting services; detective agencies and other similar professional services; attorneys; and counseling services provided by individuals other than licensed psychiatrists, which are included under “health care services.”

Organization Houses. Residential lodging houses operated by membership organizations for the benefit of their constituents and not open to the general public. Also includes fraternity and sorority residential houses and religious residential retreats.

Outdoor Recreation Services. Facilities for various outdoor sports and recreation, including: amusement and kiddie parks; golf courses, golf driving ranges and miniature golf courses; skateboard parks; go-cart and miniature auto race tracks; tennis

courts, swim and tennis clubs and facilities; play lots, playgrounds and athletic fields; recreation and community centers.

P. Definitions “P”

Parking Lot. An open area, excluding a street or other public right-of-way, for the exclusive use of parking as a primary use for automobiles and available to either the public or patrons of adjacent buildings or structures. Parking lots can either be free for use, or may charge a fee for compensation. Long-term parking and storage of inoperable vehicles is classified in “vehicle and equipment storage.”

Parks and Playgrounds. A public outdoor recreational facility that may provide a variety of recreational activities including playground equipment, open space areas for passive recreation including hiking and biking trails, zoos, picnicking, and sport and active recreation facilities dedicated for use to the public.

Personal Cannabis Cultivation. As defined by Chapter 9-17.

Personal Services. Service establishments primarily engaged in providing nonmedical services as a primary use and may include accessory retail sales of products related to the services provided. These uses include the following: beauty shops (includes permanent makeup when less than ten percent (10%) of overall sales), barber shops, day spas and massage therapy where each massage therapist is certified/licensed by a State-recognized organization, shoe repair shops, dry cleaning pickup stores, clothing rental, tailors, tanning salons, pet grooming services, nail salons, and other similar uses.

Personal Services—Restricted. Service establishments that may have a blighting and/or deteriorating effect upon the surrounding area which may need to be dispersed in order to minimize their adverse impact. Examples of these uses include, but are not limited to, the following: check cashing and/or payday/same day loans; fortunetellers, psychics; palm, tarot and card readers; card rooms, billiard and pool halls as a primary use; tattoo and body piercing services; and hot tubs and saunas that are not an accessory to a permitted use.

Printing and Publishing. An establishment engaged in printing letter press, lithography gravure, screen offset or electrostatic copying and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving, and electrotyping. The use also includes establishments that publish newspapers, books, and periodicals; establishments manufacturing business forms and binding devices. “Quick printing” services are included in the definition “business support services.”

Public Assembly and Entertainment. Facilities for public assembly and group entertainment such as: public and semi-public auditoriums; exhibition and convention halls; civic theaters and meeting halls; motion picture theaters; legitimate theater facilities for live theatrical presentations or concerts by bands and orchestras; amphitheatres; meeting halls for rent and similar public assembly uses.

Q. Definitions “Q”

R. Definitions “R”

Recreational Vehicle Parks. Transient lodging establishments primarily engaged in renting, leasing or otherwise providing overnight or short-term sites for trailers, campers, or tents, with or without individual utility hookups, but with other facilities such as public restrooms. Does not include incidental camping areas, which are included under “rural sports and group facilities.”

Recycling and Scrap. Establishments primarily engaged in assembling, breaking up, sorting, temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap. Does not include waste disposal sites, which are separately defined. Does not include temporary storage of toxic or radioactive waste materials.

Recycling Centers. An establishment, which is larger than a “collection station,” that serves as a community-wide center for the collection and/or processing of recyclable materials such as glass, paper, plastic, aluminum and metal cans.

Research and Development. Research and development offices, devoted to scientific and engineering research and the design, development and testing of new technology and products; usually includes laboratory space or small-scale manufacturing operations.

Residential Accessory Uses. Includes any use that is customarily part of a residence and is clearly incidental and secondary to a residence and does not change the character of the residential use. Residential accessory uses include the storage of vehicles and other personal property and accessory structures including garages, studios and workshops.

Residential Care. A single-family or multiple-family dwelling unit that is licensed or supervised by a Federal, State, or local health/welfare agency that provides nonmedical care of unrelated persons who are in need of personal service, supervision, or assistance essential for sustaining activities of daily living or for the protection of the individual. Use includes the following: children’s homes; halfway houses; rehabilitation centers; self-help group homes.

Residential Care Facility for the Elderly (RCFE). A housing arrangement chosen voluntarily by the residents or the residents’ guardians, conservators or other responsible person(s) where the following occurs: where seventy-five percent (75%) of the residents are at least sixty-two (62) years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary. RCFE uses may include basic services and community space. RCFE uses include the following:

- **Assisted Living Facility.** A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted living facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted living facilities are required to be licensed by the California Department of Social Services, and do not include medical extended care services.

- **Independent Living Center/Senior Apartment.** Independent living centers and senior apartments are multifamily residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.
- **Retirement Hotel.** Establishments primarily engaged in providing lodging facilities limited to the aged where no medical care is provided. Such establishments may provide housekeeping and meals to the residents.

Resource Extraction. Uses primarily engaged in resource extraction, including, but not limited to, mining, developing mines or exploring for metallic minerals (ores), coal and nonmetallic minerals, or surface mines extracting crushed and broken stone, dimension stone or sand and gravel.

Retail Sales—Restricted. Stores and shops selling products that may have a blighting and/or deteriorating effect upon the surrounding area and may need to be dispersed in order to minimize their adverse impact. Examples of these uses include, but are not limited to, the following: selling smoking, tobacco and vaping products as a primary use; and pawn shops, in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges is done.

Rural Sports and Group Facilities. Establishments supporting special group activities such as: archery, pistol, rifle, and skeet clubs and facilities; dude ranches; health resorts including outdoor hot spring, spa or hot tub facilities; hunting and fishing clubs; recreational camps; group or organized camps; incidental, seasonal camping areas without facilities; equestrian facilities, including riding academies, schools, stables and exhibition facilities.

S. Definitions “S”

Sales Lots. Sales lots consist of any outdoor sales area for permanent display of motorized farm equipment, boats (FBSA Class 3 and 4 boats (over twenty-six (26) feet in length)), heavy commercial trucks (US DOT Class 4 through 8), mobilehomes, construction equipment, or other heavy equipment; outdoor equipment rental yards.

Schools. An institution or establishment that provides a program of instruction and teaching services. Includes: preschools, elementary and secondary schools serving grades K through 12 (or portions thereof); junior colleges, colleges and universities; and similar education institutions. Does not include Sunday schools which are permitted under “churches and related facilities.”

Schools—Business and Vocational. Business and secretarial schools; vocational schools offering specialized trade and commercial courses; specialized nondegree granting schools, such as: music schools; dramatic schools; language schools; driver education schools; ballet and other dance studios; and establishments furnishing educational courses by mail.

Secondary Residential Unit. Second residential units are defined as residential occupancy constructions (R) with a kitchen and full bathroom that is accessory to the primary unit and intended for permanent occupancy by a second housekeeping unit.

Service Stations. Retail trade establishments primarily engaged in the sale of gasoline, which may also provide lubrication, oil change and tune-up services incidental to gasoline sales. May also include a towing service but does not include storage of wrecked or abandoned vehicles. Does not include uses defined as auto repair and service, or vehicle equipment storage.

Single-Family Dwelling. An attached or detached building not to contain more than one (1) kitchen wherein the occupants of the dwelling unit are living and functioning together as a single housekeeping unit, meaning that they have established ties and familiarity with each other, jointly use common areas, interact with each other, membership in the single housekeeping unit is fairly stable as opposed to transient, and members have some control over who becomes a member of the single housekeeping unit. Also includes factory-built, manufactured housing units and mobile homes constructed in compliance with Title 25 of the California Health and Safety Code, or successor provision as defined in Section 9-9.102 of the Zoning Ordinance; transitional housing and supportive housing serving six (6) or fewer persons as defined in Section 9-9.102 of the Zoning Ordinance.

Single Room Occupancy Unit (SRO). A structure that provides separate, single room, residential living units with no on-premises residential medical care. Units within the structure may have individual bathroom facilities, shared bath or toilet facilities for the residents, or any combination thereof. SRO may include structures commonly called rooming houses or boarding houses. SRO facilities shall not be age restricted. Age restricted SRO facilities shall be considered a residential care facility for the elderly (RCFE).

Small Scale Ag Processing. The small scale processing of agriculture products grown or produced on-site, bottling, canning, or storage of agriculture products grown and processed on-site, where the processing or storage shall not exceed one thousand (1,000) square feet (sf) in total use areas. This does not include tasting rooms.

Social and Service Organizations. Public or quasi-public establishments providing social services and rehabilitation services to such as counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies, persons with social or personal problems requiring special services and to the handicapped and the disadvantaged. Also included are organizations soliciting funds to be used directly for these related services. Also includes establishments engaged in community improvement and neighborhood development. Does not include child day care services which are classified under "schools."

Sports Assembly. Facilities for spectator-oriented specialized group sports assembly that includes: stadiums and coliseums; arenas and field houses; race tracks (auto and animals); motorcycle racing and drag strips; and other sports that are considered commercial.

Storage, Recycling and Dismantling of Vehicles and Material. Establishments primarily engaged in the storage, assembling, dismantling, sorting, and distribution of materials, equipment and vehicles. This use may be located either outdoors or indoors and includes, but is not limited to, auto wrecking yards, vehicle storage areas, vehicle impound lots, recyclable/waste material storage and transfer facilities. This does not

include waste disposal sites, which are separately defined, or temporary storage of toxic or radioactive waste materials.

T. Definitions “T”

Tasting Room. Establishment that allows for beer, wine, or spirit tasting on-site with off-site sales directly to the public. Tasting rooms must meet the requirements of the Alcoholic Beverage Control (ABC) license type (Type 02, Type 23, Type 40, Type 42 or Type 74 license, or similar). Tasting rooms may operate within a large scale brewing, winery, or distillery facility as an ancillary.

Telecommunication Facility. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, cellular data network, and wireless communication towers (cellular phones), including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph, and cable television transmission facilities utilizing hard-wired or direct cable connections. Does not include data processing centers.

Temporary Dwelling. Includes the temporary use of a mobilehome or recreational vehicle as a dwelling unit, following the issuance of a building permit for a permanent residence while the permanent residence is under construction.

Temporary Events. Any use of a structure or land for an event for a limited period of time where the site is not to be permanently altered by grading or construction of accessory facilities. Events include: art shows; rodeos; religious revivals; tent camps; outdoor festivals and concerts.

Temporary Offices. The utilization of a mobilehome or recreational vehicle as a temporary office during the period of a construction of a permanent office facility on the same site.

Temporary or Seasonal Retail Sales. Retail trade establishments primarily engaged in the sale of Christmas trees or other seasonal items; or semiannual sales of art or handcrafted items in conjunction with community festivals or art shows. Does not include farmers' markets or agricultural roadside stands.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months (Health and Safety Code Section 50675.2(h)). This definition excludes housing for halfway houses intended for occupancy by parolees or convicted persons, children's homes, halfway houses, rehabilitation centers, and self-help group homes.

Transit Stations. Passenger stations for vehicular, bus, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system.

U. Definitions “U”

Utility Facilities. A fixed-base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local

distribution and service voltages, and similar facilities for water supply, natural gas distribution, wastewater pump station, fiber optics junction box, or other similar facilities that are not exempted from land use permit requirements by California Government Code Section 53091 or successor code.

Utility Infrastructure. Pipelines for water, natural gas, sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also include telephone, cable television, and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service center as defined under “offices” or distribution substations (“utility facilities”).

V. Definitions “V”

Vehicle and Equipment Storage (Indoor). Service establishments primarily engaged in the business of storing cars, buses and other motor vehicles; recreational vehicles (such as campers, motor homes, boats); construction equipment; and farm equipment. Does not include wrecking yards, which are classified in “recycling and scrap.” All uses of the site must be located within an approved, permitted building and outdoor storage shall be limited to ten percent (10%) of the floor area of the building utilized for the business.

Vehicle and Equipment Storage (Outdoor). Service establishments primarily engaged in the business of storing cars, buses and other motor vehicles; recreational vehicles (such as campers, motor homes, boats); construction equipment; and farm equipment. Does not include wrecking yards, which are classified in “recycling and scrap.” Storage of oversized commercial vehicles is also subject to Section 9-6.103.

Vehicle and Freight Terminals. Transportation establishments furnishing services incidental to transportation, including: freight forwarding services; transportation arrangement services; parking, crating, inspection and weighing services; freight terminal facilities; joint terminal and service facilities; trucking facilities, including transfer and storage; public warehousing and storage. Includes both railroad transportation and motor freight transportation.

W. Definitions “W”

Warehousing. Uses engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards, or conditions commonly recognizable as offensive. Does not include personal storage as defined as “mini-storage.”

Wholesaling and Distribution Centers. Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

Winery – Boutique. Winery or distillery production for no more than three thousand (3,000) cases of wine per year. Uses include fruit processing, fermentation pressing, barrel and bottle storage, bottling, wine tasting, and direct retail sale of wine.

Does not include winery production in residential zones, which is defined as small scale agriculture.

Winery – Production. Winery or distillery production of more than three thousand one (3,001) cases of wine per year. Uses include fruit processing, fermentation pressing, barrel and bottle storage, bottling, wine tasting, and direct retail sale of wine. This also includes uses that produce three thousand one (3,001) cases of beverages or less, but do not meet the requirements for “winery – boutique,” “winery – production,” or “brewery – production.”

X. Definitions “X”

Y. Definitions “Y”

Z. Definitions “Z”

Table 3-2 – Nonresidential Use Table

Allowed Land Uses and Permit Requirements

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Accessory Storage		A ⁴	CUP ⁴	A ⁴	CUP ⁴	CUP ⁴			A ⁴	A ⁴	9-6.103
Adult Day Care Facility	A	A	A					CUP			
Adult Oriented Business			A	A					A	A	9-16
Age Restricted Housing							CUP				
Agricultural Produce Stands	A	A			A	A					9-6.117
Amusement Services		A	A	A		A	A			A	
Animal Hospitals		CUP ⁷	CUP	A		CUP					9-6.110
Artisan Foods and Products			A	A		A	A ⁵		A	A	
ATM	A	A	A	A	A	A	A	A	A	A	
Auto Dealers (New and Used) and Supplies			CUP	CUP	CUP	CUP	CUP				9-6.163
Auto Repair and Services			CUP	A	A	CUP			A	A	9-6.168
Bar/Tavern			CUP		CUP	CUP	A				
Bed and Breakfast			CUP	CUP	CUP	CUP					
Brewery – Production				CUP		CUP			A	A	
Broadcast Studios			A	A							
Building Materials and Hardware w/ outdoor sales or storage area 10,000 sf or greater		CUP	CUP	CUP		CUP			CUP	CUP	9-6.165
Building Materials and Hardware w/ outdoor sales or storage area less than 10,000 sf		A	A	A		A			A	A	9-6.165
Business Support Services		A	A	A		A	A	A	A	A	
Caretaker’s Residence/ Employee Unit		CUP	CUP	CUP							
Childcare Center	A	A	A					CUP			9-6.125
Churches and Related Activities		CUP	CUP								9-6.121
Collection Stations	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴			A ⁴	A ⁴	9-6.130
Contract Construction Services (Indoor)				A		A			A	A	

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Contract Construction Services (Outdoor)				CUP					CUP	CUP	
Data and Computer Services Center		AUP		AUP		CUP			A	A	
Day Care											
Drive-Through Sales or Services	CUP	CUP	CUP	CUP	CUP	CUP					9-4.122
Eating and Drinking Places	A	A	A	A	A	A	A	A	A	A	
Farm Equipment and Supplies w/ outdoor storage or sales area 10,000 sf or greater			CUP	CUP		CUP			CUP	CUP	
Farm Equipment and Supplies w/ outdoor storage or sales area less than 10,000 sf			A	A		A			A	A	
Farmers' Market	CUP	CUP	CUP		CUP	CUP	A	A			
Financial Services and Banks	A	A	A	A	A	A	CUP	A			
Fuel Dealer				A ⁴		CUP			A ⁴	A ⁴	9-6.129
General Retail	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴	A ⁴				
General Retail Greater than 50,000 sf	CUP	CUP	CUP	CUP	CUP	CUP	CUP				
Government Offices and Facilities	A	A	A	A	A	A	CUP ⁹	A	A	A	
Health Care Services		A	A	A	CUP	A	CUP ⁹	A			
Horticultural Specialties w/ outdoor storage or sales area 10,000 sf or greater		CUP	CUP	CUP	CUP	CUP			CUP	CUP	9-6.116
Horticultural Specialties w/ outdoor sales or storage area less than 10,000 sf		A	A	A	A	A					9-6.116
Hotels, Motels		CUP	A	A	A		CUP				
Indoor Recreation Services		CUP	CUP	CUP	A	A	CUP		CUP	CUP	
Kennels			CUP	A							9-6.111
Large Family Day Care		CUP ⁸	CUP ⁸								9-6.125
Large Scale Ag Manufacturing				CUP					CUP	A	9-6.103
Laundries and Dry Cleaning Plants				A		A			A	A	

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Laundromat/Coin-Operated Laundry	CUP	CUP	CUP	CUP	CUP	CUP			A	A	
Libraries, Museums		A	A	A	A		A	A			
Live/Work Unit							A ¹				
Manufacturing and Processing – High Intensity ⁴				CUP		CUP			AUP	AUP	
Manufacturing and Processing - Low Intensity		CUP	CUP	A		A			A	A	
Medical Extended Care Services: 6 Residents or Less	CUP	CUP	CUP	CUP	CUP	CUP					9-6.134
Medical Extended Care Services: 7 Residents or More			CUP								9-6.134
Medical Research		CUP		A		A		CUP	A	A	
Membership Organizations			A	A		CUP	CUP				
Microbrewery – Brewpub	A	CUP	A	A	A	A	A	A	A	A	
Mini-Storage				CUP		CUP			A	A	
<u>Mixed-Use Development</u>	<u>CUP¹</u>	<u>CUP¹</u>	<u>CUP¹</u>	<u>CUP¹</u>	-	-	<u>A¹</u>	<u>A¹</u>	-	-	-
Mobile Eating and Drinking Vendors ⁶	A	A	A	A		A	A		A	A	
Mortuary Services			A	A					A	A	
Multifamily Dwelling	CUP ²	CUP ²	CUP ²	CUP ²			<u>A⁺</u>	<u>A⁺</u>			
Offices	A	A	A	A	A	A	CUP ⁹	A			
Outdoor Recreation Services			CUP	CUP	A						9-6.123
Parking Lots	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Parks and Playgrounds							A	A			
Personal Service Restricted				A	CUP	CUP					
Personal Services	A	A	A	A	A	CUP	A				
Printing and Publishing		CUP	CUP			A ⁴			A ⁴	A ⁴	
Public Assembly and Entertainment			CUP	CUP	A	CUP	CUP				
RCFE – Assisted Living			CUP								9-6.135
RCFE – Independent Living/Senior Apartments	CUP		CUP	CUP							9-6.135
RCFE – Retirement Hotel	CUP		CUP	CUP							9-6.135
Recreational Vehicle Parks					A						9-6.180

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Recycling and Scrap									CUP	CUP	9-6.131
Recycling Centers									CUP	CUP	9-6.132
Research and Development		CUP		A		A	CUP	A	A	A	
Residential Care: 6 Residents or Less							A ²	A ²			9-6.135
Retail Sales—Restricted				A	CUP	CUP					
Sales Lots					CUP	CUP			CUP	CUP	9-6.139
Schools		A	A	A			CUP	CUP			9-6.125
Schools – Business and Vocational		A	A	A		A	CUP	CUP	CUP	CUP	9-6.125
Service Stations	CUP		CUP	CUP	CUP						9-6.164
Single-Family Dwelling							A ¹	A ¹			
Single-Room Occupancy Units			CUP								9-6.184
Small Family Day Care		A ⁸	A ⁸	A ⁸		A ⁸	A ⁸				
Social and Service Organizations		A	A	A							
Sports Assembly			CUP	CUP	A						
Storage, Recycling and Dismantling of Vehicles and Material				CUP					A	A	9-6.131
Tasting Room	A	CUP	A	A	A	A	A	A	A	A	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Temporary Events	A/ CUP ³	CUP	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A/ CUP ³	A	A	9-6.177
Temporary Offices		A	A	A							9-6.176
Temporary or Seasonal Sales	A	A	A	A	A	A	A		A	A	9-6.174
Transit Stations			CUP	CUP	A	CUP	CUP	CUP	CUP	CUP	
Utility Facilities		CUP		CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Utility Infrastructure	A	A	CUP	A	A	A	CUP	CUP	A	A	
Vehicle and Equipment Storage (Indoor) ⁴				A		CUP			A ⁴	A ⁴	9-6.183
Vehicle and Equipment Storage (Outdoor) ⁴				CUP ⁴					CUP ⁴	CUP ⁴	9-6.183
Vehicle and Freight Terminals				CUP					CUP	CUP	
Warehousing				CUP		CUP			A	A	
Wholesaling and Distribution Center ¹		AUP	AUP	A ⁴		A ⁴			A ⁴	A ⁴	
Winery – Boutique			A ⁴	A ⁴	A ⁴	A ⁴	A ⁴		A ⁴	A ⁴	

Nonresidential Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted										
	Permitted Uses By Zones										Special Regulation(s)
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	
Winery – Production				CUP		CUP			A ⁴	A ⁴	

Notes: (These notes apply only to Table 3-2).

- ~~1 Residential uses allowed only on second and third floors.~~ If a project is required to provide a unit in compliance with the Americans with Disabilities Act, the handicapped accessible unit may be located on a first floor. A first floor unit shall be located in a non-storefront location within a tenant space.
- 2 Multifamily dwellings permitted when located ~~on the second floor or above~~, or within an existing residential structure of historical significance.
- 3 Temporary events requiring more than 3 days for onsite setup and teardown require the approval of a conditional use permit (Section 9-2.110).
- 4 Outdoor commercial and industrial sales and storage developments (as defined by Section 9-9.102) of 10,000 square feet or more require the approval of a conditional use permit (Section 9-2.110), even if such a development is listed as an allowable use in a particular zoning district.
- 5 Handcrafted and artisan food production shall be ancillary to the retail component.
- 6 Mobile food vending permitted on private property with owner's permission and City review of parking and access on-site. Mobile food trucks used as part of an event may be permitted in the right-of-way with the issuance of an Event Permit.
- 7 When no overnight stays of animals are included.
- 8 Permitted when in association with conforming and legal nonconforming residences.
- 9 Allowed on ground floor south of Atascadero Creek. Conditional use permit required on ground floor on Palma, East Mall, West Mall Entrada, Traffic Way and on El Camino Real north of Atascadero Creek as designated in Figure 3-1, subject to all of the following findings:
 - a. The location and setting of the existing building is not ideal for pedestrian uses such as restaurants, retail or related uses.
 - b. The existing building and site improvements are designed exclusively for office uses and could not accommodate other uses.
 - c. The proposed new office use will be a significant contribution to economic development by providing new jobs, pedestrian traffic, and active uses in the downtown.
 - d. The proposed new office will meet parking, accessibility, and property development standards and will not result in new parking along Atascadero Creek, East Mall or West Mall.
 - e. The proposed new office building will provide a storefront and other architectural features that complement the pedestrian scale and retail environment desired within the downtown.

9-9.102 General definitions.

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.

Accessory Structure. A non-habitable structure located on a residential lot occupied by a primary unit, exclusive of Accessory Dwelling Units. Accessory structures may include, but are not limited to, workshops, garages, pool houses, and art studios. A utility bathroom with shower and heating/air conditioning may be installed subject to design limitations and with a deed restriction that limits the building's use to nonresidential purposes and prohibits overnight stays. Attached structures may be permitted consistent with 9-5.060 and 9-6.106.

Accessory Dwelling Unit (ADU). ADUs are defined by Government Code Section 65852.2 to mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. ADUs shall include permanent provisions for living, sleeping, eating, cooking, and shall have a bathroom, and shall be located on the same parcel as the single-family or multifamily dwelling per the standards set forth in this section. An Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code and a manufactured home as set forth in Section 18007 of the Health and Safety Code.

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 (1) 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 (3) or more families living independently of each other and containing three (3) 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 resource. Any Native American or pre-Columbian artifact or human remains.

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.”

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.”

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).

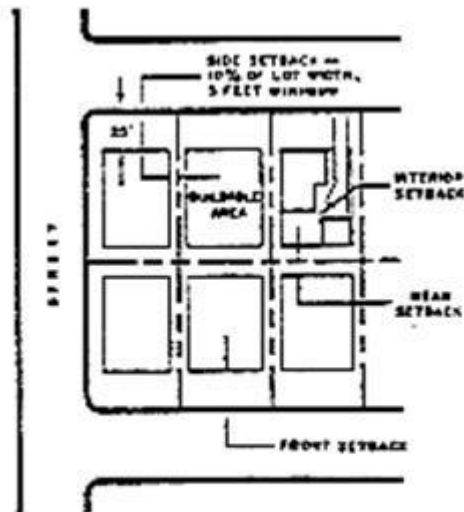


FIGURE 9-A: BUILDABLE AREA

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 mobile homes.

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).

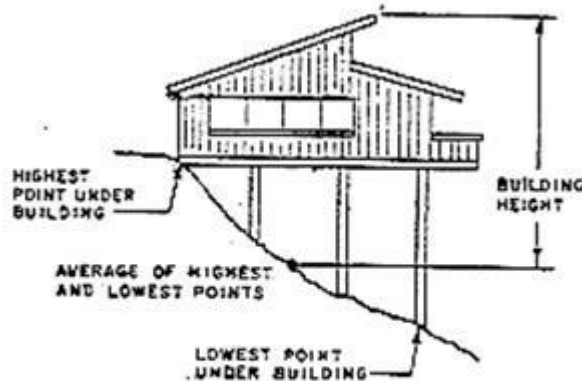


FIGURE 9-B: BUILDING HEIGHT

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 (2) 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 or perennial stream during non-flood conditions.

Combustible liquid. Any liquid having a flash point at or above one hundred (100) degrees Fahrenheit and below two hundred (200) degrees Fahrenheit, including, but not limited to, diesel fuel, kerosene and Jet A.

Commercial coach. A vehicle, with or without motive power, including any mobile home 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).

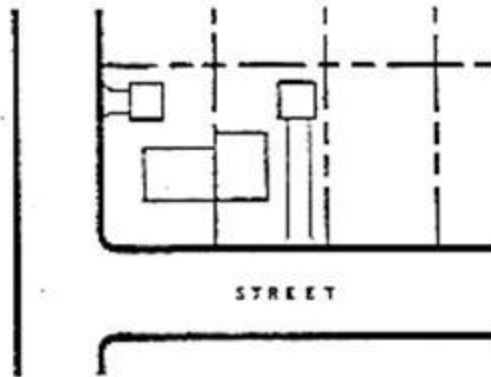


FIGURE 9-C: COMMON WALL DEVELOPMENT

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.

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.

Density bonus. A density increase over the otherwise maximum allowable residential density under the applicable Municipal Code ordinance and Land Use, Open Space, and Conservation Element of the General Plan as of the date of application by the developer to the City (Government Code Section 65915(f)). Density bonuses shall either be in the form of a "State Density Bonus" as defined by Article 30 in Chapter 3, Zoning Districts, or as specified in the Land Use, Open Space, and Conservation Element of the General Plan for exceptionally high design quality.

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 five (5) 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. A “family” is a “single housekeeping unit” defined as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

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

Flammable liquid. Liquids with flash points below one hundred (100) degrees Fahrenheit, 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, 100-year. A flood inundation event, the extent of which has a statistical probability of occurring once every one hundred (100) years.

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

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 (1) 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, ~~as follows: -Primary frontage is indicated by the street for which the property is given a street number. Secondary frontage includes all other frontages.~~

(1) Primary street frontage. The primary side of the property that abuts a street that typically provides property access, addressing, a front yard space, and is parallel to the secondary frontage and perpendicular to the corner frontage.

(2) Secondary street frontage. A second side of the property that abuts a street and is parallel to the primary street frontage designed as a double frontage lot.

(3) Corner street frontage. A second side of the property that abuts a street and is perpendicular, or at a discernable angle, to the primary frontage.

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.

Government Code. The Government Code of the State of California.

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.

Impulsive sound. Sound of short duration, usually less than one (1) 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.

Junior Accessory Dwelling Unit (JADU). JADUs are defined by Government Code Section 65852.2 to mean a residential accessory dwelling unit internal to an existing or new primary dwelling unit that provides complete independent living facilities for one or more persons. JADUs shall include permanent provisions for living and shall be located on the same parcel and within the same structure as the single-family dwelling. A Junior Accessory Dwelling Unit also includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

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 scrap 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 (2) ~~public~~-vehicular rights-of-way, including railroads.

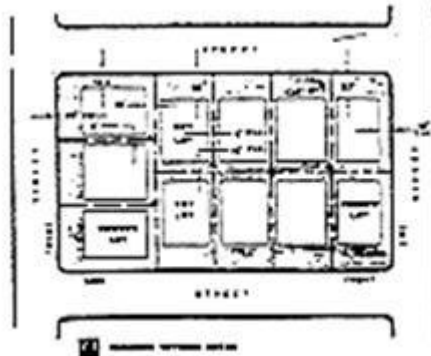


FIGURE 9-D: CORNER LOT AND KEY LOT

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 (2) streets, so that both front and rear yards two non-contiguous sides of a property abut a street with one frontage being the primary street frontage and the other being the secondary street frontage (see Figure 9-E).

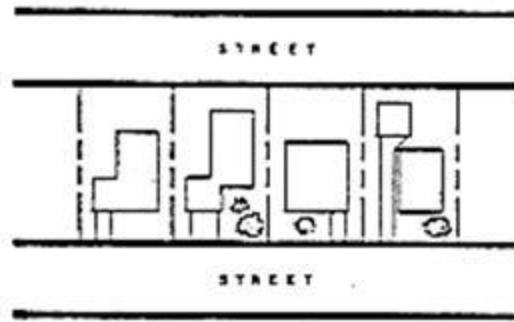


FIGURE 9-E: DOUBLE FRONTAGE LOT

Lot, flag. A lot which lies substantially behind another lot and is served by an accessway or access easement (refer to Figure 9-F).

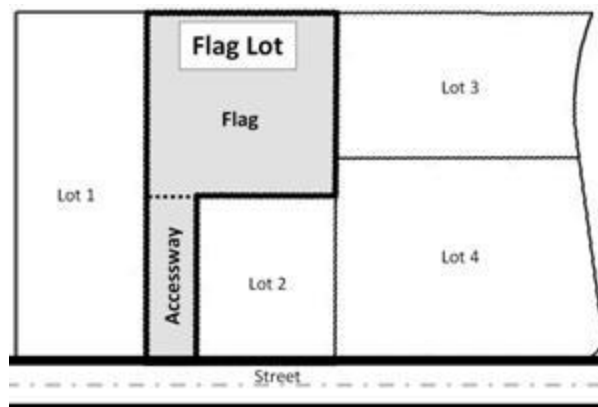


FIGURE 9-F: FLAG LOT

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

Manufactured housing. Residential structures that are constructed entirely in the factory, and which since June 15, 1976, have been regulated by the Federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

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.

Mobile home. A trailer, transportable in one (1) or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight (8) feet in width and forty (40) feet in length, is tied down: (a) to a permanent foundation on a lot either owned or leased by the homeowner; or (b) is set on piers, with wheels removed and skirted, in a mobile home park and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of “single-family dwellings.”

Residential Multi-family Development: A Residential Multi-family property zoned for multiple primary dwelling units that has been developed to the maximum allowed density and which shares access, parking, and/or amenities regardless of the number of underlying parcels. This may include, but is not limited to, attached or detached residential units, common interest subdivisions, and related residential development on a single or multiple lots developed as a single development project with a developable density of at least 10 units per acre

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.

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 (1) 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 subsection (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, co-partnership, 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.

Primary Street. The street side of a property that typically provides property access, addressing, a front yard space, and is parallel to the secondary street and generally perpendicular to a corner street.

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 yard of a lot of record and any 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 Resources Code. The Public Resources Code of the State of California.

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. Recreational vehicles are defined as any vehicle, coach, camper, travel trailer, boat, or similar movable recreational facility regulated by the vehicle code that does not have a permanent foundation. Recreational vehicles are not permitted to be used as any type of residential unit or residential accessory use.

~~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 Additions. Residential additions (additions) are defined as an increase of floor area to a residential unit. Habitable residential additions shall have a continuous, logical internal connection of conditioned space that provides for access to all portions of the unit and addition. Doors or other partitions may not be used to create two (2) separate living spaces.

The addition shall not have a secondary kitchen; however, a wet bar is permissible as defined by Section 9-5.020(j). Additions must have a minimum ten (10) feet of shared common wall and a logical internal connection of conditioned space that provides access to all portions of the unit and addition. A breezeway or similar roof connection of unenclosed or unconditioned space, regardless of length, shall not be considered a residential addition.

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 five (5) 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 (refer to Figure 9-G).

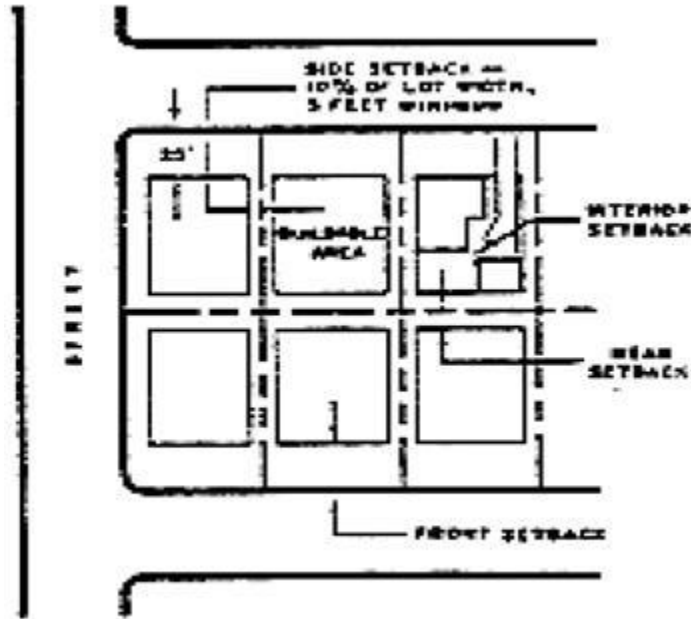


FIGURE 9-F: SETBACKS AND BUILDABLE AREA

Setback, front Street (primary, secondary, or corner). An open area without structures, extending across the frontage of a lot between the side property lines abutting a private or public right-of-way. 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 flag to constitute the front yard.

Setback, interior. Any open area of a site not within a required frontstreet, 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 street 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.

Single room occupancy unit (SRO). A structure that provides separate, single room, residential living units with no on-premises residential medical care. Units within

the structure may have individual bathroom facilities, shared bath or toilet facilities for the residents, or any combination thereof. SRO may include structures commonly called rooming houses or boarding houses. SRO facilities shall not be age restricted. Age restricted SRO facilities shall be considered a residential care facility for the elderly (RCFE).

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 subsection (a) of this definition or the contour measurement method in subsection (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:

$$S = \frac{(2.29 \times 10^{-3}) L}{A}$$

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.

Supportive housing. Housing with no limit on length of stay, that is occupied by the clients of social services, such as persons with medical or mental health conditions, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live in and, when possible, work in the community, where no on-site medical care is provided. This definition excludes housing for halfway houses intended for occupancy by parolees or convicted persons, children's homes, halfway houses, rehabilitation centers, and self-help group homes.

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) In place 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.

Transitional housing. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months (Health and Safety Code Section 50675.2(h)). This definition excludes housing for halfway houses intended for occupancy by parolees or convicted persons, children’s homes, halfway houses, rehabilitation centers, and self-help group homes.

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.

Vacation rental. Any habitable structure, or portion thereof, utilized as a short-term rental for stays of 30 days or more.

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.

Wet Bar. A wet bar is defined as a small counter equipped with a sink for running water consistent with the following:

(1) A wet bar does not include a stove, built-in microwave, dishwasher, or garbage disposal.

(2) A gas line shall not be installed in proximity to a wet bar.

(3) A wet bar sink shall have a single trap drain size limited to one and one-half (1½) inches maximum.

(4) A wet bar shall include a counter with a maximum four (4) foot length and not to exceed twelve (12) square feet of total counter space.

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 (refer to Figure 9-H).



FIGURE 9-G: ZERO LOT LINE DEVELOPMENT

Zoning approval. Same as entitlement.