Title 9

PLANNING AND ZONING

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Chapter 1

ENACTMENT, ADMINISTRATION, AND AMENDMENT

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9-1.101 Title and purpose.

This title is known as the Zoning Regulations of the City of Atascadero, Title 9 of the Atascadero Municipal Code. These regulations are established and adopted to protect and promote the public health, safety and welfare and provide a regulatory structure which:

(a) Provides for the development of land uses in a manner that encourages and supports the goals and policies of the General Plan; and

(b) Minimizes adverse effects on the public resulting from the inappropriate creation, location, use or design of building sites, structures, or other land uses by providing appropriate standards for development; and

(c) Protects and enhances the unique and significant natural, historic, cultural and scenic resources within the City; and

(d) Assists the public in identifying and understanding regulations affecting the development and use of the land. (Ord. 68 § 9-1.101, 1983)

9-1.102 Official zoning maps.

Those certain maps specifically identified, and duly noted thereon, as the Official Zoning Maps of the City of Atascadero as adopted by Ordinance No. 68 on June 27, 1983, including all amendments thereto are adopted pursuant to procedures set forth in this title. (Ord. 68 § 9-1.102, 1983)

9-1.103 Open space zoning.

The purpose of each of the following provisions, together with all other applicable provisions of this title, are consistent with the intent of the Open Space and Conservation Element of the Atascadero General Plan, and shall constitute the open space zoning pursuant to Section 65910 et seq., of the Government Code:

(a) The Agriculture, Residential Suburban, Recreation, Special Recreation and Public Zoning Districts.

(b) The Overlay Zoning Districts where applied for flood, geologic or related purposes. (Ord. 68 § 9-1.103, 1983)

9-1.104 Applicability of the zoning regulations.

(a) Proposed Uses. The provisions of this title apply to all lots, buildings, structures and uses of land created, established, constructed or altered subsequent to the adoption of this title, unless specifically exempted by this section.

(b) Existing Uses. The provisions of this title are not retroactive in their effect on a use of land lawfully established before the effective date of this title, unless an alteration, expansion or modification to an existing use is proposed which requires approval pursuant to this title. A use lawfully established before the effective date of this title shall become a nonconforming use subject to all applicable provisions of Chapter 9-7 unless the use is determined to be in compliance with all applicable provisions of this title.

(c) Completion of Approved Uses. Nothing in this title shall require any change in the plans, construction or approved use of a building or structure for which a permit has been issued or a zoning approval has been granted before the effective date of this title, as follows:

(1) Building Permits. Site work has progressed beyond grading and completion of structural foundations within one hundred eighty (180) days after building permit issuance;

(2) Zoning Approvals. Projects authorized through the approval of departmental reviews, conditional use permits, precise plans, variances, and development plans shall apply for construction permits within two (2) years of the effective date of the approval of a conditional use permit, precise plan, variance, development plan, unless an extension of time granted such entitlements has been approved as provided under Section 9-2.117. Any project that was approved for phased construction may continue under the approved phasing schedule.

(d) Nonexisting Use. A use of land not completed as provided by subsection (c) of this section as of the effective date of the ordinance codified in this title shall be prohibited unless the use is determined to be in compliance with all applicable provisions of this title. (Ord. 524 § 2, 2008; Ord. 68 § 9-1.104, 1983)

9-1.105 Compliance with uses set forth in zoning districts required.

No new building or use of land shall be established and no application for such use or other permit required by this title shall be accepted for processing unless the proposed use is allowed in the zoning district where the proposed activity is to be located, except where otherwise provided by Chapter 9-7. (Ord. 68 § 9-1.105, 1983)

9-1.106 Compliance with standards required.

No use of land or buildings shall be established and no application for a use of land or buildings shall be approved unless the proposed land use or building satisfy all applicable standards of this title, except where otherwise provided by Chapter 9-7. No such application shall be approved where an existing land use or building is being maintained in violation of any applicable provision of this title, except where the purpose of the application is to correct the violation. (Ord. 68 § 9-1.106, 1983)

9-1.107 Fees required.

Any application filed with the Planning Department shall be accompanied by the required filing fee at the time of submittal. The required filing fee shall be determined by resolution of the City Council. (Ord. 68 § 9-1.107, 1983)

9-1.108 Administration of the zoning regulations.

This title shall be administered by the Planning Director. The responsibilities of the Planning Director under this title include the following functions, which may be carried out by such other persons as he or she may designate:

(a) Application Processing. Receive and review all applications for projects; certify that applications submitted have been properly completed; establish permanent files; conduct site and project analyses; make environmental determinations; provide public notices; meet with applicants; collect fees; prepare reports; process appeals; present appropriate staff reports to the Planning Commission, City Council, and City Manager; and

(b) Coordination. Refer and coordinate matters related to the administration of this title with other agencies and City departments; and

(c) Amendment. Pursuant to Section 9-1.114, petition the Planning Commission or City Council to initiate amendment of this title when such amendment would better implement the General Plan and increase its effectiveness and/or improve or clarify the procedures or content of this title; and

(d) Enforcement. Enforce and secure compliance with the provisions of this title pursuant to Chapter 9-8. (Ord. 68 § 9-1.108, 1983)

9-1.109 Rules of interpretation.

Any question about the interpretation or applicability of any provision of this title shall be resolved as provided by this section.

(a) Effect of Provisions.

(1) Minimum Requirements. The regulations and standards set forth in this title shall be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this title.

(2) Effect Upon Private Agreements. It is not intended that these regulations are to interfere with or annul any easements, covenants or other agreement between private parties. When these regulations impose greater restrictions than are imposed or required by other ordinances, rules, regulations, or by covenants, easements or agreements, these regulations shall control. When easements, covenants or other agreements between private parties impose greater requirements than are imposed by this title, it shall be the responsibility of the affected private parties to enforce the more restrictive regulations.

(b) Language.

(1) Construction. When used in this title, the words “shall,” “will” and “is to” are always mandatory and not discretionary. The words “should” or “may” are permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural, and the plural the singular.

(2) Time of Day. Whenever a certain hour or time of day is specified in this title, or any permit, condition of approval or notice issued or given as set forth in this title, such hour shall be standard time or daylight savings time, whichever is in current use.

(3) Number of Days. Whenever a number of days is specified in this title, or in any permit, condition of approval or notice issued or given as set forth in this title, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as working days.

(4) Rounding of Quantities. Whenever this title requires consideration of distances, numbers of dwelling units, parking spaces or other aspects of development expressed in numerical quantities that are fractions of whole numbers and this title uses such quantities in the form of whole numbers only, such numbers are to be rounded to the next highest whole number when the fraction is one-half (1/2) or more, and to the next lowest whole number when the fraction is less than one-half (1/2); provided, however, that quantities expressing areas of land are to be rounded only in the case of square footage, and are not to be rounded in the case of acreage.

(c) Map Boundaries and Symbols. If questions arise about the location of any zoning district boundary, or the location of a proposed public facility, road alignment or other symbol or line on the official maps, the following procedures shall be used to resolve such questions:

(1) Where a boundary is shown as approximately following a lot line, the lot line shall be considered to be the boundary.

(2) Where a zoning district applied to a parcel of land is not shown to include an adjacent street or alley, the district shall be considered to extend to the centerline of the right-of-way.

(3) Where a boundary is indicated as approximately following a physical feature such as a stream, drainage channel, topographic contour line, powerline, railroad right-of-way, street or alley-way, the location of the boundary shall be determined by the Planning Director, based upon the character of the particular feature used as a boundary.

(d) Interpretations of Allowable Uses.

(1) Where a proposed use of land is not specifically listed in a zoning district, the Planning Director will review the proposed use when requested to do so by letter and, based upon the characteristics of the use, determine which of the uses listed in the land use descriptions is equivalent to that proposed.

(2) Upon a written determination by the Planning Director, or by the Planning Commission or City Council in an appeal, that a proposed unlisted use is equivalent in its nature and intensity to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what approvals are required and what standards affect its establishment.

(3) Determinations that specific unlisted uses are equivalent to listed uses will be recorded by the Planning Department, and will be considered for incorporation into the zoning regulations.

(4) At the discretion of the Planning Director, land use interpretation requests may be forwarded to the Planning Commission for determination. Negative determinations by the Planning Director may be appealed to the Planning Commission as set forth in Section 9-1.111.

(5) In the event that a proposed use is found by the Planning Director, or by the Planning Commission or City Council in an appeal, to be not equivalent to any listed use, the proposed use shall not be allowed. (Ord. 68 § 9-1.109, 1983)

9-1.110 Public hearings.

When a public hearing before the Planning Commission or the City Council is required by this title, such hearing shall be conducted as follows:

(a) Notice of Hearing. Notice of a public hearing shall include the time and place of the hearing, a general description of the request, the location of the site, and any additional information which the Planning Director deems appropriate. Such notice shall be given at least ten (10) days before the hearing by first class mail with postage prepaid to all persons whose names and addresses appear on the last equalized assessment

roll as owning property within three hundred (300) feet from the exterior boundaries of the parcel which is the subject of the hearing, except for projects in the RS zoning district which shall require that notices be sent to all such properties within a one thousand feet (1000) from the exterior boundaries of the project site. Such notice shall also be published at least once at least ten (10) days before the hearing in a newspaper of general circulation, published and circulated in the City, or if there is none, it shall be posted in at least three (3) public places in the City.

(1) If the number of notices required is greater than one thousand (1,000), as an alternative to the notice required by Section 9-1.110(a), such notice shall be given at least ten (10) days prior to hearing by placing a display advertisement of at least one-fourth (1/4) page in a newspaper of general circulation in the City or by placing an insert with any generalized mailing by the City, such as billing for City services, to property owners in the area required to be notified.

(2) Persons filing a written request to receive any such notice shall be given notice by first class mail, A fee may be charged to recover the cost of such mailing.

(b) Scheduling of Hearing. When an application has been accepted as complete for processing, received staff review, and a recommendation on the Environmental Determination or Environmental Impact Report has been completed, it shall be scheduled for public hearing on the next available Planning Commission agenda reserved for such matters. Appeals shall be scheduled on the Planning Commission or City Council agenda, as applicable, within thirty (30) days of receipt of the appeal. A public hearing on an application or appeal may be continued to a date specific without providing additional notice. (Ord. 620 § 4, 2019; Ord. 68 § 9-1.110, 1983)

9-1.111 Appeal.

Decisions of the Planning Department or Planning Commission may be appealed by an applicant or any aggrieved person, including the Planning Commission and the City Council, and individual members thereof. An appeal shall be filed in the form of a letter setting forth the reasons for the appeal. An appeal shall be accompanied by any fees required. Appeal fees shall not be required for appeals initiated by the Planning Commission or the City Council. When an appeal has been filed, the Planning Director will prepare a report on the matter and schedule the appeal for consideration by the appropriate body within thirty (30) days of receipt of the appeal. The hearing body may affirm, affirm in part, or reverse the action, decision or determination which is the subject of the appeal, based upon findings of fact regarding the particular case. Such findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of this title.

Appeals relating to matters which are resolvable through adjustment, variance or amendment of this title shall be processed according to the procedures of Sections 9-1.112, 9-1.113, 9-1.114 and 9-1.115, respectively.

(a) Planning Department Actions. Determinations on the meaning or applicability of the provisions of this title which are believed to be in error, and cannot be resolved with staff, and any decision of the Planning Department to approve or deny an application may be appealed to the Planning Commission. The Planning Department shall provide the Planning Commission and City Council with notification of its actions. Appeals shall be filed with the Secretary of the Planning Commission within fourteen (14) days after the decision of the Planning Department. The appeal will be decided by the Planning Commission following a public hearing conducted in accordance with Section 9-1.110.

(b) Planning Commission Decisions. Any decision of the Planning Commission may be appealed to the City Council by filing a letter of appeal with the City Clerk within fourteen (14) days of the action of the

Planning Commission. The Planning Department shall provide the City Council with notification of Planning Commission actions. Appeals will be decided by the City Council following a public hearing conducted pursuant to Section 9-1.110. (Ord. 68 § 9-1.111, 1983)

9-1.112 Administrative use permit.

An administrative use permit is intended to allow for public review of land use proposals which are not of sufficient magnitude or complexity to warrant a Planning Commission hearing, but which could have a noticeable impact in the neighborhood. It provides flexibility in the regulation of certain standards set forth in Chapters 9-4, 9-6, 9-14 and 9-15 of this title. This procedure ensures public review of proposed uses so that they will be compatible with existing or desired conditions in their neighborhoods.

(a) When Allowed. When a standard of Chapter 9-4, 9-6, 9-14 or 9-15 identifies specific circumstances under which reduction or modification of the standards may be appropriate, an applicant may make application for an administrative use permit.

(b) Application. An administrative use permit application shall be filed with the Community Development Department as an attachment to its respective project application, and shall include appropriate supporting materials. Supporting materials shall include, but not be limited to, a plot plan, written description of activities proposed, rationale for relaxation or modification of the applicable standard, and mailing labels with the names and addresses for all property owners located within three hundred (300) feet of the subject property. The hearing officer may require additional information as necessary.

(c) Processing. The Community Development Department hearing officer shall hold a public hearing to review whether findings can be made to approve the application. Notice of the hearing shall be given to adjacent property owners as provided in Section 9-1.110.

Approval of the application may be made contingent upon conditions of approval. The applicant, or any aggrieved party, may appeal the hearing officer's decision and/or conditions of approval to the Planning Commission. The hearing officer's decisions shall be final unless appealed as provided in Section 9-1.111 of this title.

An additional fee shall not be charged if the application for administrative use permit is considered in conjunction with a plot plan, precise plan or conditional use permit.

(d) Findings for Approval. An administrative use permit shall be approved only if the following findings are made in the affirmative by the hearing officer:

(1) Modification of the applicable standard will not result in a project that is inconsistent with the General Plan;

(2) Modification of the applicable standard will not result in a project that is inconsistent with the character of the immediate neighborhood or contrary to its orderly development;

(3) Modification of the applicable standard will not result in a project that is not in compliance with any pertinent City policy or criteria adopted by ordinance or resolution of the City Council;

(4) Modification of the applicable standard will not result in the authorization of a use not otherwise allowed; and

(5) Any other findings deemed necessary. (Ord. 614 § 4, 2017; Ord. 256 § 2, Exh. A, 1992)

9-1.113 Variance.

A variance from the application of the provisions of this title may be requested as follows:

(a) Application. A written application for variance shall be filed with the Planning Department on the form provided, accompanied by all graphic information required for application processing, and any

additional information necessary to explain the request. Acceptance of the application is subject to Section 9-2.102.

(b) Notice and Hearing. Following acceptance of a variance application as complete and completion of a staff report, the Planning Commission will conduct a public hearing on the variance request. The notice and scheduling of the hearing shall be pursuant to Section 9-1.110.

(c) Action on a Variance. The Planning Commission shall approve, approve subject to conditions, or disapprove a variance as set forth in this subsection. Such decision shall be final unless appealed to the City Council as set forth in Section 9-1.111.

(1) Findings of Disapproval. Disapproval shall be made when the Planning Commission determines that the variance does not satisfy criteria set forth in Government Code Sections 65906 and 65096.5 by finding that:

(i) The variance constitutes a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated; or

(ii) There are no special circumstances applicable to the property, including size, shape, topography, location, or surroundings, which would, upon application of this title, deprive the property of privileges enjoyed by other property in the vicinity and in the same zoning district; or

(iii) The variance would authorize a use which is not otherwise allowed in the zoning district; or

(iv) The granting of such variance would, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, be materially detrimental to the public welfare, or be injurious to nearby property or improvements.

(2) Findings of Approval. Approval or conditional approval shall be granted only when the Planning Commission determines that the variance satisfies the criteria set forth in Government Code Sections 65906 and 65906.5 by finding that:

(i) The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated: and

(ii) There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of these circumstances, the application of this title would deprive the property of privileges enjoyed by other property in the vicinity and in the same zoning district; and

(iii) The variance does not authorize a use which is not otherwise authorized in the zoning district; and

(iv) The granting of such variance does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.

(3) Conditions of Approval. In approving an application for variance, such conditions shall be adopted as are deemed necessary to enable making the findings set forth in Section 9-1.113(c)(2). Any change in the conditions of approval of a variance shall only be allowed after following all procedures undertaken for the original approval. (Ord. 68 § 9-1.113, 1983)

9-1.115 Text amendment.

This title may be amended whenever the City Council deems that public necessity, convenience, or welfare require.

(a) Application. Text amendments may be initiated by:

(1) The City Council or Planning Commission upon its own motion; or

(2) The City Council or Planning Commission upon acceptance of a request from any interested party, including the Planning Director. Requests shall be in writing and shall include a description of the benefit to be derived as a result of the text amendment.

(i) The City Council may refer a proposed text amendment to the Planning Director and/or Planning Commission for response prior to deciding whether to initiate the text amendment.

(b) Planning Commission Notice and Hearing. The Planning Commission shall hold a public hearing on any proposed text amendment to this title after giving the public notice required by Section 9-1.110. The purpose of the hearing shall be to receive testimony from parties interested in the proposed text amendment, consider the recommendations of the Planning Director, and adopt a recommendation to the City Council. The Planning Commission shall submit a written recommendation to the City Council on the proposed amendment setting forth findings in support of the recommendation.

(c) City Council Notice and Hearing. Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing after giving the public notice required by Section 9-1.110. The City Council may approve, modify or disapprove the recommendation of the Planning Commission, provided that any modification of a proposed text amendment by the City Council not previously considered by the Planning Commission shall first be referred to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing on such referral. Failure by the Planning Commission to report within forty (40) days after the referral shall be deemed approval of the proposed modification to the text amendment. (Ord. 68 § 9-1.115, 1983)

9-1.116 Zoning map amendment.

The official zoning map may be amended changing a property or properties from one zoning district to another whenever the City Council determines that public necessity, convenience or welfare require:

(a) Application. Zoning map amendments may be initiated by:

(1) The City Council or Planning Commission upon its own motion; or

(i) The City Council may refer a proposed zoning map amendment to the Planning Director and/or Planning Commission for response prior to deciding whether to initiate the zoning map amendment.

(2) The property owner, owner in escrow, or other designated representative of the owner.

(i) A written application for a zoning map amendment shall be filed with the Planning Department on the form provided accompanied by all graphic information required for application processing, and any other information deemed necessary to explain the request. Acceptance of the application is subject to Section 9-1.102.

(b) Planning Commission Notice and Hearing. The Planning Commission shall hold a public hearing on any proposed zoning map amendment after giving the public notice required by Section 9-1.110. The purpose of the hearing shall be to receive testimony from parties interested in the proposed zoning map amendment, consider the recommendations of the Planning Director, and adopt a recommendation to the City Council. The Planning Commission shall submit a written recommendation to the City Council on the proposed zoning map amendment setting forth findings in support of the recommendation.

(c) City Council Notice and Hearing. Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing after giving the public notice required by Section 9-1.110. The City Council may approve, modify or disapprove the recommendation of the Planning Commission, provided that any modification of a proposed zoning map amendment by the City Council not previously considered by the Planning Commission shall first be referred to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing on such referral. Failure by the Planning Commission to report within forty (40) days after the referral shall be deemed approval of the proposed modification to the zoning map amendment. (Ord. 68 § 9-1.116, 1983)

9-1.117 Prezoning.

The prezoning of unincorporated territory adjacent to the City shall be accomplished in the manner set forth in Section 9-1.115, except that such prezoning shall not become effective until and unless the annexation becomes effective. (Ord. 68 § 9-1.117, 1983)

Chapter 2

APPLICATIONS: CONTENT, PROCESSING AND TIME LIMITS

Sections:

9-2.101 Applications and procedures.
9-2.102 Determination of completeness.
9-2.103 Waivers of content.
9-2.104 Review by other agencies.
9-2.105 Consolidated processing.
9-2.106 Business license clearance.
9-2.107 Design Review Committee.
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9-2.112 Permit time limits.
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9-2.114 Project completion.
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9-2.116 Occupancy with incomplete site improvements.
9-2.117 Extension of entitlement.
9-2.118 Lapse of entitlement.
9-2.119 Applications deemed approved.
9-2.120 Applications deemed withdrawn.
9-2.121 Guarantees of performance.

9-2.101 Applications and procedures.

This chapter lists the approvals required by this title, describes how applications shall be processed by the Planning Department, and what information must be included with an application. This chapter also sets time limits for application processing, the establishment of approved land uses, commencement of construction and project completion. Chapter 9-3 of this title determines what entitlement is required within a given zoning district to enable establishment of a land use which is allowed by this title. (Ord. 68 § 9-2.101, 1983)

9-2.102 Determination of completeness.

Within the time periods specified by subsections (a) and (b) of this section, the Community Development Director or designee shall determine whether an application includes the information required by this chapter, and shall notify the applicant if the application is incomplete. The applicant shall be informed by a letter that the application is incomplete and that additional information, specified in the letter, must be provided to make the application complete.

(a) Plot Plans. A plot plan application shall not be accepted for processing unless it is determined to be complete at the time of filing;

(b) Precise Plans and Conditional Use Permits. The timeframe for determination of completeness shall be consistent with the State of California's Permit Streamlining Act. In the event that the Director or

designee does not make such a determination, the application shall be considered complete and processing of the environmental document required by the California Environmental Quality Act (CEQA) shall commence.

When an applicant is notified that a submitted application is incomplete, the time used by the applicant for preparation and submittal of the required additional information shall not be considered part of the period within which the Director or designee must complete the determination of completeness. The time available to an applicant for preparation and submittal of additional information is limited by Section 9-2.121. (Ord. 524 § 2, 2008; Ord. 68 § 9-2.102, 1983)

9-2.103 Waivers of content.

The Planning Director may find that unusual characteristics of a project site or the nature of a project make it infeasible or unnecessary for the applicant to submit all of the information for an application required by this title. In such cases, the Planning Director may waive or reduce the requirements if it is also found that the absence of such information will not reduce the ability of the Planning Director to evaluate the compliance of the proposed project with the standards of this title. (Ord. 68 § 9-2.103, 1983)

9-2.104 Review by other agencies.

Planning Department review of applications may include notification of the agencies listed below when required by this title or when otherwise deemed necessary by the Planning Director. The purpose of the notification is to inform interested agencies of proposed projects which may affect their jurisdictions so that such agencies may provide comments on project proposals.

(a) Air Pollution Control District (APCD). To be notified of applications, except for single-family residences and business licenses, which propose to establish, construct, modify, alter or replace any article, machine equipment or continuance which involves combustion or use of hydrocarbons or other air contaminants;

(b) City Engineering Department. To be notified of applications regarding matters of drainage, flood hazards, water and sewer facilities, public street access and improvements;

(c) City Fire Department. To be notified of applications regarding matters of fire protection;

(d) Regional Water Quality Control Board. To be notified of applications, except for single-family residences and business licenses, which may affect ground water quality because of proposed methods of disposal, large volumes of waste-water, or disturbance of natural soil contours. (Ord. 68 § 9-2.104, 1983)

9-2.105 Consolidated processing.

Whenever a proposed project involves multiple uses, project approval may be obtained by a single application for the highest entitlement level required for any of the individual uses. For example, a commercial center of several stores, proposed to contain a use requiring conditional use permit approval, and two uses requiring plot plan approval, may be authorized by a single conditional use permit. (Ord. 68 § 9-2.105, 1983)

9-2.106 Business license clearance.

(a) Purpose of Review. The Planning Department reviews business license applications to verify compliance with City regulations, as required by Title 6 of this Code. These standards are applicable to business license applications that:

(1) Propose a different business; or

(2) Involve a change of occupancy, as defined by Title 8 of this Code, in an existing structure; or

(3) Renew a license for a business using leased offsite parking.

(b) Standards for Business License Clearance.

(1) New Licenses. Approval of new business license applications reviewed by the Planning Department shall satisfy the following criteria:

(i) Use. The proposed use is allowed in the zoning district in which the use is to be located.

(ii) Structure. The structure conforms to all applicable requirements of Title 8, as evidenced by a certificate of occupancy.

(iii) Violation. The proposed site and any structures or land uses existing on the site shall not be in violation of any applicable provision of this title except for nonconforming uses pursuant to Chapter 9-7.

(2) Reuse of Existing Structures. Approval of a business license application that proposes establishment of a different business in an existing building or structure shall be subject to the provisions of subsection (b)(1) of this section, and in addition shall be subject to the following:

(i) Parking. The proposed business site shall provide for the number of off-street parking spaces, driveway and parking lot improvements as required by Section 9-4.114 except as otherwise provided by Section 9-7.111.

(ii) Signing. All signing on the proposed site shall be in compliance with Sections 9-4.130 and 9-7.109.

(3) New Uses. Approval of a business license for the first occupancy of a new building or structure shall require compliance with all provisions of this title. (Ord. 68 § 9-2.106, 1983)

9-2.107 Design Review Committee.

(a) Purpose. The Design Review Committee is established to implement the goals and policies of the General Plan. The intent is to ensure that the physical design of new development meets the following objectives:

(1) Maintaining the rural character and identity of Atascadero;

(2) Enhancing the appearance and character of the City, by reviewing the architecture and site plans for commercial, office, industrial, single-family residential subject to CEQA and multifamily residential projects;

(3) Ensuring that development is compatible with surrounding uses and improvements by requiring building designs that provide appropriate visual appearance and site plans to mitigate neighborhood impacts.

(b) Design Review Committee—Composition. The City Council shall appoint the Design Review Committee. The Design Review Committee shall consist of the following:

(1) Two (2) members of the City Council;

(2) Two (2) members of the Planning Commission;

(3) One (1) at large member resident of the City. This at large member shall be a resident of the City. The Council shall choose an at large member that best fits the intent of the Design Review Committee.

(c) Terms of Service. The Design Review Committee members from the City Council and Planning Commission shall serve a two (2) year term. This service term shall commence at the date of appointment. The at large member resident shall have a service term of two (2) years. This term shall begin at the date of appointment by the City Council.

(d) Authority. The Design Review Committee has the authority to approve and make recommendation to the review authority (Director, Planning Commission, or City Council, depending on the project) in regards to the architectural appearance, signage, site plan, and landscape plan of the following projects:

(1) All multifamily residential projects that do not comply with Section 9-4.130 (Multifamily and Mixed-use Building Design Standards);

(2) All nonresidential projects, including commercial, office, mixed-use, and industrial developments;

(3) All public facility projects and buildings;

(4) Development in an open space zoning district;

(5) Any residential single-family residential development requesting a planned development permit;

(6) Development projects requiring a conditional use permit, zone change, or general plan amendment.

(e) Meeting. The Design Review Committee shall convene once a week, as needed. This meeting shall consist of the Committee, the Community Development Director, pertinent City staff members and the applicant.

(f) Appearance Review Approval. The Design Review Committee shall take into consideration the following criteria in either approving the design of a project or making recommendations for projects that require Planning Commission approval. The Design Review Committee may require or recommend additional conditions of approval. The following is a list of criteria that the Design Review Committee shall take into consideration:

(1) The goals and policies established by the General Plan;

(2) Guidelines and standards for development set forth by the Appearance Review Manual;

(3) The proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements provide appropriate visual appearance.

(g) Determination.

(1) The Community Development Director shall provide the applicant with correspondence regarding the outcome of the meeting, including any additional conditions of approvals that is required or recommended by the Committee.

(h) Compliance. All requirements imposed by the Design Review Committee shall be incorporated into a building permit and completed prior to permit final. Failure to comply with the requirements of the Design Review Committee constitutes a violation of this code.

(i) Appeals. Appeals of decisions from the Design Review Committee shall be made to the Planning Commission and filed within fourteen days (14) days of the Design Review Committee's decision. Any additional appeals shall be consistent with Section 9-1.111 of this chapter. If the Design Review Committee cannot reach a decision on a design review issue, the Committee may refer this issue to the Planning Commission. (Ord. 635 § 5, 2020; Ord. 552 § 2, 2010)

9-2.108 Plot plan.

A plot plan is a ministerial approval. When a plot plan is required by this title to authorize a project proposal, its approval certifies that the land use or development will satisfy all applicable provisions of this title. Plot plan approval is required when a development or use of land is listed in a particular zoning district as an allowable use and when it is determined by the Planning Director that the development project, or the establishment of a use of land which is not a development project, is eligible for a categorical exemption pursuant to Public Resources Code Section 21084 and the State EIR Guidelines. Approval of a plot plan enables issuance of a building permit under Title 8 of this code, or the establishment of a land use which does not require a building permit, but is still subject to the standards of this title.

(a) Plot Plan Application. Plot plan applications shall include the forms provided by the Planning Department, and the drawings listed in subsection (b) of this section. Drawings must be neatly and accurately prepared and at a scale acceptable to the Planning Director which will enable ready identification and recognition of submitted information.

(b) Plot Plan Content. Drawings filed with plot plan applications shall include the following, using multiple sheets if necessary:

(1) Site Location and Dimensions. Location, exterior boundaries and dimensions of the entire property which is the subject of the application shall be depicted. The scale of the drawing and a north arrow shall be indicated. An area location map showing the proposed project site and its distance from nearby cross streets, and natural or man-made landmarks, as necessary to readily locate the site, may be included.

(2) Street Improvements. The location, name, width, and pavement type of adjacent street(s) or alleys as well as the location of existing or proposed curbs, gutter or sidewalk improvements, if any, shall be indicated.

(3) Buildings and Structures. The location, dimensions, and use of all existing and proposed structures on the property, including accessory structures, decks, balconies, fences, walls and other structural elements that protrude into yard areas shall be indicated. When the use of a proposed structure is not certain at the time of application, the occupancy-type as defined by the Uniform Building Code may be substituted for use. The height of buildings and structures and elevations (relative height) of the finish floor to the edge of the pavement or road at the driveway entrance shall be shown.

(4) Utilities. The location, dimensions and type of utilities proposed including water supply, sewage disposal facilities, electricity, gas or similar shall be shown.

(5) On-Site Improvements. The location and dimensions of existing or proposed driveways and parking areas (enclosed or open), including type of surfacing materials, and identification of any driveway grades over twelve percent (12%) shall be made. The location and dimensions of areas proposed for grading and landscaping shall also be indicated.

(6) Landforms. The generalized location of any major topographic or man-made features on the site, such as rock outcrops, bluffs, streams and watercourses, or graded areas shall be shown.

(7) Additional Information. Shall be included with plot plan applications in the following specific cases:

(i) Grading Plan. When required by Section 9-4.138;

(ii) Drainage Plan. When required by Section 9-4.148;

(iii) Sign Information. When any use is proposed to have signs, a description of their location, size, design and copy shall be provided;

(iv) Trees. Applications shall show the location of trees existing on the site in or within fifty (50) feet of the area proposed for grading or other construction, which are eight (8) inches or larger in diameter at four (4) feet above natural grade. Trees proposed to be removed shall be specifically identified. Any tree removal is subject to the requirements of Chapter 9-11.

(c) Plot Plan Review and Approval. The Planning Director shall approve a plot plan application when the proposed project or use satisfies all applicable provisions of this title. (Ord. 614 § 4, 2017; Ord. 552 § 2, 2010; Ord. 68 § 9-2.107, 1983)

9-2.109 Precise plan.

Precise plan approval is required when a development or use of land is listed in a particular zoning district as an allowable use and when it is determined by the Planning Director that the development project, or the establishment of a use of land which is not a development project, is not eligible for a categorical exemption pursuant to Public Resources Code Section 21084 and the State EIR Guidelines. Precise plans consider the greater effects such uses may have upon their surroundings, and the characteristics of adjacent uses which could have detrimental effects upon a proposed use. ~~Large-scale projects (multiple family developments containing twelve (12) or more units, or nonresidential projects containing ten thousand~~

~~(10,000) square feet or more of building or outdoor storage area) will require conditional use permit approval even if such uses are listed as allowable uses in a particular zoning district.~~ The preparation and processing of a precise plan shall be as follows:

(a) Precise Plan Content. Precise plan applications shall include an application prepared as specified in Section 9-2.109, as well as the following:

(1) Preliminary Floor Plan. For all structural uses except single-family residences and agricultural accessory buildings; and

(2) Architectural Elevations. For all structural uses except single-family residences and agricultural accessory buildings. Elevations, renderings or perspectives of each proposed structure shall be provided, identifying all exterior finish and roofing materials; and

(3) Drainage Plan. When required by Section 9-4.148 or overlay district requirements; and

(4) Landscaping Plan. To be prepared as required by Section 9-4.124, for all uses, except single-family residences and agricultural accessory buildings; and

(5) Contour Map. To be prepared as follows, except when a grading plan is required by Section 9-4.138:

(i) Inside Urban Services Line. Site contour information shall be provided at five (5) foot intervals for undeveloped areas and two (2) foot intervals for building sites and paved or graded areas.

(ii) Outside Urban Services Line. Site contour information shall be provided at ten (10) foot intervals, which may be interpolated from USGS Topographic Quandrangel Maps, for undeveloped areas, and at two (2) foot intervals for building sites and paved or graded areas.

(iii) Areas in excess of thirty percent (30%) slope may be designated as such and contours omitted, unless proposed for grading, construction or other alteration.

(6) Supplementary Development Statement. Shall include a phasing schedule for project construction if one is proposed and identification of any areas proposed to be reserved and maintained as common open space. Applications for special uses (Chapter 9-6) shall include explanation of how the applicable provisions of Chapter 9-6 will be met.

(b) Precise Plan Processing. Precise plan applications shall be submitted to the Planning Department and shall be processed as follows:

(1) Environmental Determination. A precise plan application accepted for processing as set forth in Section 9-2.102 shall receive an environmental determination as required by the California Environmental Quality Act (CEQA). The Planning Department shall process the application concurrently with the environmental determination.

(2) Staff Report. The Planning Department shall prepare a staff report which:

(i) Describes the characteristics of the proposed land use or development project, as well as the project site and its surroundings; and

(ii) References applicable policies and regulations; and

(iii) Determines whether the proposed use or project complies with the provisions of this title; and

(iv) Sets forth any findings required to support the decision. Approval or conditional approval requires findings as set forth in Section 9-2.110(b)(3)(iv) for conditional use permits; and

(v) Specifies any conditions necessary to assure compliance with this title or the mitigated adverse environmental effects.

(3) Public Notice. After the staff report has been prepared, a notice shall be sent by first class mail with postage prepaid to all persons whose names and addresses appear on the last equalized assessment roll as owning property adjacent to the exterior boundaries of the project site. Additional notice may be provided when appropriate by the Planning Director. The notice shall describe the proposed use and explain how

interested people may obtain additional information about the project. The notice shall inform the property owners in the vicinity of a precise plan proposal of their opportunities to review, comment upon, and appeal the approval of the project, if desired.

(4) Review and Approval. The Planning Director shall approve a precise plan application at the end of the public notice period when the proposed project or use satisfies all applicable provisions of this title. The approval shall become effective for the purpose of issuance of a building or grading permit, or establishment of a use not involving construction, fourteen (14) days after the notice has been sent, unless an appeal is filed with the Planning Department as set forth in subsection (b)(5) of this section.

(5) Appeal of Precise Plan Decision. Any aggrieved person may appeal a decision on a precise plan application as set forth in Section 9-1.111; provided, that the only basis for an appeal or action on an appeal by the Planning Commission or City Council shall be whether the proposed use satisfies all applicable provisions of this title. (Ord. 552 § 2, 2010; Ord. 170 § 2, Exh. A, 1988; Ord. 149 § 2, 1987; Ord. 68 § 9-2.108, 1983)

9-2.110 Conditional use permit.

(a) The conditional use permit is the process used to review land use proposals of a nature or magnitude which could significantly affect their surroundings. Such land use proposals include:

(1) Uses that are shown as conditional uses in a particular zoning district; or

(2) Multiple-family residential developments ~~consisting of twelve (12) or more units~~, even if such a development is listed as an allowed use in a particular zoning district, if the proposed development is not compliant with Section 9-4.130 (Multifamily and Mixed-use Building Design Standards); or

(3) Nonresidential development containing fifty thousand (50,000) square feet or more of building footprint area, even if such a development is listed as an allowable use in a particular zoning district; or

(4) Outdoor commercial and industrial sales and storage developments as defined by Section 9-9.102 of ten thousand (10,000) square feet or more, even if such a development is listed as an allowable use in a particular zoning district.

(b) Because of the intensity of such uses, public review and input into decisions on whether to approve such proposals is needed. That input is given in a public hearing before the Planning Commission. The conditional use permit is a discretionary approval and the Planning Commission may approve or disapprove a conditional use permit or may adopt additional conditions of approval. Conditional use permit applications may be denied by the Planning Commission because of specific findings identified through public hearing testimony or because of provisions of this title. When conditional use permit approval is required, preparation and processing of the application shall be as follows:

(1) Conditional Use Permit Content. The content of a conditional use permit application is to be the same as required for the precise plan use by Section 9-2.109(a).

(2) Conditional Use Permit Processing. Conditional use permit applications shall be submitted to the Planning Department and shall be processed as follows:

(i) Environmental Determination. A conditional use permit application accepted for processing as set forth in Section 9-2.102 shall receive an environmental determination as required by the California Environmental Quality Act (CEQA). The Planning Department shall process the application concurrently with the environmental determination.

(ii) Staff Report. The Planning Department shall prepare a staff report which:

a. Describes the characteristics of the proposed land use or development project, as well as the project site and its surroundings; and

b. References applicable policies and regulations; and

c. Determines whether the proposed use or project satisfies at minimum the provisions of this title; and

d. Recommends whether, and on what basis the proposal should be approved, conditionally approved or disapproved.

(iii) Public Hearing. The Planning Director shall schedule the conditional use permit for public hearing before the Planning Commission as set forth in Section 9-1.110.

(3) Approval. The authority to take final action on a conditional use permit as set forth in this subsection is assigned to the Planning Commission, provided that such decisions may be appealed to the City Council (Section 9-1.111, Appeal).

(i) Conditions of Approval. After the conclusion of a public hearing, the Planning Commission may approve, conditionally approve, or disapprove the conditional use permit. In conditionally approving a conditional use permit, the Planning Commission shall designate such conditions to satisfy any requirements of CEQA, and to:

a. Secure compliance with the objectives and requirements of this title and the General Plan; and

b. Designate time limits or phasing schedules other than those specified in Section 9-2.112 for the completion of projects when deemed appropriate.

(ii) Additional Conditions. In addition to the conditions of Section 9-2.110(b)(3)(i), the Planning Commission may adopt other conditions, including, but not limited to:

a. Requiring that security be provided to guarantee performance and/or compliance with conditions of approval, as set forth in Section 9-2.121;

b. Requiring installation of specific on-site or off-site improvements;

c. Requiring periodic review or limiting the permit to a specified period of time;

d. Requiring that the permit be personal to the applicant or be applicable to the property;

e. Any other conditions as are judged by the Planning Commission to be necessary to achieve compatibility between the proposed use and its site, its immediate surroundings, and the community.

(iii) Effect of Conditions. Whenever a conditional use permit approval is granted or amended subject to conditions, use or enjoyment of the conditional use permit approval in violation, or without observance of any conditions shall constitute a violation of this title. In the event of such a violation, the approval may be revoked or modified as provided in Section 9-8.105. The duration of conditions is established in Section 9-2.118. Any change in the conditions of approval of a conditional use permit shall only be allowed after following all procedures undertaken for the original approval.

(iv) Required Findings. If the Planning Commission approves or conditionally approves a conditional use permit, it shall first find that:

a. The proposed project or use is consistent with the General Plan; and

b. The proposed project or use satisfies all applicable provisions of this title; and

c. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and

d. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and

e. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the land use element; and

f. The proposed project is in compliance with any pertinent city policy or criteria adopted by ordinance or resolution of the city council; and

g. Any additional findings deemed necessary.

h. For a project that is defined as a "Housing Development Project" by the Housing Accountability Act (California Government Code Section 65589.5(h)(2)), the reviewing body must approve or conditionally approve the project unless it makes one of the following findings supported by a preponderance of the evidence in the record:

1. The project does not comply with all applicable objective General Plan, Zoning Regulations, Subdivision, and development standards including objective design review standards.
2. The project would result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density.

As used in this Section, a "specific, adverse impact" is defined by California Government Code Section 65589.5(j) and means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(4) Effective Date. The approval of a conditional use permit shall become final and effective for the purposes of issuing a construction permit or establishing a nonstructural use fourteen (14) days following the Planning Commission approval unless prior to that time an appeal to the decision is filed as set forth in Section 9-1.111(b).

(5) Types of Conditional Use Permits. The City has established three levels of use permit review related to project scale: Minor, Standard, and Major, with fees established for each by resolution of the City Council. Each type of Conditional Use Permit shall follow the review process outlined in this Subsection 9-2.110(b).

(Ord. 614 § 4, 2017; Ord. 552 § 2, 2010; Ord. 170 § 2, Exh. A, 1988; Ord. 149 § 2, 1987; Ord. 68 § 9-2.109, 1983)

9-2.111 Approved plans.

A land use or development project authorized through a zoning approval shall be developed or established only as shown on the project plans approved as part of the application. Deviation of the project design or construction from the approved plans may occur only as follows:

(a) Except as provided by subsection (b) of this section, a feature of the use or project which is subject to the standards of Chapters 9-4 and 9-6 may be modified provided that the change requested is in conformity with the standards of this title. Such change shall be requested in writing with appropriate supporting materials and explanation of the reasons for the request. The Planning Director may approve a requested change upon verification of its conformity with this title, provided that such approval shall not modify the effective date of the approval (Section 9-2.112).

(b) In the case of a project feature which is subject to conditions of approval of a conditional use permit, or was a specific consideration in the approval of a conditional use permit, a new conditional use permit approval shall be obtained. (Ord. 552 § 2, 2010; Ord. 68 § 9-2.112, 1983)

9-2.112 Permit time limits.

(a) An approved plot plan is valid for the time limits established by Title 8 governing building permits. An approved precise plan or conditional use permit, when not part of a planned development with an approved corresponding tentative map, is valid for twenty-four (24) months after its effective date, unless

otherwise provided by adopted conditions. At the end of the twenty-four (24) months the approval shall expire and become null and void unless:

(1) Building permits have been applied for and have not expired;

(2) The project is completed (Section 9-2.114);

(3) An extension has been granted (Section 9-2.117); or

(4) A building moratorium is imposed on the project site.

(b) If a conditional use permit has been approved as part of a planned development with a corresponding tentative map, the life of the conditional use permit shall run with the map and shall only expire if the map expires. Time extensions for the map shall also extend the time of the corresponding conditional use permit. Conditional use permits which correspond with a tentative map shall remain active and shall not expire once the map is recorded. This provision shall apply retroactively and, as a result, any conditional use permit which expired prior to the effective date of the ordinance codified in this section, but which was approved as part of a planned development with a corresponding tentative map that is still active, shall no longer be considered expired but shall instead be deemed active and subject to expiration only if and when the corresponding map expires without having been recorded.

(c) Endorsement or approval by the Design Review Committee shall be valid for a period of twelve (12) months, unless otherwise provided by adopted conditions. At the end of the twelve (12) months, the endorsement/approval shall expire and become null and void unless:

(1) A complete construction permit for the majority of the development has been applied for and has not expired;

(2) The project is completed (Section 9-2.114);

(3) An extension has been granted consistent with the following:

(i) The Planning Director may grant two (2) six (6) month extensions. Additional exceptions may be granted by the Design Review Committee.

(ii) An extension shall be requested in writing on or before the date of expiration of the approval/endorsement.

(iii) The following findings shall be made to grant an extension:

a. There have been no changes to the provisions of the General Plan or zoning regulations applicable to the project since the approval/endorsement of the project; and

b. There have been no changes in the character of the site or its surroundings which affect how the standards of the General Plan or zoning regulations apply to the project.

(d) Nothing in this title shall be construed as affecting any time limits established by Title 8 of this code regarding work authorized by a building permit or other construction permit issued pursuant to Title 8, or time limits relating to the expiration of such permit. (Ord. 646 § 11, 2021; Ord. 552 § 2, 2010; Ord. 547 § 2, 2009; Ord. 524 § 2, 2008; Ord. 68 § 9-2.113, 1983)

9-2.113 Substantial site work defined.

When all required construction permits have been obtained and construction has begun, substantial site work toward establishing the authorized use shall be deemed to have been performed and project construction may be completed subject to Section 9-2.118 when:

(a) Projects Involving the Construction of Buildings. Site work has progressed beyond grading and completion of structural foundations and construction is occurring above grade within twelve (12) months of the effective date of the zoning approval or date of approval of an extension of zoning approval, and construction continues with reasonable progress and no interruption greater than one hundred eighty (180) consecutive days, provided that:

(1) Single Construction Period Projects. When no extended project phasing schedule has been authorized substantial work shall be performed for all proposed buildings;

(2) Phased Projects. Where a project phasing schedule has been approved, construction permits shall be obtained and substantial work shall be performed on at least one approved building.

(b) Nonbuilding Projects. The project is completed as set forth in Section 9-2.114 within twelve (12) months of the effective date of the zoning approval or approval of an extension of entitlement (Section 9-2.117).

(c) Resource Extraction Operations. In the case of a resource extraction operation approved under Sections 9-6.147 through 9-6.161, when extraction operations have been commenced. (Ord. 552 § 2, 2010; Ord. 68 § 9-2.114, 1983)

9-2.114 Project completion.

A development project is considered completed when:

(a) A certificate of occupancy has been issued by the Building Official verifying that all structures, site improvements and/or off-site work has been completed and any bonds (Section 9-2.121) guaranteeing site improvements have been released;

(b) When the Planning Director verifies that a use or activity not involving a building or grading permit is occurring on the subject site in accordance with all applicable provisions of this title and any adopted conditions. (Ord. 552 § 2, 2010; Ord. 68 § 9-2.115, 1983)

9-2.115 Occupancy or use of partially completed projects.

Multiple building projects (including but not limited to apartment or office complexes and shopping centers) may be granted certificates of occupancy for individual completed buildings in advance of completion of the entire project when:

(a) Individual buildings are completed pursuant to Section 9-2.114;

(b) The Planning Director determines that the completed structures are capable of functioning independently from structures remaining to be completed;

(c) Occupancy of individual structures will not inhibit the completion of the total project;

(d) Partial occupancy during completion will not have a potential adverse effect on persons in the area or nearby properties; and

(e) Occupancy with incomplete site improvements is accomplished pursuant to Section 9-2.116. (Ord. 552 § 2, 2010; Ord. 68 § 9-2.116, 1983)

9-2.116 Occupancy with incomplete site improvements.

In the case of projects where all structures are complete, but improvements required by this title or adopted conditions (including, but not limited to, landscaping, curb and gutter, paving, etc.) are not complete, a certificate of occupancy may be issued, provided that:

(a) Buildings are completed in accordance with Section 9-2.114; and

(b) The Planning Director determines that such buildings can function safely in advance of the completion of the lacking site improvements; and

(c) The improvements remaining to be completed are guaranteed as set forth in Section 9-2.121. (Ord. 552 § 2, 2010; Ord. 68 § 9-2.117, 1983)

9-2.117 Extension of entitlement.

(a) Initial Extension. The Planning Director may grant a one (1) year extension to the time limit for any entitlement (Section 9-2.112). Such extension shall be requested in writing on or before the date of expiration of the entitlement. The Planning Director shall grant an extension only after finding that:

(1) There have been no changes to the provisions of the General Plan or zoning regulations applicable to the project since the approval of the entitlement; and

(2) There have been no changes in the character of the site or its surroundings which affect how the standards of the General Plan or zoning regulations apply to the project.

Disapproval of a requested extension by the Planning Director may be appealed to the Planning Commission as set forth in Section 9-1.111(a).

(b) Continuing Extensions. The Planning Commission may grant additional extensions after an initial extension, provided that each such extension shall not exceed one (1) year. Continuing extension may be granted when the applicant has filed a written request with the Planning Department on or before the date of expiration of the initial extension, and provided that the Planning Commission makes the following findings:

(1) That substantial site work could not be completed as set forth in Section 9-2.113 because of circumstances beyond the control of the applicant; and

(2) The findings specified in Section 9-2.117(a). (Ord. 552 § 2, 2010; Ord. 68 § 9-2.118, 1983)

9-2.118 Lapse of entitlement.

In the event that any of the circumstances listed in this section occur, an entitlement shall be deemed to have lapsed. No use of land or structure, the entitlement for which has lapsed pursuant to this section, shall be reactivated, reestablished, or used unless a new entitlement is first obtained.

(a) Completed Projects. When a project has been completed or an authorized use not involving construction has been established (Section 9-2.114), the entitlement which authorized the project shall retain valid and in force, including any conditions of approval adopted in connection therewith, unless:

(1) An approved use or structure authorized through plot plan approval is removed from the site, and the site remains vacant for a period exceeding six (6) consecutive months, in which case the plot plan approval shall lapse;

(2) The circumstance described in subsection (b) of this section occurs, in which case conditional use permit approval shall lapse;

(3) A use or structure authorized through precise plan or conditional use permit approval remains vacant and unused for its authorized purpose, or is abandoned or discontinued for a period greater than twenty-four (24) consecutive months; or

(4) The entitlement is revoked in accordance with Section 9-8.105.

(b) Condition Declared Void. The conditional use permit shall cease to be valid in the event that a judgment of a court of competent jurisdiction declares one (1) or more of the conditions of a conditional use permit approval to be void or ineffective, or enjoining or otherwise prohibiting the enforcement or operation of one (1) or more of such conditions. (Ord. 552 § 2, 2010; Ord. 524 § 2, 2008; Ord. 68 § 9-2.119, 1983)

9-2.119 Applications deemed approved.

Any conditional use permit application which is automatically approved, pursuant to Section 65956 of the Government Code, shall be subject to all applicable provisions of this title, which provisions must be satisfied by the applicant prior to any construction permit being issued. (Ord. 552 § 2, 2010; Ord. 68 § 9-2.120, 1983)

9-2.120 Applications deemed withdrawn.

(a) Any application received and processed shall be deemed withdrawn if it has been held in abeyance or continuance, awaiting the submittal of additional required information by the applicant, and if the applicant has not submitted such information within twelve (12) months of the last written notification to the applicant requesting additional information in advance of either a decision to accept the application for processing or review by the Planning Commission or City Council, to which the applicant has not responded.

(b) When an application is deemed withdrawn, or has been withdrawn by the applicant, the Community Development Director or designee shall return the entire application package to the applicant, including accompanying information and any portion of the filing fee not used in processing up to the point of withdrawal. The return application shall also be accompanied by a letter explaining the requirements for refiling. A withdrawn application may be refiled at any time, provided that it shall be received and processed as a new application. (Ord. 552 § 2, 2010; Ord. 524 § 2, 2008; Ord. 68 § 9-2.121, 1983)

9-2.121 Guarantees of performance.

When required by the provisions of this title, or by condition of approval of a conditional use permit, appropriate security or guarantees shall be provided by the applicant as set forth in this section. A bond, cash deposit or other acceptable security is used to guarantee the proper completion of required improvements, drainage facilities, grading, revegetation, site restoration after use, reclamation and/or the removal of structures, equipment or other materials, preservation of certain site features, or compliance with other provisions of this title or adopted conditions of approval. The Planning Director may determine that a project is not eligible to provide a bond, cash deposit, or similar security to guarantee the completion of uncompleted work if such work is minor in nature, can be reasonably completed in a short time, or is otherwise inappropriate for such performance guarantees. The guarantee shall be a bond, cash deposit or other acceptable security unless otherwise provided in Chapter 9-6. The use of the terms bond, cash deposit, guarantee and security in this section shall all mean guarantees of performance.

(a) Posting. The guarantee is to be posted with the Planning Department, with the City named as beneficiary.

(b) Form of Bond. A surety bond or other guarantee shall be in a form approved by the City Attorney, including default provisions, and shall provide that, in the event suit is brought upon the bond by the City and judgment is recovered, the surety shall pay all costs incurred by the City in such suit, including reasonable attorneys' fees to be fixed by the court.

(c) Amount of Bond. The guarantee is to be of an amount established by the Planning Director equal to the actual cost of completing the specified improvements, restoration, or satisfying conditions of approval; provided, however, that where a guarantee is required by conditional use permit condition of approval to preserve identified site features, the guarantee is to be in such amount as the Planning Commission deems necessary to assure compliance with the applicable condition.

(d) Release of Bond. At the request of an applicant, or before the expiration of a bond or guarantee, the Planning Director will review the project and issue a completion statement if all provisions of this title and conditions of approval have been met. Upon issuance of the completion statement, the guarantee bond or cash deposit will be released. If the Planning Director determines that the project does not meet the applicable requirements, the applicant shall be notified in writing of such deficiencies. A time period for their correction shall be mutually agreed upon by the applicant and the Planning Director, with the security being held until all such requirements are satisfied. Where no agreement is reached following written

notification by the Planning Director, or where an agreed time period for completion is exceeded, the bond shall be called. (Ord. 552 § 2, 2010; Ord. 68 § 9-2.122, 1983)

9-2.122 Housing Accountability Act Streamlined Review

(a) Applicability. This Section applies to housing development projects as defined by Government Code Section 65589.5(h)(2).

(b) Conflicting provisions. This Section provides additional procedures that shall be followed for applicable projects. If conflicts occur between other procedures in Title 9 and the procedures of this Section, this Section shall control. Terms defined in Government Code Section 65589.5 shall apply to this Section and shall control in the event of a conflict between definitions in this Section and definitions in Government Code Section 65589.5.

(c) Application Filing.

(1) Preliminary Application Filing (Optional). An applicant may file a preliminary application consistent with Government Code Section 65941.1.

(i) A preliminary application shall be filed on a form provided by the City with the required fee. If the City has not prepared a form, a preliminary application shall be filed on the standardized form adopted by the California Department of Housing and Community Development.

(ii) Within one hundred eighty (180) calendar days after submitting a preliminary application, an applicant shall submit a full application for the housing development.

(2) Full Application. An applicant may file a full application for a housing development without filing a preliminary application. The full application shall be filed on a form provided by the City with the required fee.

(d) Completeness Review.

(1) Preliminary Application. If a preliminary application is filed, the preliminary application shall be deemed complete when the preliminary application containing all of the information listed in the preliminary application form is submitted. If all listed information is not provided, the City shall request the missing information from the applicant.

(2) Full Application.

(iii) Once a full application is submitted, the City shall inform the applicant in writing within thirty (30) calendar days of submittal or resubmittal that the application is complete or incomplete and the additional information required consistent with Government Code Section 65943. Only information requested in the City's application forms can be requested. If the City does not provide written notification within this timeframe, the application shall be deemed complete. The City shall review each resubmittal within the thirty (30)-day period and cannot request information that was not listed in the first incompleteness letter.

(iv) If an applicant receives written notification that the application is incomplete, and a preliminary application was submitted for the housing development, the applicant shall submit the information needed to complete the application within one hundred eighty (180) calendar days of receiving the written notification of incompleteness. If the applicant does not submit this information within this timeframe, the preliminary application shall expire and have no further force or effect.

(v) If a second determination of incompleteness is provided, the applicant shall be able to appeal the decision to the City Council. The City shall make a decision on the appeal no later than sixty (60) calendar days after receipt of the applicant’s written appeal. The initial appeal may be to the Planning Commission, but in that case the City Council shall still make a decision within sixty (60) days. If the decision on the appeal is not made within this timeframe, the application shall be deemed complete.

(e) Compliance Review.

(1) Scope of Review.

(i) Housing Development with a Preliminary Application Submittal. A housing development for which a preliminary application was submitted shall only be subject to the ordinances, policies, and standards adopted and in effect when the preliminary application is submitted, except in the following circumstances:

a. A fee, charge, or other monetary exaction increase resulting from an automatic annual adjustment based on an independently published cost index that is referenced in the ordinance or resolution establishing the fee or monetary exaction.

b. A preponderance of the evidence in the record establishes that subjecting the housing development to an ordinance, policy, or standard beyond those in effect when the preliminary application was submitted is necessary to mitigate or avoid a specific, adverse impact upon the public health or safety, and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact.

c. Subjecting the housing development to an ordinance, policy, standard, or any other measure, beyond those in effect when the preliminary application was submitted is necessary to avoid or substantially lessen an impact consistent with CEQA.

d. The housing development has not commenced construction within two and a half (2.5) years following the date of the housing development's final approval (as defined in Government Code Section 65589.5(o)(1)(D)).

e. The number of residential units or square footage of construction proposed changes by twenty (20) percent or more, exclusive of any increase resulting from a density bonus, incentive, concession, waiver, or similar provision.

(ii) Housing Development without a Preliminary Application Submittal. A housing development shall be subject to objective standards in effect when the application was deemed complete.

(2) Review Timeframes.

(i) Applications for a housing development containing one hundred fifty (150) or fewer units shall be reviewed for compliance with applicable objective standards within thirty (30) calendar days of being deemed complete.

(ii) Applications for a housing development containing more than one hundred fifty (150) units shall be reviewed for compliance with applicable objective standards within sixty (60) calendar days of being deemed complete.

(3) Compliance Determination.

(i) The City shall identify the specific standard(s) that the project does not comply with and provide an explanation of the reason(s) why the housing development is considered to be inconsistent or non-compliant with identified provisions and shall provide the written determination to the applicant.

(ii) A housing development is considered in compliance with Section 9-4.130 (Multifamily and Mixed-use Building Design Standards), and shall not require a Zoning Map Amendment, if the housing development complies with objective General Plan standards but the zoning for the housing development site is inconsistent with the General Plan.

(4) Limited Hearings/Meetings. If a housing development complies with applicable objective standards, the City shall not conduct more than five public hearings (including continuances), workshops, or similar meetings after the full application is complete in connection with the approval of the housing development consistent with Government Code Section 65905.5. Meetings required by CEQA are exempt from the limit.

(f) Findings and Decision.

(1) Findings.

(i) If the proposed housing development complies with applicable objective General Plan, zoning, and subdivision standards and criteria, including design review standards, the City may only deny the housing

development or conditionally approve the housing development at a lower density if the City makes written findings supported by a preponderance of the evidence in the record that:

a. The housing development would have a specific, adverse impact upon the public health or safety unless the housing development is denied or conditionally approved at a lower density. A "specific, adverse impact" means a "significant, quantifiable, direct, and unavoidable impact, based on identified written public health or safety standards, policies, or conditions as they existed on the date that the project was deemed complete"; and

b. There is no feasible method to satisfactorily mitigate or avoid the adverse impact other than the denial of the housing development or conditional approval of the housing development at a lower density.

(ii) If the housing development includes twenty (20) percent of units affordable to very low- or low-income households, one hundred (100) percent of units affordable to moderate- or middle-income households, an emergency shelter, or farmworker housing as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code, the City shall approve the housing development unless the City makes written findings supported by a preponderance of the evidence in the record, as to at least one of the findings in Government Code Section 65589.5(d).

(2) Decision Timeframes. The City shall approve or deny the housing development within the following applicable period:

(iii) Ninety (90) days from Environmental Impact Report certification;

(iv) Sixty (60) days from Environmental Impact Report certification for an affordable housing development consistent with Government Code Section 65950(a)(3);

(v) Sixty (60) days from adoption of a Negative Declaration; or

(vi) Sixty (60) days from determination of CEQA exemption.

(g) Post-Decision Procedures. Post-decision procedures for the required permit (full application) shall be followed provided those procedures do not conflict with applicable Government Code sections for housing developments (i.e., Housing Accountability Act, Government Code Section 65589.5).

Chapter 3

ZONING DISTRICTS

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Article 1. General Provisions

9-3.101 Purpose.

This chapter establishes zoning districts and overlay districts in order to separate incompatible land uses from each other by:

(a) Providing different zoning districts for agricultural, residential, commercial, industrial, recreation and public uses;

(b) Establishing the approval procedure necessary to establish certain land uses in various zoning districts; and

(c) Delineating between various uses for the purpose of regulating the location, height, bulk, number of stories and size of buildings and structures; and, the use of lots, setbacks and open spaces; and, the intensity of land uses.

In so doing, it is intended to implement the General Plan adopted pursuant to Government Code Section 65300 et seq. (Ord. 602 § 2, 2016)

9-3.102 Zoning districts established.

The following zoning districts are established:

(a) Agricultural and residential zoning districts:

(1) Agriculture—A;

(2) Residential Suburban—RS;

(3) Residential Single-Family—RSF;

(4) Limited Single-Family Residential—LSF;

(5) Residential Multiple-Family—RMF.

(b) Nonresidential zoning districts:

(1) Commercial Neighborhood—CN;

(2) Commercial Professional—CP;

(3) Commercial Retail—CR;

(4) Commercial Service—CS;

(5) Commercial Tourist—CT;

(6) Commercial Park—CPK;

(7) Downtown Commercial—DC;

(8) Downtown Office—DO;

(9) Industrial Park—IP;

(10) Industrial—I.

(c) Public zoning districts:

(1) Recreation—L;

(2) Special Recreation—LS;

(3) Public—P;

(4) Open Space—OS. (Ord. 602 § 2, 2016)

9-3.103 Overlay districts established.

Overlay districts intended to protect public safety and the environment and to preserve scenic, cultural and historic resources are established as follows:

(a) Overlay districts:

(1) Flood Hazard—FH;

(2) Geologic Hazard—GH;

(3) Historic Site—HS;

(4) Sensitive Resource—SR;

(5) Planned Development—PD;

(6) Emergency Shelters (ES) (9-3.501). (Ord. 602 § 2, 2016)

9-3.104 Symbols used.

(a) Zoning Districts. The letter symbols listed after each zoning district in Section 9-3.102(a) through (c) shall be used to designate the location of various zoning districts on the official zoning maps (Section 9-1.102).

(b) Overlay Districts. The letter symbols listed after each overlay district in Section 9-3.103(a) shall be appended to the base zoning district and be placed in parentheses thereafter to designate the location of various overlay districts on the official zoning maps (Section 9-1.102). Example: Residential Suburban as the base zone within a Flood Hazard and Geologic Hazard overlay area would show on the official zoning maps as RS (FH) (GH).

(c) Density in Residential Multiple-Family Zoning District. A number specifying the maximum permitted number of dwelling units per net acre in multiple-family residential zoning districts shall be appended to the base zoning district to designate the density on the official zoning maps (Section 9-1.102).

Example: Residential multiple-family allowing twenty-four (24) units per net acre within a Historic Site overlay area would show on the official zoning maps as RMF-24 (HS).

(d) Minimum Lot Size in Residential and Agricultural Zoning District Areas. A symbol specifying the minimum lot size in acres in certain residential zoning districts shall be appended to the base zoning district and be placed following a hyphen thereafter where necessary to designate the minimum lot size on the official zoning maps (see Section 9-1.102).

Example: Residential Single-Family with a one-half (1/2) acre minimum lot size in a Flood Hazard Overlay Zone would show on the official zoning maps as RSF-X(FH). Minimum lot size will not always be shown on the official maps especially in zoning districts where the minimum size is uniform, in circumstances where Chapter 9-6 establishes minimum sizes for some, but not all, uses within a zoning district, and where performance standards identified for certain zoning districts in this chapter are used to establish the minimum lot size. (Ord. 614 § 4, 2017; Ord. 602 § 2, 2016)

9-3.105 Off-site sale of new and used automobiles and trucks is prohibited.

In all zone districts, the off-site sale of new and used automobiles and trucks is unlawful. New and used automobile and truck sales must be conducted only at the permanent property address in the City of Atascadero listed for the dealership on its Department of Motor Vehicle dealer's license. (Ord. 602 § 2, 2016)

Article 2. Agriculture and Residential Zoning Districts

9-3.210 Intent.

This article lists the land uses that may be allowed within the agriculture and residential zoning districts established by Section 9-3.102 (Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic lot size and development standards for specific zones. (Ord. 602 § 2, 2016)

9-3.220 Purposes of the agriculture and residential zoning districts.

The purposes of the individual agriculture and residential zoning districts and the manner in which they are applied are as follows:

(a) A (Agriculture) Zoning District. This zone is established to protect, preserve and encourage agriculture on suitable land. The Agriculture Zone is intended to support and encourage the continuation of the Agricultural Preserve Program and the maintenance of productive open space.

(b) RS (Residential Suburban) Zoning District. This zone is established to provide for large lot residential uses in areas outside the urban services line or in other areas where large lots are desirable to protect land uses and buildings subject to inundation, steep slopes or other hazards.

(c) RSF (Residential Zoning Family) Zoning District. This zone is established to provide for single-family residential areas within the urban services line.

(d) LSF (Limited Single-Family) Zoning District. This zone is established to provide for single-family residential areas within the urban services line where the raising of farm animals would not be allowable.

(e) RMF (Residential Multifamily) Zoning District. This zone is established to provide for apartment, condominium, townhouse development, and other small lot residential products, where higher density residential development is desired within the urban services line. (Ord. 602 § 2, 2016)

9-3.230 Agriculture and residential district allowable land uses.

Table 3-1 identifies the uses of land allowed this Zoning Code in each agriculture and residential district, and the planning permit required to establish each use, in compliance with Section 9-1 and Section 9-2 of this code. Where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this article may also apply.

Table 3-1 – Agriculture and Residential Land Uses
Allowed Land Uses and Permit Requirements

Agriculture/Residential Zones	A Allowed Use, Zoning Clearance Required AUP Administrative Use Permit CUP Conditional Use Permit Required ☐ Not Permitted					
	Permitted Uses By Zone					Special Use Regulation(s)
	A	RS	RSF	LSF	RMF	
Natural Resources and Processing						
Resource Extraction	CUP	CUP				9-6.147—9.6-161
Residential Uses						
Multifamily Housing					A	9-3.175
Manufactured Home/Mobile Home	A	A	A	A	A	9-6.143
Mobile Home Parks		CUP	CUP	CUP	CUP	9-6.142, 9-6.143
Organizational Houses		CUP	CUP	CUP	CUP	9-3.175
Residential Accessory Uses		A	A	A	A	9-6.106
Single-Family Dwelling		A	A	A	A	9-6.143, 9-6.184
Secondary Residential Units		A	A	A		9.5
Temporary Dwelling		A	A	A	A	9-6.175
Recreation, Education, and Public Assembly						
Churches and Related Activities		CUP	CUP	CUP	CUP	9-6.121
Parks and Playgrounds		AUP	AUP	AUP	AUP	
Schools		CUP	CUP	CUP	CUP	9-6.125
Schools – Business and Vocational		CUP	CUP	CUP	CUP	9-6.125
Temporary Events	A	A	A	A	A	9-6.177

Agriculture/Residential Zones						
	A	Allowed Use, Zoning Clearance Required				
	AUP	Administrative Use Permit				
	CUP	Conditional Use Permit Required				
	☐	Not Permitted				
	Permitted Uses By Zone					Special Use Regulation(s)
	A	**RS**	**RSF**	**LSF**	**RMF**	
Tourism, Lodging, and Dining						
Bed and Breakfast		CUP	CUP	CUP	CUP	
Services-Professional						
Day Care – Small Family Day Care Home		A	A	A	A	9-6.125
Day Care – Large Family Day Care/Child Care Center		CUP	CUP	CUP	CUP	9-6.125
Kennels		CUP	CUP			9-6.111
Medical Extended Care Services, 6 Clients or Less		A	A	A	CUP	9-6.134
Medical Extended Care Services, 7 Clients or More		CUP	CUP	CUP	CUP	9-6.134
Residential Care, 6 Clients or Less		A	A	A	A	9-6.135
Residential Care, 7 Clients or More		CUP	CUP	CUP	CUP	9-6.135
RCFE – Assisted Living, 6 Clients or Less		A	A	A	A	9-6.135
RCFE – Assisted Living, 7 Clients or More		CUP	CUP	CUP	CUP	9-6.135
RCFE – Independent Living Center/Senior Apartments					CUP	
RCFE – Retirement Hotel					CUP	
Transportation, Infrastructure and Communication						
Pipelines Utility Infrastructure	CUP	CUP	CUP	CUP	CUP	
Utility Transmission Facilities	A	A	A	A	A	
Wireless Communication Facilities	CUP	CUP	CUP	CUP	CUP	

Zoning Districts Abbreviations

A – Agriculture
RS – Residential Suburban
RSF – Residential Single-Family Residential
LSF – Limited Single-Family Residential
RMF – Residential Multifamily

(Ord. 646 § 11, 2021; Ord. 614 § 4, 2017; Ord. 602 § 2, 2016)

9-3.240 Lot sizes.

New subdivisions and the densities of agriculture and residential development shall comply with the requirement for lot sizes in Sections 9-3.241 through 9-3.245. (Ord. 602 § 2, 2016)

9-3.241 Minimum lot size—A Zone.

The minimum lot size in the Agriculture Zone shall be established by the minimum area needed to maintain productive agricultural use of the property. (Ord. 602 § 2, 2016)

9-3.242 Minimum lot size—RS Zone.

The minimum lot size in the Residential Suburban Zone shall be two and one-half (2 1/2) acres and may range up to ten (10) acres depending upon conformance with performance standards established in this section.

(a) Performance Standards. The following performance standards shall be evaluated for each lot in determining its minimum lot size:

(1) Distance from the Center of the Community. Using the Atascadero Administration Building as the center of the community, the lot size factor based on this performance standard shall be:

Distance*	**Lot Size Factor**
0 — 8,000′	0.20
8,000′ — 10,000′	0.25
10,000′ — 12,000′	0.30
12,000′ — 14,000′	0.40
14,000′ — 16,000′	0.50
16,000′ — 18,000′	0.60
18,000′ — 20,000′	0.75
20,000′ +	0.90

* To be measured as radial distance using map maintained in Planning Department.

(2) Septic Suitability. Using generalized soils data from the Natural Resources Conservation Service Reports, the lot size factor based on this performance standard shall be:

NRCS Rating*	**Lot Size Factor**
Well suited	0.50
Moderate	0.75
Slow	1.00
Severe	1.50

* Refer to map maintained in Community Development Department.

Percolation tests may be substituted for the Natural Resources Conservation Service Reports. These shall be prepared by a registered civil engineer or licensed sanitarian. The following conversion chart shall be used to determine the appropriate lot size factor:

Percolation Rating	**Minutes Per Inch**
Well suited	Less than 20
Moderate or slow	20 to 39
Slow	40 to 59
Severe	Greater than 60

(3) Average Slope. Using the Basic, Sectional or Contour Measurement Method, the lot size factor based on this performance standard shall be:

Slope	**Lot Size Factor**

Slope	Lot Size Factor
0 — 10%	0.50
11 — 20%	0.75
21 — 25%	1.00
26 — 30%	1.25
31 — 35%	1.75
36 — 40%	2.00
40% +	2.25

(4) Condition of Access. Using the road right-of-way with the shortest accessible distance between a lot and an improved collector road, the lot size factor based on this performance standard shall be:

Condition	Lot Size Factor
City accepted road	0.40
Paved road, less than 15% slope	0.40
Paved road, greater than 15% slope	0.50
All-weather road, less than 15% slope	0.75
All-weather road, greater than 15% slope	1.00
Unimproved road, less than 15% slope	1.25
Unimproved road, greater than 15% slope	1.50

(5) General Neighborhood Character. Using the average lot size of existing lots which are zoned for single-family residential use (except that lots larger than fifteen (15) acres shall be excluded unless they constitute more than twenty-five percent (25%) of the total number of lots) within a one thousand five hundred (1,500) foot radius, the minimum lot size factor based on this performance standard shall be determined by multiplying the average lot size by two-tenths (0.2).

(b) Determination of Minimum Lot Size. The minimum lot size shall be determined by the sum of each of the lot size factors for the performance standards set forth in subsection (a) of this section, however in no case shall the minimum lot size be less than two and one-half (2-1/2) acres in size.

(1) The most current information shall be used to determine the lot size factor. Where information is not available, the Planning Director shall determine which lot size factor shall apply.

(2) If more than one (1) lot size factor can be applied to a lot, the less restrictive factor shall be used.

(3) Lot size factors shall be based on conditions in existence at the time of filing an application unless information is included with the application which will alter a lot size factor. (Ord. 614 § 4, 2017; Ord. 602 § 2, 2016)

9-3.243 Minimum lot size—RSF Zone.

The minimum lot size in the Residential Single-Family Zone shall be one-half (1/2) acre and may range up to two and one-half (2-1/2) acres. The size of a lot shall be consistent with the land use designation set forth in the General Plan and shall be indicated by the symbols set forth in the following chart, which shall be shown on the official zoning maps as provided by Section 9-3.104(d).

Symbol	Minimum Lot Size
X	1/2 acre net area (excluding land needed for street rights-of-way whether publicly or privately

	owned).
Y	1 acre gross area.
Z	1-1/2 to 2-1/2 acres gross based on performance standards set forth in this section.

(a) Performance Standards. The following performance standards shall be evaluated for each lot which is appended with the "Z" symbol in determining its minimum lot size:

(1) Distance from the Center of the Community. Using the Atascadero Administration Building as the center of the community, the lot size factor based on this performance standard shall be:

Distance*	**Lot Size Factor**
0—4,000′	0.08
4,000′—6,000′	0.10
6,000′—8,000′	0.12

* To be measured as radial distance using map maintained in the Planning Department.

(2) Septic Suitability. Using generalized soils data from the Natural Resources Conservation Service Reports, the lot size factor based on this performance standard shall be:

NRCS Rating*	**Lot Size Factor**
Well suited	0.30
Moderate or slow	0.50
Severe	0.70

* Refer to map maintained in Community Development Department.

Percolation tests may be substituted for the Natural Resources Conservation Service reports. These shall be prepared by a registered civil engineer or licensed sanitarian. The following conversion chart shall be used to determine the appropriate lot size factor:

Percolation Rating	**Minutes Per Inch**
Well suited	Less than 20
Moderate	20 to 39
Slow	40 to 59
Severe	Greater than 60

(3) Average Slope. Using the basic, sectional or contour measurement method, the lot size factor based on this performance standard shall be:

Slope	**Lot Size Factor**
0—20%	0.30
21—30%	0.50
31%+	0.70

(4) Condition of Access. Using the road right-of-way with the shortest accessible distance between a lot and an improved collector road, the lot size factor based on this performance standard shall be:

Condition	Lot Size Factor
Paved with slope of less than 15% or City-accepted	0.15
Paved with slope of greater than 15%	0.20
All-weather surface with slope of less than 15%	0.25
All-weather surface with slope of greater than 15%	0.30
Unimproved surface	0.40

(5) General Neighborhood Character. Using the average lot size of existing lots (except that lots larger than five (5) acres shall be excluded unless they constitute more than twenty-five percent (25%) of the total number of lots) within a one thousand (1,000) foot radius, the minimum lot size factor based on this performance standard shall be determined by multiplying the average lot size by two-tenths (0.2).

(b) Determination of Minimum Lot Size. The minimum lot size shall be determined by the sum of each of the lot size factors for the performance standards set forth in subsection (a) of this section.

(1) The most current information shall be used to determine the lot size factor. Where information is not available, the Planning Director shall determine which lot size factor shall apply.

(2) If more than one (1) lot size factor can be applied to a lot, the less restrictive factor shall be used.

(3) Lot size factors shall be based on conditions in existence at the time of filing an application unless information is included with the application which will alter a lot size factor. (Ord. 614 § 4, 2017; Ord. 602 § 2, 2016)

9-3.244 Minimum lot size—LSF Zone.

The minimum lot size in the Limited Residential Single-Family Zone shall be twenty thousand (20,000) square feet with sewer, one-half (1/2) acre where sewer is not available and may range up to two and one-half (2-1/2) acres. The size of a lot shall be consistent with the land use designation set forth in the General Plan and shall be indicated by the symbols set forth in the following chart, which shall be shown on the official zoning maps as provided by Section 9-3.104(d).

Symbol	Minimum Lot Size
X	1/2 acre net area (excluding land needed for street rights-of-way whether publicly or privately owned).
Y	1 acre, when sewers are available. 1-1/2 acres, when sewers are not available.
Z	1-1/2 to 2-1/2 acres based on performance standards set forth in this section.

(a) Performance Standards. The following performance standards shall be evaluated for each lot which is appended with the "Z" symbol in determining its minimum lot size:

(1) Distance from the Center of the Community. Using the Atascadero Administration Building as the center of the community, the lot size factor based on this performance standard shall be:

Distance*	Lot Size Factor
0—4,000′	0.08
4,000′—6,000′	0.10
6,000′—8,000′	0.12

* To be measured as radial distance using map maintained in the Planning Department.

(2) Septic Suitability. Using generalized soils data from the Natural Resources Conservation Service Reports, the lot size factor based on this performance standard shall be:

NRCS Rating*	**Lot Size Factor**
Well suited	0.30
Moderate or slow	0.50
Severe	0.70

* Refer to map maintained in Community Development Department.

Percolation tests may be substituted for the Natural Resources Conservation Service Reports. These shall be prepared by a registered civil engineer or licensed sanitarian. The following conversion chart shall be used to determine the appropriate lot size factor:

Percolation Rating	**Minutes Per Inch**
Well suited	Less than 20
Moderate	20 to 39
Slow	40 to 59
Severe	Greater than 60

(3) Average Slope. Using the Basic, Sectional or Contour Measurement Method, the lot size factor based on this performance standard shall be:

Slope	**Lot Size Factor**
0—20%	0.30
21—30%	0.50
31%+	0.70

(4) Condition of Access. Using the road right-of-way with the shortest accessible distance between a lot and an improved collector road, the lot size factor based on this performance standard shall be:

Condition	**Lot Size Factor**
Paved with slope of less than 15% or City-accepted	0.15
Paved with slope of greater than 15%	0.20
All-weather surface with slope of less than 15%	0.25
All-weather surface with slope of greater than 15%	0.30
Unimproved surface	0.40

(5) General Neighborhood Character. Using the average lot size of existing lots (except that lots larger than five (5) acres shall be excluded unless they constitute more than twenty-five percent (25%) of the total number of lots) within a one thousand (1,000) foot radius, the minimum lot size factor based on this performance standard shall be determined by multiplying the average lot size by two-tenths (0.2).

(b) Determination of Minimum Lot Size. The minimum lot size shall be determined by the sum of each of the lot size factors for the performance standards set forth in subsection (a) of this section.

(1) The most current information shall be used to determine the lot size factor. Where information is not available, the Planning Director shall determine which lot size factor shall apply.

(2) If more than one (1) lot size factor can be applied to a lot, the less restrictive factor shall be used.

(3) Lot size factors shall be based on conditions in existence at the time of filing an application unless information is included with the application which will alter a lot size factor. (Ord. 614 § 4, 2017; Ord. 602 § 2, 2016)

9-3.245 Minimum lot size—RMF Zone.

The minimum lot size in the Residential Multiple-Family Zone shall be one-half (1/2) acre. Smaller lot sizes may be allowed for planned residential developments, including condominiums and mobilehome developments, provided that the overall density within the project conforms with Section 9-3.252. There shall be no minimum lot size for lots configured to comply with Subsection 9-4.130(k) (Additional Standards for Cottage Clusters). (Ord. 602 § 2, 2016)

9-3.250 Density.

New residential subdivisions and the density of residential development shall comply with the requirements of Sections 9-3.251 through 9-3.259. (Ord. 602 § 2, 2016)

9-3.251 Density—Agriculture and single-family residential zones.

New residential subdivisions and the density of residential development shall comply with the following for single-family residential zones:

(a) A (Agriculture). A maximum of one (1) single-family residence. Additional housing for agriculture employees may be permitted, consistent with this Municipal Code.

(b) RS (Residential Suburban). A maximum of 0.1 to 0.4 units per gross acre. A second unit may be permitted consistent with Chapter 9-5 of this Zoning Ordinance.

(c) RSF-Z/LSF-Z. A maximum of one (1) unit per gross acre. A second unit may be permitted consistent with Chapter 9-5 of this Zoning Ordinance.

(d) RSF-Y/LSF-Y. A maximum of one (1) unit per gross one-half acre. A second unit may be permitted consistent with Chapter 9-5 of this Zoning Ordinance.

(e) RSF-X/LSF-X. A maximum of four (4) residential units per net acre, with approval of a Planned Development. Overlay zones with innovative design concepts, as approved by the City Council. A second unit may permitted consistent with Chapter 9-5 of this Zoning Ordinance. (Ord. 602 § 2, 2016)

9-3.252 Density—RMF Zone.

The maximum allowable density in the Residential Multiple-Family Zone shall be designated on the official zoning maps as provided by Section 9-3.104(c) and be consistent with the General Plan for new residential subdivisions as follows:

(a) Areas Designated Low Density Multiple-Family Residential. The minimum number of dwelling units per net acre is two (2). The maximum number of dwelling units per net acre is ten (10).

(b) Areas Designated High Density Multiple-Family Residential. The minimum number of dwelling units per net acre is twenty (20). The maximum number of dwelling units per net acre is twenty-four (24).

(c) Areas Designated High Density Multiple-Family Residential - Fractional Density. To encourage smaller units that are affordable by design, the City authorizes fractional density units wherein density may be calculated based on unit size.

(1) The following density unit value attributed to unit sizes may be used for the purpose of calculating multi-unit development density allowed on a parcel:

(i) Units up to 600 square feet = 0.50 units

(ii) Units of 601 square feet up to 1,000 square feet = 0.66 units

(iii) Units over 1,000 square feet = 1 unit

(2) Maximum residential development potential shall be the gross lot area (in whole and fractional acres), multiplied by the maximum density allowed. The resulting number (in density units, carried out to the nearest one hundredth unit) shall be the maximum residential development potential. For example, when a calculation results in a density of 4.74 units, up to nine units that are less than 600 square feet in size would be permitted; when a calculation results in a density of 4.75 units, up to 10 units less than 600 square feet in size would be permitted). Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum potential.

(c) Hillside Density Standards. The densities permitted by subsections (a) and (b) of this section shall be modified to the following densities based on site topography, as follows:

Average Slope	Low Density Multiple-Family (units/acre)	High Density Multiple-Family (units/acre)	
		Minimum	Maximum
0—10.99%	10	20	24
11—15.99%	7	14	17
16—20.99%	5	10	12
21—25.99%	3	6	7
26—30.0%	2	4	5
> 30%	1	2	2

(d) For medical extended care services, where residents are primarily nonambulatory, the following maximum bed/net acre densities may be permitted, where subject to Planning Commission conditional use permit approval:

RMF-10 District	34 beds/net acre
RMF-24 District	55 beds/net acre

Such approval shall require a finding that the average daily traffic generated by the project would not exceed that of a multifamily project. The project would be further subject to the "percentage coverage" constraints of subsection (a) of the district. Off-street parking requirements would be as established by the Planning Commission.

(e) Sewer Service. Sewer service and the inclusion of property within the urban services line (USL) shall be a prerequisite to developing multiple-family projects to the density standards of the RMF zone.

(f) Density Bonus. A density bonus may be granted, subject to approval by the City Council through a master plan of development (CUP), consistent with Sections 9-3.801 through 9-3.806.

(g) In lieu of granting a density bonus, the Planning Commission shall consider other bonus incentives allowable under Government Code Section 65915. (Ord. 614 § 4, 2017; Ord. 602 § 2, 2016)

9-3.260 Property development standards.

New land uses, structures, and alterations to existing land uses and structures shall be designed, constructed and established in compliance with the Sections 9-3.261 through 9-2.269, in addition to applicable standards (e.g., landscaping, parking, fencing, etc.) in Chapter 9-4 of this title. (Ord. 602 § 2, 2016)

9-3.262 Property development standards—RMF.

In addition to the standards specified in Chapter 4 of this title, General Site Design and Development Standards, the following development standards shall apply to all residential projects of two or more units, including but not limited to mobile home and multiple-family residential projects:

(a) Reserved.~~Percent Coverage. The maximum percent of a lot that may be covered by structures (excluding decks less than thirty (30) inches from the ground) shall be forty percent (40%) for low density multiple family projects and fifty percent (50%) for high density multiple family projects.~~

(b) Enclosed Storage – Accessible from Exterior. Each dwelling unit shall be provided a minimum of one hundred thirty (130~~0~~) cubic feet of enclosed storage space, exclusive of interior closets. Enclosed storage shall provide an exterior entrance and ~~, which~~ may be located in either a principal or accessory building.

(c) Outdoor Recreation or Gathering Areas. ~~For developments of four (4) to seven (7) dwelling units, o~~

(1) Size and Type of Open Space. Outdoor recreational or gathering open space shall be provided at a ratio of ~~three hundred~~ two (~~300~~200) square feet per unit.

(i) Two- or three-unit projects ~~This open space~~ may ~~be~~ provide outdoor space~~d~~ ~~either~~ as: (1) a private amenity designed for exclusive use of a dwelling unit; or (2) as common open space provided that no individual open space is less than ~~one thousand (1,000)~~ four hundred (400) square feet; or (3) a combination of private and common open space provided no individual common open space is less than four hundred (400) square feet.

(ii) For developments of four (4) to nine (9) dwelling units, outdoor space may be provided as common open space or a combination of private and common areas, provided no more than 50 percent of the open space is private and no common open space is less than eight hundred 800 square feet.

(iii) For developments of ten ~~eight~~ (~~8~~10) or more dwelling units, outdoor ~~recreational~~ open space may ~~shall~~ be provided as upper floor private open space area or common open space areas or a combination thereof, provided- no more than 50 percent of the open space is private and no common open space area is less than one thousand (1,000) square feet.~~provided at a ratio of three hundred (300) square feet per unit. This common open space may be provided in more than one (1) location provided that no individual open space area is less than one thousand (1,000) square feet.~~

(2) Private Open Space Standards. Any private outdoor open space used to satisfy Section 9-3.262(c)(1) shall meet the following standards:

(i) Minimum dimensions shall be six (6) feet (width and depth) in any direction.

(ii) The private open space shall be adjacent to, and directly accessible from, the residential unit being served.

(3) Common Open Space – Location. Common open space areas are subject to the following location requirements:

(i) May be located on a building rooftop, in the form of a roof deck, or at grade.

(ii) May not be located in drainage basins and/or areas not accessible via pedestrian paths or trails to the units being served.

(4) Common Open Space – Required Amenities. All common open space areas shall contain at least one Tier 1 amenity, two Tier 2 amenities, and two Tier 3 amenities, as follows:

(i) Tier 1 amenities include the following:

a. Open space that is designed as a courtyard entry for three (3) or more units that is physically separated from the parking area and directly accessible from, and oriented towards, a public street with a pedestrian pathway.

b. Shade tree canopy at maturity covering a minimum of fifty percent (50%) of the interior parking areas and outdoor common open space.

c. Public art or interactive art, such as sculpture, murals, or water features in the form of fountains. A mural shall measure at least one-hundred twenty (120) square feet; sculptures and fountains shall have a minimum footprint of five (5) feet in width by five (5) feet in depth.

d. Preservation of an on-site oak, heritage, or other healthy, mature tree, as defined in Chapter 11 (Native Tree Regulations).

(ii) Tier 2 amenities include the following:

a. Fixed or movable seating or outdoor dining areas such as picnic-style tables, at a ratio of no less than two seats for each unit up to ten (10) units (units eleven (11) and above are exempt).

b. An enclosed, off-leash dog run/relief/wash area that includes signage, pet waste bag, and disposal stations adjacent to all entrances/exits and potable water connection for dog bowl refilling and dog wash capabilities.

c. Children's play area with at least four (4) pieces of play equipment designed for children of all abilities and ages five (5) years and younger.

d. Sports courts.

e. Spa, pool, or hot tub.

f. Outdoor kitchen equipment located at least twenty (20) feet from adjacent existing or proposed residential units.

g. Fire pit located at least twenty (20) feet from adjacent existing or proposed residential units.

h. Preservation of twenty-five percent (25%) of existing mature native tree canopy based on recommendations of a qualified arborist.

(iii) Tier 3 amenities include the following:

a. Vertical landscaping, either climbing or cascading vines or plants.

b. Community garden, which shall include at least one (1) potable water connection and irrigation to all gardening areas; one (1) potting station, including a table no less than two (2)-feet by four (4)-feet; one (1) compost bin that is protected from animals; and one (1) shed that is either designed to match the main structure's appearance in terms of materials, colors and architectural style or is placed no less than twenty (20) feet behind the structure and designed and constructed with agrarian appearance with wood and shed roof, and sized adequately to contain gardening tools..

c. Flowering plants or edible landscape.

d. One hundred percent (100%) native, drought-tolerant plants and habitat.

e. Interpretive or educational information about geography, history, ecology, or indigenous history.

f. Nature trail measuring no less than one quarter (¼) mile in length, no less than five (5) feet in width, that is paved and accessible, including no less than one (1) pedestrian-scale (bollard) light fixture and one (1) bench or equivalent for every two hundred fifty (250) feet of length, and located within landscaped areas and/or fifty percent (50%) of the trail must be covered with tree canopy.

(5) Open Space Area – Additional Standards and Restrictions. Private and common open space areas intended to comply with Section 9-3.262(c)(1) shall meet the following standards:

(i) Except for trails, required open space areas shall be located in a flat or terraced area of six percent (6%) or less;

(iii) Required open space areas shall not be located within drainage basins,

(iv) Required open space areas shall not include walkways to doors, or other areas that cannot accommodate people gathering and/or are meant for a different purpose (such as a passageway); and

(v) If located in a front setback, open space areas shall be set back at least five (5) feet from the property line.

(d) Open Space Reductions. Open space requirements may be reduced as follows:

(1) Up to twenty-five percent (25%) of the required open space (Section 9-3.262(c)(1)) may be reduced if the project site is located within one thousand (1,000) feet of a publicly-accessible park, or up to fifty percent (50%) if located within five hundred (500) feet of a publicly-accessible park.

(~~3~~2) For developments of fifty (50) units or more, up to twenty-five percent (25%) of the open space area may be satisfied with an indoor recreation area measuring at least two thousand (2,000) square feet and directly accessible to an outdoor common area.

(e~~d~~) Screening Wall – Transitions Zones Adjacent to Single Family. A solid wall or fence not less than six (6) feet in height shall be placed and maintained on interior lot lines abutting property zoned for single-family residential use. See also 9-4.130(i)(3) (Landscape Buffer).

(f~~e~~) Laundry Facilities. Laundry facilities shall be provided in the form of either: (1) laundry hook-ups within each individual dwelling unit; or (2) a shared laundry facility equipped with washers and dryers.

(g~~f~~) Pedestrian Connections. All residential units must be connected to pedestrian pathways or links to off-site pedestrian connections, including but not limited to on- and off-site sidewalks, trails, and common open space.~~Appearance Review. All projects shall be consistent with the multifamily design and landscape requirements of the Appearance Review Manual.~~

(k~~g~~) Maintenance Requirement. A maintenance agreement for all landscaping, building exteriors, accessory structures, parking areas and other common facilities shall be approved by the Community Development Director and City Attorney prior to final occupancy.

(l~~h~~) RMF-24 properties identified in Appendix 1, Table V-45 (Vacant Residential Parcels RMF-20), of the General Plan Housing Element shall be permitted "by right" and will not be subject to conditional use permit or specific plan. Proposed planned development projects or other relief from property development standards on these parcels shall be subject to discretionary review per the requirements of the municipal code. (Ord. 646 § 11, 2021; Ord. 614 § 4, 2017; Ord. 602 § 2, 2016)

Article 3. Nonresidential Zoning Districts

9-3.310 Intent.

This article lists the land uses that may be allowed within primarily nonresidential zoning districts established by Section 9-3.102 (Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic lot size and development standards for specific zones. (Ord. 602 § 2, 2016)

9-3.320 Purposes of the nonresidential zoning districts.

The purposes of the individual nonresidential zoning districts and the manner in which they are applied are as follows:

(a) CN (Commercial Neighborhood) Zoning District. This zone is established to provide for small scale retail shopping and personal service facilities at the neighborhood level. The Commercial

Neighborhood Zone is situated and designed to serve the limited shopping and service needs of the immediately surrounding residential area.

(b) CP (Commercial Profession) Zoning District. This zone is established to provide for offices and limited retail shopping and personal service facilities along arterials and major collectors. The Commercial Professional Zone is situated to serve streets with higher traffic volumes while also serving to provide a compatible transition between such streets and adjacent single-family residential areas.

(c) CR (Commercial Retail) Zoning District. This zone is established to provide for a wide range of commercial uses to accommodate most of the retail and service needs of the residents of the City and surrounding areas.

(d) CS (Commercial Service) Zoning District. This zone is established to provide for light manufacturing and large lot service commercial needs of the residents of the City and surrounding areas.

(e) CT (Commercial Tourist) Zoning District. This zone is established to provide for limited commercial uses intended primarily to serve the public traveling along Highway 101.

(f) CPK (Commercial Park) Zoning District. This zone is established to provide for large lot commercial and light manufacturing uses. It is intended that special attention be given to providing for comprehensive development plans to achieve appropriate functional relationships between various uses and preclude "piecemeal" development of existing larger lots.

(g) DC (Downtown Commercial) Zoning District. The Downtown Commercial (DC) Zoning District is intended to enhance the economic viability and pedestrian-oriented character of the downtown by encouraging a wide range of retail shops, including artisan craft sales and production; restaurants, entertainment facilities, lodging, and nonautomotive services (banks, health care, etc.). First floor office uses are allowed with storefront and signage appearance review and approval of the Design Review Committee (DRC); however, office uses are encouraged to locate on upper floors leaving prime first floor spaces available for retail and restaurant spaces; and residential uses on upper floors.

(h) DO (Downtown Office) Zoning District. The Downtown Office (DO) Zoning District is intended to apply to properties that border the DC District, where a wide variety of professional and other office uses will encourage a weekday pedestrian flow that can take advantage of the restaurant and shopping opportunities in the overall downtown area.

(i) IP (Industrial Park) Zoning District. This zone is established to provide for the light manufacturing and large lot service commercial needs of the residents of the City and surrounding areas.

(j) I (Industrial) Zoning District. This zone is established to provide suitable locations for heavy manufacturing and industrial uses within the City. (Ord. 602 § 2, 2016)

9-3.330 Nonresidential district allowable land uses.

Table 3-2 identifies the uses of land allowed by this Zoning Code in each nonresidential district, and the planning permit required to establish each use, in compliance with Chapters 9-1 and 9-2 of this code. Where the last column in the tables ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this article may also apply.

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
	CN	CP	CR	CS	CT	CPK	DC	DO	IP	I	Regulation(s)
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	
Contract Construction Services (Outdoor)				CUP					CUP	CUP	

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	
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	
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]				

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	
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	
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]			A[1]	A[1]			9-3.262
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
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

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	
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[4]		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]	
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 nonstorefront 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.

Zoning District Abbreviations

CN – Commercial Neighborhood
CP – Commercial Professional
CR – Commercial Retail
CS – Commercial Service
CT – Commercial Tourist
CPK – Commercial Park
DC – Downtown Commercial
DO – Downtown Office
IP – Industrial Park
I – Industrial

Figure 3-1

(Ord. 646 § 11, 2021; Ord. 635 § 5, 2020; Ord. 620 § 4, 2019; Ord. 615 § 4, 2018; Ord. 614 § 4, 2017; Ord. 602 § 2, 2016)

9-3.331 Mixed-use residential ~~density~~requirements.

(a) Mixed-Use Development. Residential land uses within a commercial district shall not be an allowed land use on the ground floor. For Building Design Standards, see Section 9-4.130.

(b) Density and Fractional Density.

(1) Mixed-use developments within commercial zoning districts that allow for multifamily uses shall have a maximum base density of twenty-four (24) dwelling units per acre.

(2) To encourage smaller units that are affordable by design, the City authorizes fractional density units wherein density may be calculated based on unit size in mixed-use developments.

(i) The following density unit value attributed to unit sizes may be used for the purpose of calculating multi-unit development density allowed on a parcel:

(A) Units up to 600 square feet = 0.50 units

(B) Units of 601 square feet up to 1,000 square feet = 0.66 units

(C) Units over 1,000 square feet = 1 unit

(ii) Maximum residential development potential shall be the gross lot area (in whole and fractional acres), multiplied by the maximum density allowed. The resulting number (in density units, carried out to the nearest one hundredth unit) will be the maximum residential development potential. For example, when a calculation results in a density of 4.74 units, up to nine units that are less than 600 square feet in size would be permitted; when a calculation results in a density of 4.75 units, up to 10 units less than 600 square feet in size would be permitted). Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum potential.

(Ord. 646 § 11, 2021)

(c) Building Design Standards. See Section 9-4.130 (Multifamily and Mixed-use Building Design Standards).

(d) Mechanical equipment. Mechanical units shall be set back no less than five feet from property lines, may not be visible from a public right-of-way, and shall comply with Section 9-4.128 (Fencing and screening).

(e) Storage. Each dwelling unit shall be provided a minimum of one hundred thirty (130) cubic feet of enclosed storage space, exclusive of interior closets, which may be located in either a principal or accessory building with an exterior entrance.

(f) Screening Wall – Transitions Zones Adjacent to Single Family. A solid wall or fence not less than six (6) feet in height shall be placed and maintained on interior lot lines abutting property zoned for single-family residential use, subject to screening and fencing standards. See also 9-4.130(i)(3) (Landscape Buffer).

(g) Downtown Maximum Average Unit Size. The aggregated maximum average size of all dwelling units within a new mixed-use project in the Downtown districts (DO or DC) shall be no greater than 1,200 square feet. This provision shall apply only if all existing dwelling units on the site are demolished and new dwelling units are constructed.

(h) Lot Consolidation Incentives. To encourage mixed-use housing in existing developed areas and consolidation of smaller lots, the following incentives are available when one or more lot of xx square feet or smaller is combined with an adjacent lot and when all existing nonconforming uses and structures are removed as part of the project:

(1) Parking requirements for residential uses of less than five hundred (500) square feet may be reduced by fifty percent (50%); or

(2) Guest parking for residential use may be reduced by 30%; or

(3) Planning application fees, other than those for direct consultant fees associated with project review, will be waived; or

(4) Density may be increased provided all other development standards are met.

9-3.340 Property development standards.

New subdivisions, land uses, structures, and alterations to existing land uses and structures shall be designed, constructed and established in compliance with the Sections 9-3.62 and 9-3.341 through 9-3.444, in addition to applicable standards (e.g., landscaping, parking, fencing, etc.) in Chapter 9-4, and Special Land Use Regulation in Chapter 9-6 of this title. (Ord. 620 § 4, 2019; Ord. 602 § 2, 2016)

9-3.341 CN Zone.

The following are property development standards for the CN in addition to those found in Chapters 9-3, 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Neighborhood Zone shall be one-half (1/2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Neighborhood Zone.

(b) Multifamily Dwellings. Multifamily dwellings are permitted with a minor conditional use permit when located on the second floor or above.

(c) Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(d) Fire Connection Devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code. (Ord. 635 § 5, 2020; Ord. 620 § 4, 2019; Ord. 602 § 2016)

9-3.342 CP Zone.

The following are property development standards for the CP in addition to those found in Chapters 9-3, 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Professional Zone shall be one-half (1/2) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Professional Zone.

(b) Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(c) Fire Connection Devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code. (Ord. 635 § 5, 2020; Ord. 620 § 4, 2019; Ord. 602 § 2016)

9-3.343 CR Zone.

The following are property development standards for the CR in addition to those found in Chapters 9-3, 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Retail Zone shall be one-half (1/2) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including

condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Retail Zone.

(b) Parking. Parking areas designated to have vehicles facing El Camino Real or the freeway shall be screened with a landscaped berm a minimum of thirty (30) inches in height.

(c) Setback. A minimum freeway setback of ten (10) feet shall be provided. Said setback area shall be landscaped.

(d) Utilities. All new and existing utilities shall be installed underground.

(e) Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(f) Fire Connection Devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code. (Ord. 635 § 5, 2020; Ord. 620 § 4, 2019; Ord. 602 § 2016)

9-3.344 CS Zone.

The following are property development standards for the CS in addition to those found in Chapters 9-3, 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Service Zone shall be one (1) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Service Zone.

(b) Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(c) Fire Connection Devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code. (Ord. 635 § 5, 2020; Ord. 620 § 4, 2019; Ord. 602 § 2016)

9-3.345 CT Zone.

The following are property development standards for the CT in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Tourist Zone shall be one (1) acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Tourist Zone.

(b) Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(c) Fire Connection Devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code. (Ord. 635 § 5, 2020; Ord. 620 § 4, 2019; Ord. 602 § 2016)

9-3.346 CPK Zone.

The following are property development standards for the CPK in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. The minimum lot size in the Commercial Park Zone shall be two (2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Commercial Park Zone.

(b) Parking. Customer and employee parking areas designed to have vehicles facing El Camino Real or the freeway shall be screened with a landscaped berm a minimum of thirty (30) inches in height. This may be modified through the conditional use permit process.

(c) Setback. A minimum freeway setback shall be provided. Said setback shall be landscaped. This may be modified through the conditional use permit process.

(d) Utilities. All new and existing utilities shall be installed underground.

(e) Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times.

(f) Fire Connection Devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code. (Ord. 635 § 5, 2020; Ord. 620 § 4, 2019; Ord. 602 § 2016)

9-3.347 DC/DO Zone.

The following are property development standards for both the DC and DO zoning districts, in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title.

Development Feature	Requirement by Zoning District	
	DC	DO
	Downtown Commercial	Downtown Office
Minimum lot size	No minimum	
Setbacks	*Minimum and maximum setbacks required. See Section 9-4.103 for setback requirement, allowed projections into setbacks, and exceptions to setbacks.*	
Front	None allowed, except for building insets designed to accommodate outdoor eating and seating areas, and except for East Mall between El Camino Real and Palma Avenue, where a minimum of 20 feet is required.	As required by Section 9-4.106 when adjacent to a residential zone, none required otherwise.
Sides (each)	None required	
Rear	None required	
Creek	To be determined through Design Review	
Height limit	45 feet ~~not to exceed 3 stories~~; 18 feet on the west side of El Camino Real between Atascadero Creek and the lot line common to Lots 19 and 20, Block H-B, Atascadero Colony Map.	35 feet
Landscaping	As required by Section 9-4.124 et seq. (Landscaping, screening and fencing)	
Off-street parking	None required, except as required by Section 9-4.114 for hotels, motels, residential uses, offices, government offices and facilities, and health care services, and for all development east of Atascadero Creek.	As required by Section 9-4.114 et seq.
Signs	See Chapter 9-15	
Density	20 dwelling units/acre maximum Section 9-3.331(b) (Density and Fractional Density) shall apply.	20 dwelling units/acre maximum Section 9-3.331(b) (Density and Fractional Density) shall apply.
Fire backflow devices	(a) Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must also be accessible to Fire Department and Water Company personnel at all times. (b) Fire Connection Devices. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.	

(Ord. 635 § 5, 2020; Ord. 615 § 4, 2018; Ord. 614 § 4, 2017; Ord. 602 § 2, 2016)

9-3.348 IP Zone.

The following are property development standards for the IP zoning district, in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title.

(a) Lot Size. The minimum lot size in the Industrial Park Zone shall be two (2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Industrial Park Zone. (Ord. 620 § 4, 2019; Ord. 602 § 2, 2016)

9-3.349 I Zone.

The following are property development standards for the I zoning district, in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title.

(a) Lot Size. The minimum lot size in the Industrial Zone shall be two (2) acres. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller lot sizes will not be detrimental to the purpose and intent of the Industrial Zone. (Ord. 620 § 4, 2019; Ord. 602 § 2, 2016)

Article 4. Public Zoning Districts

9-3.410 Intent.

This chapter lists the land uses that may be allowed within primarily public zoning districts established by Section 9-3.102 (Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic lot size and development standards for specific zones. (Ord. 602 § 2, 2016)

9-3.420 Purposes of the public zoning districts.

The purposes of the individual public zoning districts and the manner in which they are applied are as follows:

(a) L (Recreation) Zoning District. This zone is established to provide suitable locations and standards for the development of recreational facilities accommodating the needs of the general public.

(b) LS (Special Recreation) Zoning District. This zone is established to provide suitable locations and standards for the development of recreational facilities on land in private ownership. This zone also provides for residential and agricultural uses where intensive recreational activity may not be appropriate.

(c) P (Public) Zoning District. This zone is established to provide suitable locations and standards for the maintenance and development of public and quasi-public facilities and services.

(d) OS (Open Space) Zoning District. This zone is established to cover areas with environmentally sensitive natural or cultural resources and generally is intended to remain free of structures but may be developed with low intensity recreational improvements, where appropriate. (Ord. 602 § 2, 2016)

9-3.430 Public districts allowable land uses.

Table 3-3 identifies the uses of land allowed this Zoning Code in each public district, and the planning permit required to establish each use, in compliance with Chapters 9-1 and 9-2 of this code. Where the last column in the tables (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this article may also apply.

Table 3-3 Public Zone Uses
Allowed Land Uses and Permit Requirements

Public Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted				
	Permitted Uses By Zones				Special Use Regulation(s)
	L	LS	P	OS	
Accessory Storage					
Adult Day Care Facility			CUP		
Agricultural Accessory Uses		A			
Amusement Services	A	CUP			
Animal Hospitals			CUP		
ATM			A		
Bed and Breakfast	A	A			
Broadcast Studios			A		
Caretaker's Residence/Employee Unit	CUP				9-6.184
Cemeteries	CUP	CUP	CUP		
Childcare Center			CUP		9-6.125
Churches and Related Activities			CUP		9-6.121
Collection Stations	A	A	A		9-6.130
Day Care					
Eating and Drinking Places	CUP	CUP			
Farmers' Market	A	A	A		
Government Offices and Facilities			A		
Health Care Services			CUP		
Home Occupation		A			
Horticultural Specialties		CUP			
Hotels, Motels		CUP			
Indoor Recreation Services	CUP	CUP	A		
Libraries, Museums	A	A	A		
Medical Extended Care Services: 6 Residents or Less			CUP		9-6.134
Medical Extended Care Services: 7 Residents or More			CUP		9-6.134
Membership Organizations	A		CUP		
Mini-Storage			CUP		
Mortuary Services			CUP		
Outdoor Recreation Services	A	CUP	A		9-6.123
Parking Lots			A		
Parks and Playgrounds	A	A	A	A	
Recreational Vehicle Parks	CUP	CUP	CUP		9-6.180
Residential Accessory Uses		A			9-6.106
Residential Care: 6 Residents or Less			CUP		9-6.125
Residential Care: 7 Residents or More			CUP		9-6.125
Schools			A		
Schools—Business and Vocational	A		CUP		9-6.125
Single-Family Dwelling		A	CUP		
Sports Assembly	CUP				
Telecommunication Facilities	CUP	CUP	CUP		
Temporary Dwelling		A			9-6.176
Temporary Events					
Temporary Offices			A		
Transit Stations	CUP		CUP		

Public Zones	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required ☐ Not Permitted				
	Permitted Uses By Zones				Special Use Regulation(s)
	L	LS	P	OS	
Utility Facilities	A	A	A	CUP	
Utility Infrastructure	CUP	CUP	CUP	CUP	

Zoning Districts Abbreviations

L – Recreation
LS – Special Recreation
P – Public
OS – Open Space

(Ord. 646 § 11, 2021; Ord. 602 § 2, 2016)

9-3.440 Property development standards.

New subdivisions, land uses, structures, and alterations to existing land uses and structures shall be designed, constructed and established in compliance with the Sections 9-3.441 through 9-3.444, in addition to applicable standards (e.g., landscaping, parking, fencing, etc.) in Chapter 9-4, and Special Land Use Regulation in Chapter 9-6 of this title. (Ord. 602 § 2, 2016)

9-3.441 L Zone.

The following are property development standards for L in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. There shall be no minimum lot size in the Recreation Zone. (Ord. 602 § 2, 2016)

9-3.442 LS Zone.

The following are property development standards for the LS in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. There shall be no minimum lot size in the Special Recreation Zone, except for parcels intended for single-family residential use where the minimum lot size shall be one (1) acre when sewers are available and one and one-half (1 1/2) acres when sewers are not available. (Ord. 602 § 2, 2016)

9-3.443 P Zone.

The following are property development standards for the P in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. There shall be no minimum lot size in the Public Zone, except for parcels intended for single-family residential use where the minimum lot size shall be two and one-half (2-1/2) acres. (Ord. 602 § 2, 2016)

9-3.444 OS Zone.

The following are property development standards for the OS in addition to those found in Chapters 9-4, 9-6, and other special use regulations found in this title:

(a) Lot Size. There shall be no minimum lot size in the Open Space Zone. (Ord. 602 § 2, 2016)

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. (Ord. 602 § 2, 2016)

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 16 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, rac-quetball 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.

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.

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 dwelling units located on a single lot, 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, 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 does not include secondary 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; amphitheaters; 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"

(Ord. 646 § 11, 2021; Ord. 635 § 5, 2020; Ord. 614 § 4, 2017; Ord. 602 § 2, 2016)

Articles 6 through 22. Reserved

Article 23. ES (Emergency Shelter) Overlay Zone

9-3.501 Purpose.

The Emergency Shelter Overlay Zone identifies areas where emergency shelters may be permitted without a conditional use permit in compliance with Senate Bill 2 (Statutes of 2007) and the Housing Element. (Ord. 627 § 5, 2019; Ord. 571 § 1, 2013)

9-3.502 Applicability of emergency shelter standards.

The standards of this article apply to emergency shelters located in the Emergency Shelter Overlay Zone. The emergency shelter overlay zone is applicable to the following zoning district(s) or site specific area(s):

(a) Assessor Parcel Number (APN) 030-341-013. (Ord. 627 § 5, 2019; Ord. 571 § 1, 2013)

9-3.503 Minimum site design and development standards.

An emergency shelter is subject to all property development standards of the zoning district in which it is located except as modified by the following standards:

(a) Minimum Site Area. One (1) gross acre is the minimum site area.

(b) Intake Location. The shelter intake area must be set back a minimum of twenty (20) feet from the rear property line. Rear property line is defined as Lot A of San Luis Obispo County Parcel Maps Book 23, page 76.

(c) Parking.

(1) One (1) vehicle parking space per five (5) beds must be provided on site.

(2) One (1) bicycle space per ten (10) beds must be provided on site.

(3) One (1) vehicle space per employee must be provided on site.

(4) Parking area must be shown in a site plan. Parking area must be paved.

(5) Parking area must be lit for security purposes with permanent lighting consistent with Section 9-4.137 of the Atascadero Municipal Code.

(6) Sleeping in or occupying vehicles as a residence is not permitted on the site.

(d) Landscaping and Fencing.

(1) Perimeter Fencing. Perimeter fencing is required on a per site basis subject to review and approval by the Design Review Committee. The following perimeter fencing is required for approved shelter(s):

(i) Assessor Parcel Number (APN) 030-341-013. A solid masonry wall eight (8) feet in height must be located on the rear property lines. This solid masonry wall must be a minimum six (6) feet in height measured from the finished grade of the adjacent property owner. The rear masonry wall must be constructed within twelve (12) months from the date of ordinance adoption. A solid wall or fence six (6) feet in height must be located on the side property lines. Fencing within the front setback must follow the requirements of Section 9-4.128.

(2) Play areas for children are to be fenced to prevent uncontrolled access to and from the site. Fencing shall not include any solid materials and must be consistent with the California Building Code.

(3) On-site landscaping must be installed and maintained in compliance with the multifamily zoning district requirements in Section 9-4.125.

(4) Outdoor areas (yards) must be kept clean and free of debris. (Ord. 627 § 5, 2019; Ord. 571 § 1, 2013)

9-3.504 Operating standards.

The following operating standards apply to emergency shelters:

(a) Emergency Shelter Operator. Each shelter shall be operated by an agency or organization with experience in managing or providing social services.

(b) Maximum Number of Beds. An emergency shelter shall have a maximum number of beds for overnight clients served by the facility. This limitation on client beds does not include accommodations for management, employees, or volunteers. The following is the maximum number of client beds for approved shelter(s):

(1) Assessor Parcel Number (APN) 030-341-013: sixty (60) beds.

(c) On-Site Management and Supervision.

(1) Assessor Parcel Number (APN) 030-341-013. There shall be a minimum of one (1) on duty supervisor for every thirty (30) overnight shelter clients during the operating hours.

(d) Operating Hours.

(1) Assessor Parcel Number (APN) 030-341-013. Shelter hours of operation are limited to between 4:00 p.m. and 9:00 a.m. daily. Shelter clients and the general public are not permitted on the premises outside these hours unless otherwise permitted by the approval of a conditional use permit per subsection (h).

Exceptions:

(i) Temporary shelter clients are permitted on the premises during hours of operation.

(ii) Operator staff, board members, and contractors are not subject to any time restrictions.

(iii) Special Activities. Up to one special function per month is allowed for non-shelter clients by appointment and under supervision of ECHO Staff. ECHO may hold additional special functions (in excess of one per month) with City staff approval in writing. These functions may include, but are not limited to:

a. Fundraisers (not involving shelter clients);

b. Neighborhood open houses (not involving shelter clients);

c. Neighborhood meetings (not involving shelter clients);

d. Holiday events for shelter clients; and

e. Official government enumeration surveys involving shelter clients.

(e) On-Site Management Plan Contents. The operator must prepare and follow an on-site management plan that must include the following:

(1) Rules. A list of rules and regulations for overnight clients.

(2) Logs. Provide a methodology for tracking the number of overnight clients.

(3) Security and safety plan that will address security and safety of occupants, loitering control and management of outdoor areas.

(4) Types and descriptions of programs offered on site.

(5) Required On-Site Signage:

(i) No loitering signs.

(ii) No trespassing sign.

(iii) No camping signs.

(6) Identify a neighborhood liaison and provide the contact information for the liaison.

(7) Hold at least one (1) neighborhood meeting each calendar year.

(8) A dispute resolution process for any neighborhood issues that may arise.

(9) Mechanisms for enforcement.

(f) Management Plan Submittal—Approval and Review.

(1) The initial management plan must be submitted within sixty (60) days of approval of the overlay zone change and thereafter must be submitted for review by the City annually on February 1st of every year.

(2) The initial management plan must be approved by the City Council.

(3) Annual Review. The management plan will be reviewed annually by staff. Updates to the Operation Management Plan will be forwarded to the City Council for review at a public hearing.

(g) Meal Program CUP Requirement and Operating Standards (Assessor Parcel Number (APN) 030-341-013). Any on-site meal program that is open to the general public (Open Meal Program) is an ancillary use subject to the approval of a conditional use permit under Section 9-2.110 of this code. Any such approved Open Meal Program shall abide by the following operating standards:

(1) Hours of Operation. Open Meal Program service operating hours shall be between 4:00 p.m. and 6:00 p.m., daily. Non-Shelter Client participants shall vacate the site no later than 6:15 p.m.

(2) The operator shall take reasonable steps to prevent meal recipients from congregating in and around the site at all times to minimize adverse impacts on adjacent properties.

(3) Employees and Volunteers. In addition to the required staffing listed in subsection (c)(1), the Open Meal Program shall operate with a staffing ratio of one (1) employee or trained volunteer for every ten (10) meal program participants. The operator shall provide training to all volunteers and employees.

(4) Outdoor Monitors. From 4:00 p.m. to 6:15 p.m. daily, the Open Meal Program shall include a minimum of one (1) outdoor monitor to supervise participants in the rear of the property and one (1) outdoor monitor to supervise participants in the front of the property. Outdoor monitors shall be considered employees or volunteers for the staffing ratio purposes listed in subsection (h)(3).

(5) Number of Participants Served. The maximum number of participants in the meal program shall not exceed eighty (80) persons served in one (1) day. This includes both temporary overnight shelter clients, and non-shelter client participants (general public).

(6) Participant Screening. All Open Meal Program participants must be screened by the operator prior to admission for meal service.

(7) Log of Participants. A log of Open Meal Program participants is required to be kept daily. The operator must make reasonable efforts to collect the following information:

(i) Legal name.

(ii) Date of birth.

(iii) Housing status.

(8) Review of Open Meal Program Participants. The operator must make available a log of Open Meal Program participants for periodic review by the City.

(9) Neighborhood Dispute Resolution Process. If the operator fails to follow these operating standards or any other conditions of approval, disputes regarding such alleged violations or other impacts on the neighborhood will be addressed as set forth in this subsection.

(i) Any complaints shall first be reported to the neighborhood liaison.

(ii) If a resolution does not occur, any complaint may be submitted as a code violation complaint to the City.

(iii) Repeated violations to these operating standards or the conditions of approval may result in a review of the operation of the shelter or the Open Meal Program by the City Council. Following such review, the City Council may amend these provisions to further regulate the shelter and Open Meal Program, including the possible suspension or revocation of the Open Meal Program.

(h) Optional Conditional Use Permit (CUP). The shelter operator may apply for a CUP to provide additional services or programs, including daytime service programs beyond those described in subsection (d)(1). (Ord. 627 § 5, 2019; Ord. 571 § 1, 2013)

Article 24. FH (Flood Hazard) Overlay Zone

9-3.601 Purpose.

The Flood Hazard Overlay Zone identifies areas where terrain characteristics would present new developments and their users with potential hazards to life and property from potential inundation by a one hundred (100) year frequency flood or other known flood hazards. These standards are also intended to minimize the effects of development on drainage ways and watercourses. (Ord. 68 § 9-3.601, 1983)

9-3.602 Applicability of flood hazard standards.

All uses proposed within a Flood Hazard Overlay Zone are subject to the standards of Sections 9-3.602 through 9-3.604, except:

(a) Temporary Uses. With the approval of the City Engineer, the Planning Department may authorize construction or placement of a temporary structure or use within a Flood Hazard Overlay Zone pursuant to the required approval without meeting these standards, provided that the structure or use will not be in place from October 15th to April 15th.

(b) Emergency Work. Emergency work may be undertaken where necessary to preserve life or property. Within forty-eight (48) hours after commencement of such work, the City Engineer is to be notified and an application filed with the Planning Department in compliance with the provisions of Section 9-3.603.

(c) Existing Uses. The continuance, operation, repair, or maintenance of any lawful use of land existing on the effective date of this title is permitted. Any expansion of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this title. (Ord. 68 § 9-3.602, 1983)

9-3.603 Drainage plan and related requirements.

Drainage plan approval is required where any portion of the proposed development of the site is located within a Flood Hazard Overlay Zone. In addition to the information called for in Section 9-4.149 the drainage plan is to include:

(a) A normal depth analysis or other equivalent engineering analysis that demonstrates to the satisfaction of the City Engineer that proposed structures will not be located within the floodway. The following information is required to determine the location of the floodway, except where waived or modified by the City Engineer:

(1) Plans drawn to scale showing the location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the floodway.

(2) Typical valley cross-sections showing the normal channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sections of areas to be occupied by the proposed development, and high-water information sufficient to define the one hundred (100) year storm flood profile level.

(3) A profile showing the slope of the bottom of the channel or flow line of the stream.

(b) Where data required by subsection (a) of the section indicates proposed structures are located outside the floodway but within the flood fringe, a structural plan is to be provided for review and approval by the City Engineer. The plan is to demonstrate that proposed structures are designed to be flood free or be able to withstand partial inundation, and that proposed uses will not subject occupants to undue risk of flooding. Such structural plans are to include, where applicable, specifications for building construction, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities. (Ord. 68 § 9-3.603, 1983)

9-3.604 Construction standards.

Any structure or construction activities within a Flood Hazard Overlay Zone are subject to the following:

(a) Construction, General.

(1) No construction or grading is to limit the capacity of the floodway or increase flood heights above that allowed under the Federal Flood Insurance Program.

(2) Structures are to be anchored to prevent flotation that could result in damage to other structures, or restriction of bridge openings and narrow sections of the stream or river.

(3) Service facilities such as electrical and heating equipment are to be floodproofed or constructed at a minimum of one (1) foot above the one hundred (100) year storm flood profile level for the site.

(b) Structures for Human Occupancy. All structures intended for human occupancy are subject to the following standards, in addition to the provisions of subsection (a) of this section:

(1) A structure intended for human occupancy is to be approved only where the City Engineer certifies that all portions of the structure are located outside the floodway on the basis of the depth analysis submitted in accordance with Section 9-3.603.

(2) On the basis of structural plans and the depth analysis the ground floor of all structures is to be constructed at a minimum of one foot above the one hundred (100) year storm flood profile level.

(c) Storage and Processing. The storage or processing of materials that in time of flooding are buoyant, inflammable or explosive; that could be injurious to human, animal, or plant life; or that may unduly affect the capacity of the floodway or unduly increase flood heights is not permitted. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning. (Ord. 68 § 9-3.604, 1983)

Article 25. GH (Geologic Hazard) Overlay Zone

9-3.611 Purpose.

A Geologic Hazard Overlay Zone is applied to areas where geologic and soil conditions could present new developments and their users with potential hazards to life and property. These standards are applied where the following conditions exist:

(a) Seismic Hazard. Areas of seismic (earthquake) hazard are identified through the application of special studies zones established by the State Geologist as required by Sections 2621 et seq., of the Public Resources Code (the Alquist Priolo Special Studies Zones Act).

(b) Landslide Hazard. Areas identified as being subject to moderately high to high landslide risk.

(c) Liquefaction Hazard. Areas identified as being subject to soil liquefaction. (Ord. 68 § 9-3.611, 1983)

9-3.612 Applicability of geologic hazard standards.

The standards of Sections 9-3.613 and 9-3.614 apply to all land uses for which a zoning approval is required, except:

(a) One single family residence when not constructed in conjunction with two or more residences by a single contractor on abutting lots of record, unless located in an area subject to liquefaction or landslide.

(b) Any agricultural use not involving a building, and any agricultural accessory structure.

(c) Alterations or additions to any structure, the value of which does not exceed fifty percent (50%) of the assessed value of the structure in any twelve (12) month period. (Ord. 68 § 9-3.612, 1983)

9-3.613 Application content: Geologic and soils report required.

All applications for projects located within a Geologic Hazard Overlay Zone (except those exempted by Section 9-3.612) are to be accompanied by a report prepared by a registered civil engineer and/or engineering geologist, as appropriate, which identifies, describes and illustrates, where applicable, potential hazard of surface fault rupture, seismic shaking, liquefaction or landslide, as provided by this section; provided, however, that no report is required for an application located in an area for which the City Engineer determines that sufficient information exists because of previous geologic or soils reports. Where required, a geologic report is to include:

(a) A review of the local and regional seismic and other geologic conditions that may significantly affect the proposed use;

(b) An assessment of conditions on or near the site that would contribute to the potential for the damage of the proposed use from a seismic or other geologic event or the potential for a new use to create adverse effects upon existing uses because of identified geologic hazards. The conditions assessed are to include, where applicable, rainfall, soils, slopes, water table, bedrock geology, and any other substrata conditions that may affect seismic response, landslide risk or liquefaction potential;

(c) Conclusions and recommendations regarding the potential for, where applicable:

(1) Surface rupture or other secondary ground effects of seismic activity at the site,

(2) Active landsliding or slope failure,

(3) Adverse groundwater conditions,

(4) Liquefaction hazards;

(d) Recommended building techniques, site preparation measures, or setbacks necessary to reduce risks to life and property from seismic damage, landslide, groundwater and liquefaction to insignificant levels. (Ord. 68 § 9-3.613, 1983)

9-3.614 Geologic Hazard Overlay Zone special standards.

All uses within a Geologic Hazard Overlay Zone are to be established and maintained in accordance with the following, as applicable:

(a) Grading. Any grading not otherwise exempted from the permit requirements of Sections 9-4.138 et seq., is to be performed as engineered grading under the provisions of those sections.

(b) Seismic Hazard Areas. No structure intended for human occupancy shall be located within fifty (50) feet of an active fault trace within a special studies zone. (Ord. 68 § 9-3.614, 1983)

Article 26. HS (Historical Site) Overlay Zone

9-3.621 Purpose.

The Historic Site Overlay Zone recognizes archeological sites and historic sites, structures and areas important to local, state, or national history. These standards are intended to protect historic structures and sites by requiring new uses and alterations to existing uses to be designed with consideration for preserving and protecting the historic resource. (Ord. 68 § 9-3.621, 1983)

9-3.622 Applicability of historic site standards.

The standards of Sections 9-3.623 through 9-3.625 apply to all uses for which a zoning approval is required that are located within an Historic Site Overlay Zone. (Ord. 68 § 9-3.622, 1983)

9-3.623 Processing requirements.

The following standards apply to all development proposals within an Historic Overlay Zone:

(a) Initial Submittal.

(1) New Structures and Uses. An application for precise plan approval is to be initially submitted, unless conditional use permit approval is otherwise required by Chapter 9-4 or 9-6. The initial application will be used as the basis for an environmental determination (see subsection (c) of this section), and depending upon the result of the environmental determination, the applicant may be required to amend the application to a conditional use permit application as a condition of further processing of the request (see subsection (d) of this section).

(2) Modifications to Historic Structures.

(i) Restoration. Precise plan approval is required for construction activities intended to preserve a historic structure from deterioration, or to restore the structure to an appearance or condition approximating its original state, where such preservation or restoration uses construction materials and methods of the same historic period as those originally used, except where visible contemporary structural reinforcement is necessary to prevent a structure from collapse.

(ii) Alteration or Demolition. Conditional use permit approval is required to authorize demolition of a historic structure or any remodeling that alters the historic architectural character of the structure.

(b) Application Content. Applications for projects within a Historic Site Overlay Zone are to include a description of measures proposed to protect the historic resource.

(c) Environmental Determination.

(1) When an application has been accepted for processing as set forth in Section 9-2.102, it shall receive an environmental determination pursuant to the California Environmental Quality Act (CEQA).

(2) The initial study of the environmental determination is to evaluate the potential of the historic site or district and to evaluate the other direct and indirect effects of the new construction upon the actual archeological resources or historic structures.

(d) Final Application Requirement and Processing.

(1) If an environmental determination results in a finding of exemption or issuance of a negative declaration, the entitlement requirement is to remain as established for the initial submittal. In the event that a negative declaration identifies mitigation measures necessary to reduce environmental impacts, such mitigation measures are to be applicable to the approved entitlement as conditions of approval.

(2) If an environmental impact report is required, the project shall be authorized only through conditional use permit approval (Section 9-2.110). (Ord. 68 § 9-3.623, 1983)

9-3.624 Required findings for archeological resources.

Where a conditional use permit involving archeological resources is required by the provisions of the Historic Site Overlay Zone, it may be approved only where the following findings are made:

(a) The site design and development as finally proposed incorporates adequate measures to insure the archeological resources will be acceptably and adequately protected; or

(b) Where site design and development proposals cannot feasibly be changed and intrusion into or disturbance of archeological resources will result, that construction will use appropriate methods to protect the integrity of the site, including possible relocation of graves and artifacts. (Ord. 68 § 9-3.624, 1983)

9-3.625 Required findings for historic structures, landmarks and districts.

Where a conditional use permit involving historic structures, landmarks and districts is required by the provisions of the Historic Site Overlay Zone, it may be approved only when the following findings are made:

(a) The height, bulk, location, structural materials, landscaping and other aspects of the proposed use will not obstruct public views of the historic structure or of its immediate setting;

(b) Any proposed alteration or removal of structural elements, or clearing of landscaping or natural vegetation features will not damage or destroy the character of insignificant historical features and settings;

(c) Any proposed remodeling or demolition is unavoidable because it is not structurally or economically feasible to retain or restore existing structures or features. (Ord. 68 § 9-3.625, 1983)

Article 27. SR (Sensitive Resource) Overlay Zone

9-3.631 Purpose.

The Sensitive Resource Overlay Zone identifies areas with special environmental qualities, or areas containing unique or endangered vegetation or habitat resources. The purpose of these standards is to require that proposed uses be designed with consideration of the identified sensitive resources, and the need for their protection. (Ord. 68 § 9-3.631, 1983)

9-3.632 Applicability of Sensitive Resource Overlay Zone standards.

The standards of Sections 9-3.633 through 9-3.635 apply to all uses requiring a zoning approval that are located within a Sensitive Resource Overlay Zone except agricultural uses not involving buildings, agricultural accessory buildings and one single-family residence on a single lot of record. (Ord. 68 § 9-3.632, 1983)

9-3.633 Processing requirements.

The requirements established by Chapters 9-3 and 9-6 are modified for the Sensitive Resource Overlay Zone as follows:

(a) Initial Submittal. The type of application to be submitted is to be as required by Chapter 9-3. That application will be used as the basis for an environmental determination as set forth in subsection (c) of this section, and depending upon the result of the environmental determination, the applicant may be required to amend the application to a conditional use permit application as a condition of farther processing of the request (see subsection (d) of this section).

(b) Application Content. Applications for projects within a Sensitive Resource Overlay Zone are to include a description of measures proposed to protect the resources.

(c) Environmental Determination.

(1) When a plot plan, precise plan or conditional use permit application has been accepted for processing as set forth in Section 9-2.102, it shall receive an environmental determination pursuant to the California Environmental Quality Act (CEQA).

(2) The initial study of the environmental determination is to evaluate the potential effect of the proposed project upon the particular features of the site or vicinity that are identified as the reason for the sensitive resource designation.

(d) Final Application Requirement and Processing.

(1) If an environmental determination results in the issuance of a negative declaration, the entitlement requirement is to remain as established for the initial submittal. In the event that a negative declaration identified mitigation measures necessary to reduce environmental impacts, such mitigation measures are to be applicable to the approved entitlement as conditions of approval.

(2) If an environmental impact report is required, the project shall be processed and authorized only through conditional use approval (Section 9-2.110). (Ord. 68 § 9-3.633, 1983)

9-3.634 Required findings.

Where a conditional use permit is required by the provisions of the Sensitive Resource Overlay Zone, it may be approved only where the following findings are made:

(a) The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Overlay Zone and will preserve and protect such features through the site design.

(b) Natural features and topography have been considered in the design and siting of all proposed physical improvements.

(c) Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures and will not create significant adverse effects on the identified sensitive resource.

(d) The soil and subsoil conditions are suitable for any proposed excavation. Site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff. (Ord. 68 § 9-3.634, 1983)

9-3.635 Minimum site design and development standards.

All uses within a Sensitive Resource Overlay Zone are to conform to the following standards:

(a) Surface mining is not permitted.

(b) Shoreline areas may not be altered by grading, paving, or other development of impervious surfaces for a distance of seventy-five (75) feet from any lakeshore or fifty (50) feet from any streambank, except where authorized through conditional use permit approval. Where the requirements of the California Department of Fish and Game or other public agency having jurisdiction are different, the more restrictive regulations shall apply.

(c) Construction and landscaping activities shall be conducted to not degrade lakes, ponds, wetlands, or perennial watercourses through filling, sedimentation, erosion, increased turbidity, or other contamination.

(d) Where a Sensitive Overlay Zone is applied because of prominent geological features visible from off-site (such as rock outcrops), those features are to be protected and remain undisturbed by construction activities or subsequent operation of the use, except where authorized by conditional use permit approval. (Ord. 68 § 9-3.635, 1983)

Article 28. PD (Planned Development) Overlay Zone

9-3.641 Purpose.

The Planned Development Overlay Zone identifies areas where development standards or processing procedures different from those established by the underlying zoning district. Chapter 9-4 or Chapter 9-6, are deemed necessary to promote orderly and harmonious development and to enhance the opportunity to best utilize special characteristics of an area. (Ord. 68 § 9-3.641, 1983)

9-3.642 Applicability of planned development standards.

The standards of Section 9-3.645 et seq., apply to all uses for which a zoning approval is required that are located in a Planned Development Overlay Zone. (Ord. 68 § 9-3.642, 1983)

9-3.643 Minimum development standards and processing requirements.

The development standards, special use standards and processing requirements of the underlying zoning district shall apply in a Planned Development Overlay Zone unless specifically modified, to a greater or lesser extent, by a Planned Development Overlay Zone. The Planned Development Overlay Zone may be used as follows:

(a) To modify setbacks; heights; parking and loading; landscaping, screening and fencing; signs; streets and frontage improvements; and other development and special use standards set forth in Chapters 9-4 and 9-6; and

(b) To modify processing procedures set forth by the underlying zoning district (Chapter 9-3); and

(c) To establish other development standards or processing requirements; and

(d) To modify minimum lot sizes or permitted density. (Ord. 68 § 9-3.643, 1983)

9-3.644 Required findings.

In approving the establishment of a Planned Development Overlay Zone, the following findings shall be made:

(a) Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.

(b) Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.

(c) Benefits derived from the overlay zone cannot be reasonably achieved through existing development standards or processing requirements.

(d) Proposed plans, if any, offer certain redeeming features to compensate for requested modifications. (Ord. 68 § 9-3.644, 1983)

9-3.645 Establishment of Planned Development Overlay Zone No. 1 (PD1).

Planned Development Overlay Zone No. 1 is established as shown on the official zoning maps (Section 9-1.102). The following modifications to development standards and processing requirements are established:

(a) A master plan of development shall be approved prior to approving a plot plan, precise plan, conditional use permit, or tentative parcel or tract map. The master plan of development shall be applied for and processed in the manner prescribed for a conditional use permit (Section 9-2.110).

(b) In approving a master plan of development, the level of processing for subsequent projects or phases may be reduced to a plot plan provided that the master plan contains sufficient detail to support such a determination.

(c) No subsequent plot plan, precise plan, conditional use permit, or tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development. Any amendment to a master plan of development, including conditions thereof, shall be accomplished as set forth in subsection (a) of this section.

(d) A minimum front setback of twenty (20) feet shall be provided along the El Camino Real frontage of all parcels. Rear setbacks shall be a minimum of ten (10) feet.

(e) Plans shall make provision to develop an attractive appearance along Highway 101 through the use of landscaping, building and parking orientation and other means.

(f) The number of driveways along El Camino Real shall be minimized to prevent potential traffic conflicts.

(g) All utilities shall be installed underground.

(h) Exterior building materials shall be reviewed for acceptability and shall exhibit compatible relationships between buildings on a particular site or parcel. (Ord. 68 § 9-3.645, 1983)

9-3.646 Establishment of Planned Development Overlay Zone No. 2: (PD2).

Planned Development Overlay Zone No. 2 is established as shown on the official zoning maps (Section 9-1.102). The following modifications to development standards are established:

(a) The maximum density shall not exceed one dwelling unit for each four acres of land although individual lots may be smaller, provided that the overall project density conforms with the specified maximum density.

(b) Individual lot sizes shall be established in conjunction with the tentative tract map considering physical features and site characteristics and shall not be required to comply with minimum lot size criteria, including the two and one-half (2½) acre minimum, required by the Residential Suburban Zone provided that the overall project density conforms with the specified maximum density.

(c) Design of the subdivision shall incorporate mitigation measures set forth in the Final Environmental Impact Report.

(d) A tentative tract map showing the proposed division of land for the entire site shall be submitted and approved prior to any site development. The tentative tract map may propose a phasing plan for improvements and for future land divisions.

(e) Individual lots not created by the recordation of the tract map approved for the entire site shall not be permitted to be reduced in size by subsequent land division even though such lots might otherwise conform to criteria set forth in the Residential Suburban Zone. (Ord. 68 § 9-3.646, 1983)

9-3.647 Establishment of Planned Development Overlay Zone No. 3: (PD3).

Planned Development Overlay Zone No. 3 is established as shown on the official zoning maps (Section 9-1.102). The following modifications to development standards are established:

(a) A minimum front setback of ten (10) feet shall be provided along the frontage of all parcels. Setback shall apply to buildings, structures and parking areas and shall be landscaped.

(b) Parcels, including lots with double frontage, which have frontage on Santa Ynez Avenue, Amapoa Avenue, Navajoa Avenue and Atascadero Avenue with residentially-zoned property on the same or

opposite side of the street, shall provide a twenty-five (25) foot setback; provided, that the following may encroach not more than twelve and one-half (12½) feet into the setback:

(1) A one-story building less than fifteen (15) feet in overall height when designed to minimize visual impacts on adjacent residential uses;

(2) Parking when designated to minimize visual impacts on adjacent residential uses.

(c) Nonresidential uses shall not use local streets as the primary access to parking areas except when it is determined that no other feasible means of access is available.

(d) Nonresidential uses shall incorporate suitable screening and design features into plans in order to create a compatible relationship with adjacent residential uses. (Ord. 457 § 3, 2004; Ord. 68 § 9-3.647, 1983)

9-3.648 Establishment of Planned Development Overlay Zone No. 4: (PD4).

The Planned Development Overlay Zone No. 4 is established as shown on the official zoning maps (Section 9-1.102). The following modifications to development standards are established:

(a) No lot shall be developed unless it is connected to Traffic Way by a paved road.

(b) Industrial uses shall incorporate suitable screening and design features into plans in order to create a compatible relationship with nearby residential uses.

(c) Areawide circulation deficiencies shall be evaluated prior to the establishment of traffic-generating industrial uses.

(d) Waste created by proposed industrial processes shall be reviewed in conjunction with a plot plan, precise plan or conditional use permit. When community sewers are not available, the lack of adequate waste handling facilities shall be evaluated in considering whether or not to approve the application. (Ord. 68 § 9-3.648, 1983)

9-3.649 Establishment of Planned Development Overlay Zone No. 5: (PD5).

The Planned Development Overlay Zone No. 5 is established as shown on the official zoning maps (Section 9-1.102). The following development standards are established:

(a) Approval of a conditional use permit reflecting a master plan of development for a waterslide and related uses shall be required prior to approving a grading permit, or tentative parcel or tract map. The master plan of development shall be applied for and processed as a conditional use permit (Section 9-2.110).

(b) In approving a master plan of development, the level of processing for subsequent projects or phases may be reduced to a plot plan provided that the master plan contains sufficient detail to support such a determination.

(c) No subsequent plot plan, precise plan, conditional use permit, or tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development. Any amendment to a master plan of development, including conditions thereof, shall be accomplished as set forth in subsection (a) of this section.

(d) Building architecture shall be compatible with the architecture of Hans Heilmann Regional Park.

(e) Landscape plans shall make provision to develop a distinct buffer zone between the outdoor recreation use and adjacent residential property. (Ord. 114 § 3, 1985)

9-3.650 Establishment of Planned Development Overlay Zone No. 6: (PD6).

The Planned Development Overlay Zone No. 6 is established as shown on the official zoning maps (Section 9-1.102). The following development standards are established:

(a) Approval of a conditional use permit reflecting a master plan of development for a residential development and related uses shall be required prior to approving a grading permit, or tentative parcel or tract map. The master plan of development shall be applied for and processed as a conditional use permit (Section 9-2.110).

(b) In approving a master plan of development, the level of processing for subsequent projects or phases may be reduced to a plot plan provided that the master plan contains sufficient detail to support such a determination.

(c) No subsequent plot plan, precise plan, conditional use permit, or tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development. Any amendment to a master plan of development, including conditions thereof, shall be accomplished as set forth in subsection (a) of this section.

(d) Building height shall be limited to thirty (30) feet (not to exceed two stories).

(e) An open space easement shall be provided for those areas above the nine-hundred-sixty-foot (960) contour line as shown on the 1965 Atascadero, California USGS Quadrangle (15 minute series).

(f) Deleted.

(g) A master plan of development prepared pursuant to this section shall include a traffic analysis and circulation study, including analysis of ingress and egress to the area originating/terminating at El Camino Real.

(h) No development shall occur prior to the extension of sewer service to each lot, parcel, or building site proposed for development.

(i) The developer or applicant for development entitlement shall contribute a fair share of the cost of required off-site drainage, sewage, and circulation improvements as identified in the master plan of development and as required by the City Engineer. (Ord. 211 § 2, 1990; Ord. 133 § 3, 1986)

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 yard at residence	15 feet
Side yards (combined)	10 feet
Side 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. (Ord. 325 § 2 (Exh. A), 1997; Ord. 222 § 2, Exh. A, 1991; Ord. 150 § 3, 1987; Ord. 151 § 3, 1987)

9-3.652 Establishment of Planned Development Overlay Zone No. 8: (PD8).

Planned Development Overlay Zone No. 8 is established as shown on the Official Zoning Maps (Section 9-1.102). The following development standards are established:

(a) A master plan of development shall be approved prior to any development of the site. The master plan shall be processed in the same manner as a conditional use permit except that master plan may be submitted and processed in the same manner set forth for the processing of a tentative map.

(b) In approving a master plan of development for the site, the uses allowed shall be limited to:

(1) Single-family dwellings;

(2) Residential accessory uses (see Section 9-6.106);

(3) Home occupation (see Section 9-6.105);

(4) Temporary dwelling (see Section 9-6.176);

(5) Pipelines;

(c) No uses shall be established, or expanded, unless approved pursuant to a master plan following a public hearing.

(d) The grove of oak trees located on the slope between the top of the knoll and the intersection of Santa Barbara and Atascadero Roads shall be preserved. In approving a master plan, or tentative map, efforts shall be made to place this extreme western portion of the property into open space easement, or otherwise ensure its preservation.

(e) Residential uses shall be subject to appearance review.

(f) An open space easement of 6.5± acres shall be maintained in perpetuity on the northern part of lot 1 created by parcel map AT 05-0364. The open space easement shall remain landscaped and with plant material in good condition consistent with the landscape plan adopted by CUP 2005-0175 (master plan of development PD-8). No structures, vehicles, equipment, livestock or material shall be erected or stored in the open space easement. No further subdivisions or lot line adjustments shall be permitted of lot 1 created by parcel map AT 05-0364.

(g) The limited grazing of animals for the purpose of annual wildfire fuel management is permitted. (Ord. 518 § 2, 2007; Ord. 338 § 2, 1998; Ord. 221 § 3, Exh. B, 1991)

9-3.653 Establishment of Commercial Park Planned Development Overlay Zone No. 9: (PD9).

Commercial Park Planned Development Overlay Zone No. 9 is established as shown on the official zoning maps (Section 9-1.102). The following development standards are established:

(a) A Master Plan of Development shall be approved prior to approving a plot plan, precise plan, conditional use permit, tentative parcel map or tract map. The master plan shall be applied for and processed in the manner prescribed for a conditional use permit (Section 9-2.110).

(b) The proposed Master Plan of Development shall generally incorporate the mitigation measures as contained in the final supplemental environmental impact report (EIR), prepared by Site and Environmental Design, February 1992. Depending on the proposed project, the EIR may need to be modified or expanded to address unforeseen environmental impacts.

(c) In approving a Master Plan of Development, the level of processing for subsequent projects or phases may be reduced to a plot plan; provided, that the master plan contains sufficient detail to support such a determination.

(d) No subsequent plot plan, precise plan, conditional use permit, tentative parcel map or tract map shall be approved unless found to be consistent with the approved master plan of development. Any amendment to the master plan, including conditions thereof, shall be accomplished as set forth in subsection (a) of this section.

(e) In approving a Master Plan of Development for the site, the conditionally allowed land uses are limited to the following.

(1) Automobile, mobilehome, and vehicle dealers and suppliers (see Section 9-6.163 of this title);

(2) Accessory storage (see Section 9-6.103 of this title);

(3) Building materials and hardware (see Section 9-6.165 of this title);

(4) Business support services;

(5) Contract construction services;

(6) Eating and drinking places with drive-through facilities;
(7) Electronic and scientific instruments;
(8) Farm equipment and supplies;
(9) Furniture and fixtures;
(10) Horticultural specialties (see Section 9-6.116 of this title);
(11) Hotels, motels;
(12) Sales lots (see Section 9-6.139 of this title);
(13) Small scale manufacturing;
(14) Temporary events (see Section 9-6.177 of this title);
(15) Temporary/seasonal sales (see Section 9-6.174 of this title);
(16) Utility transmission facilities;
(17) Vehicle and equipment storage (see Section 9-6.183 of this title);
(18) Indoor recreation;
(19) Pipelines;
(20) Public assembly and entertainment.

(f) Any development shall be served by City sewer. (Ord. 525 § 3, 2008; Ord. 249 § 3 (Exh. B), 1993)

9-3.654 Establishment of Residential Planned Development Overlay Zone No. 9: (PD9) North of Union Pacific Railroad.

Residential Planned Development Overlay Zone No. 9 is established as shown on the official zoning maps (Section 9-1.102 of this title). The following development standards are established:

(a) A master plan of development shall be approved prior to approving a plot plan, precise plan, conditional use permit, tentative parcel map, or tract map. The master plan shall be applied for and processed in the manner prescribed for a conditional use permit (Section 9-2.110 of this title).

(b) The proposed master plan of development shall generally incorporate the mitigation measures as contained in the final supplemental environmental impact report (EIR), prepared by Site and Environmental Design, February 1992. Depending on the proposed project, the EIR may need to be modified or expanded to address unforeseen environmental impacts.

(c) In approving a master plan of development, the level of processing for subsequent projects or phases may be reduced to a plot plan; provided, that the master plan contains sufficient detail to support such a determination.

(d) No subsequent plot plan, precise plan, conditional use permit, tentative parcel map or tract map shall be approved unless found to be consistent with the approved master plan of development. Any amendment to the master plan, including conditions thereof, shall be accomplished as set forth in subsection (a) of this section.

(e) In approving a master plan of development for the site, the conditionally allowed land uses are limited to the following:

(1) Single family residential;
(2) Age restricted senior housing developments;
(3) Public parks;
(4) Open space.

(f) Single family residential development shall be subject to the following standards:

(1) Each proposed lot shall have a minimum net lot area of 0.30 acres;

(2) 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 (1) 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. (Ord. 435 § 2, 2004; Ord. 249 § 3 (Exh. B), 1993)

9-3.655 Establishment of Planned Development Overlay Zone No. 10: (PD10).

Planned Development Overlay Zone No. 10 is established as shown on the official zoning maps (Section 9-1.102 of this title). The development standards contained within the master plan of development document (CUP 2005-0156), as conditioned, shall be applied to all future development within the project area, and as follows:

(a) All site developments shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(b) The Vesting Tentative Tract Map (TTM 2003-0044) and any subsequent amendments for the site shall be consistent with CUP 2003-0117. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(d) The residential dwelling units, landscaping, walls and fencing shall be subject to review under the City's Appearance Review requirements consistent with the approved master plan of development.

(e) Building setbacks, landscape area, and lot coverage shall be as identified within the approved master plan of development.

(f) All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained, as approved through a homeowners' association or similar maintenance mechanism.

(g) All utilities, including electric, telephone and cable, along the frontage of, and within the PD and along the project frontages shall be installed and/or relocated underground.

(h) An open space and tree preservation easement shall be recorded on the final map over the existing riparian area. (Ord. 485 § 2, 2005; Ord. 296 § 2 (Exh. A), 1996; Ord. 263 § 2 (Exh. B), 1993)

9-3.656 Establishment of Planned Development Overlay Zone No. 11: (PD11).

The Planned Development Overlay Zone No. 11 is established as shown on the official zoning maps (Section 9-1.102 of this title). The conditions of development are established:

Conditions of Approval.

(a) Planning Division.

(1) To ensure conformance with the provisions of the PD-11 Overlay Zone, a master plan of development shall be prepared which satisfies all of the following conditions prior to the recordation of any final document implementing Lot Line Adjustment 94-005. The Master Development Plan shall consist of the one (1) inch equals forty (40) feet plans entitled "Precise Road Alignment/Lot Grading Plan," amended and supplemented, as required by these conditions.

(2) A Mitigation Monitoring Program, prepared in conformance with the Mitigation Monitoring Plan contained in the final EIR for this project, shall be prepared and implemented prior to the commencement of any construction. Preparation of the Mitigation Monitoring Program shall be the financial responsibility of the applicant.

(3) The applicant shall demonstrate, to the satisfaction of the City Attorney, that adequate title and/or interest has been obtained for the existing Colony rights-of-way within the project boundary prior to approval of the Master Development Plan.

(4) The Master Development Plan shall show the location of building envelopes, leach field areas, and driveways for lots whose average slope exceeds thirty percent (30%). The building, leach field and driveway locations shall be subject to the review and approval of the Community Development Director.

(5) Open space easements to provide wildlife corridors shall be provided in conformance with the recommendations of the Final EIR. Limits on fencing and other detrimental uses within easement areas shall be restricted by the project CC and R's. The location of the easements and CC and R restrictions shall be subject to the review and approval of the Community Development Director.

(6) The "Open Space" lots (Lots A, B and C) as shown on Exhibit B shall be offered for dedication to the City.

(7) Road Abandonment 94-001 shall be completed and all necessary documents shall be recorded prior to, or simultaneously with the recordation of any final document(s) implementing LLA 94-005.

(8) Retaining walls shall be used wherever feasible to reduce the amount of grading necessary for the construction of roads and homes. Grading plans shall be reviewed by the City Engineer and Community Development Director to ensure that proposed grading does not exceed that necessary to develop the site.

(9) Road maintenance agreements, in a form approved by the City Attorney, shall be prepared and recorded for each group of lots which share a driveway or other common access. The agreements may be made a part of the CC and R's, or may be recorded as deed restrictions, or may be recorded as separate road maintenance agreements.

(10) The applicant shall prepare a Comprehensive Restoration Plan (CRP) as part of the road improvement plans. The CRP shall be prepared by a qualified professional and shall address plant lists, planting methods (to include slope preparation, mulching and slope protection), and a maintenance program, including weed control and irrigation. The CRP shall be reviewed and approved by the City Engineer and Community Development Director prior to the issuance of permits for road construction.

(11) The lot line adjustment shall not result in the establishment of any greater number of lots that are nonconforming due to lot size than currently exists. The lot line adjustment shall not result in the establishment of any lot which is smaller than the smallest currently existing Colony lot within the subject site.

(b) Fire Department.

(1) Water Supply.

(i) Prior to final occupancy release by the City, the minimum required fire flow shall be one thousand (1,000) gallons per minute at twenty (20) psi residual pressure for a one-hundred-twenty (120)-minute duration in residential development, or as approved by the Fire Chief. The required fire flow will increase, as provided in UFC Appendix III-A, based on square feet of residential construction, with a fifty percent (50%) fire flow credit for automatic sprinkler systems.

Verification must be provided from water company or fire department records in established areas or by a proof of design test at the completion of new on-site water main construction. Homes designated strictly as model homes and/or sales offices, but with no residential occupancy, shall be granted exemption from the required fire flow as approved by the Fire Chief.

(ii) Underground fire service mains and appurtenances shall conform to NFPA 24 minimum standard and plans are reviewed by the Fire Department prior to installation. The underground main size shall be a minimum of eight (8) inch diameter.

If combustible building materials are used, a temporary onsite water tank with an approved Fire Department connection shall be installed prior to any stockpiling or installing any combustible materials.

(iii) Fire Hydrants. The minimum number and distribution of fire hydrants is one (1) hydrant every five hundred (500) feet as provided in UFC Appendix III-B. The fire hydrant will be Atascadero Mutual

Water Company specification with one four and one-half (4½) inch and one (1) or more two and one-half (2½) inch outlets. Existing hydrants may be adequate, provided they consist of a minimum of one (1) four and one-half (4½) inch and one (1) two and one-half (2½) inch outlet.

New hydrant color will be Safety Yellow for public right-of-way and Safety Red for private right-of-way. All hydrants in the public right-of-way to have "Blue Dot" highway reflector installed on the adjacent street of driveway to clearly identify the fire hydrant location.

(iv) The dwellings shall be equipped with a residential automatic fire sprinkler system. The sprinkler system will be designed and installed according to NFPA Pamphlet No. 1 3D. The fire department requires a minimum one (1) inch water meter for residential sprinkler systems.

(2) Fire Apparatus Access.

(i) If combustible construction materials are used, all required public access roadways shall be completed to a minimum width of twenty (20) feet, or as described in subsections (a.) and (b.) below, capable of supporting forty thousand (40,000) pounds, with an all-weather surface, to within one hundred fifty (150) feet of all stockpiles and all sides of buildings with combustible construction. The access roadways to be posted "No Stopping/Fire Lane" and shall not be used for the storage of materials. Proposed private roads, driveways or extensions of existing roads shall be designed and constructed as follows:

a. Single-family residential access road. A vehicular access to more than one (1) parcel or vehicular access to a single parcel with more than two (2) buildings or more than three (3) dwelling units shall be twelve (12) feet width for one-way traffic and sixteen (16) feet width for two-way traffic. The road shall also provide for a ten (10) foot fuel modification area on each side.

b. Driveway. A vehicular access to a single parcel with one (1) or two (2) buildings, having no more than three (3) dwelling units on a single parcel and any number of accessory buildings.

Length	**Required Width**
0—49 feet	12 feet
50—99 feet	14 feet
Greater than 200 feet	16 feet (Note 1 and Note 2)

NOTES:

1. For driveways exceeding three hundred (300) feet, turnaround shall be provided at the building site and must be within fifty (50) feet of the dwelling.

2. For driveway exceeding eight hundred (800) feet, a turnout shall be provided at the midpoint or every four hundred (400) feet.

(ii) Fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen (13) feet and six (6) inches. Driveways shall have not less than fifteen (15) feet of vertical clearance.

(iii) Fire apparatus access roads and driveways shall be designed and maintained to support the imposed loads of forty thousand (40,000) pounds at twenty-five (25) miles per hour, and shall be provided with a surface so as to provide all-weather driving capabilities.

(iv) The turning radius of a fire apparatus access road shall have a horizontal inside radius curvature of not less than twenty-eight (28) feet inside radius and forty-eight (48) feet outside radius.

(v) All dead-end fire apparatus access roads in excess of one hundred fifty (150) feet in length shall be provided with approved provisions for turning around of fire apparatus. The bulb or cul-de-sac radius shall not be less than forty (40) feet. The hammer-head T shall extend a minimum of thirty (30) feet to each side of the centerline of the entry road and be eighteen (18) feet wide. The turnaround shall extend forty (40) feet from the entry road and be a minimum of eighteen (18) feet wide. Where parcels are zoned five (5)

acres or larger, turnarounds shall be provided at intervals of approximately one thousand three hundred twenty (1,320) feet, or as approved by the Fire Chief. Each dead-end road shall have a turnaround constructed at its terminus.

(vi) The minimum level of improvement is determined by the grade of the access road or driveway providing access from the road to the building site or parking area as follows (UFC 10.204):

Surface	**Minimum Grade**
All-Weather	Less than 12 percent
Nonskid (Note 1)	12 percent to 16 percent
Nonskid (Note 2)	Over 16 percent

Note 1. Surface shall be asphalt or concrete in the City of Atascadero Engineering Standard Specifications and Drawings including a nonskid finish (brushed concrete or equivalent pavement).

Note 2. A driveway/access road that would provide a grade greater than sixteen percent (16%) and less than twenty percent (20%) and is designed by a Registered Civil Engineer may be considered on a case-by-case basis by the Fire Chief.

(vii) The maximum length of dead-end road, including all dead-end roads accessed from the dead-end roads, shall use the following cumulative lengths as a guideline for approval by the Fire Chief, regardless of the number of parcels served:

Parcels less than 1 acre	800 feet
Parcels 1 acre to 4.66 acres	1,320 feet
Parcels 5 acres to 19.99 acres	2,640 feet
Parcels 20 + acres	5,290 feet

All lengths shall be measured from the edge of the roadway surface at the intersection that begins from the road to the end of the dead-end road surface at its farthest point. Where a dead-end road crosses areas of differing zones, the shortest allowable length shall apply.

(3) Fuel Management. All parcels shall comply with the Fire Department's wildland fuel management program. The hazardous vegetation that the program is concerned with is seasonal and recurrent in nature. Therefore, the operation of the program is planned on a continuous annual basis.

(c) Engineering Division.

(1) Road Improvements—General.

(i) All road improvements shall be constructed in accordance with the City Engineering Department Standard Specifications and Drawings or as directed by the City Engineer.

(ii) An encroachment permit shall be obtained from the City Engineering Department prior to the start of construction. The applicant shall enter into a Plan Check/Inspection agreement with the City.

(iii) Road improvement plans prepared by a registered civil engineer shall be submitted for review and approval by the City Engineer prior to approval of the Master Development Plan.

Road improvement plans shall conform to the requirements of the City Standard Specifications, Section 2—Preparation of Plans. R-value testing shall be done, and pavement sections designed by a registered civil engineer to the satisfaction of the City Engineer.

(2) Road Improvements—On-Site.

(i) The following roads shall be fully improved to a Rural Hillside Collection Section (City Std. 404), or as approved by the City Engineer prior to the issuance of building permits. The structural section shall be based on a T.I. = 5.0.

a. San Marcos Road from the project boundary to the intersection of Cenegal Road (prior to Phase I);

b. Cenegal Road from the project boundary to the intersection of San Marcos Road (prior to Phase II);

(ii) All other roads within the project boundary shall be fully improved to a Rural Hillside Local Section (City Std. 402), or as approved by the City Engineer prior to the issuance of building permits. The structural section shall be based on a T.I. = 4.0.

(iii) The minimum right-of-way width for all on-site roads shall be fifty (50) feet.

(iv) All cul-de-sacs shall meet the requirements of City Standard 415, Typical Cul-de-Sac for rural areas with an unobstructed turning radius of forty (40) feet and a paved radius of thirty-four (34) feet, or as approved by the City Fire Marshal. Areas not paved within the forty (40)-foot unobstructed turning radius shall be designed and maintained to support imposed loads of forty thousand (40,000) pounds at twenty-five (25) miles per hour and shall be provided with a surface which provides for all weather driving capabilities.

(v) Slope easements shall be provided on each side of the right-of-way as needed to accommodate cut slopes, fill slopes and/or retaining structures.

(vi) Curve widening shall be constructed on all on-site roads in conformance with Section 4, Paragraph F of the City Standard Specifications, or as approved by the City Engineer.

(vii) On-site road alignments shall be designed such that all existing streets, roads and alleys outside the project boundary, which intersect the project boundary, are provided with, and capable of obtaining, access from the on-site roads. Road alignments outside the project boundary, which intersect the project boundary, shall be clearly shown on the improvement plans.

(viii) The applicant shall install all necessary street name and traffic signs as well as all necessary traffic striping and markings as required by the City Engineer.

(ix) The applicant shall offer to dedicate all road rights-of-way for on-site roads to the City. The irrevocable offer of dedication shall be filed prior to, or simultaneously with, the recordation of any final document implementing Lot Line Adjustment 94-005.

(3) Road Improvements—Off-Site.

(i) Curve widening shall be constructed on Los Altos Road from Highway 41 to San Marcos Road where curve radii is less than two hundred (200) feet. Curve widening shall be constructed in conformance with Section 4, Paragraph F of the City Standard Specifications, or as approved by the City Engineer. Plans for the curve widening shall be submitted for review and approval by the City Engineer prior to the approval of the Master Development Plan.

The curve widening on Los Altos Road shall be constructed when the ADT on Los Altos Road reaches five hundred (500) vehicles per day, with the development of the twenty-seventh lot in Phase 1, or within three (3) years of the issuance of building permits for Phase 1, whichever is earlier.

(ii) A “Stop” sign and stop bar shall be constructed at the intersection of Los Altos Road and San Marcos Road and shall be constructed with the development of Phase 1 of the project and prior to the issuance of building permits.

(iii) San Marcos Road between Los Altos Road and the project boundary shall be improved preparatory to acceptance of this portion of road into the City maintained system.

Curve widening shall be constructed where curve radii is less than two hundred (200) feet. Curve widening shall be constructed in conformance with Section 4, Paragraph F of the City Standard

Specifications, or as approved by the City Engineer. Improvement plans for the curve widening shall be submitted for review and approval by the City Engineer prior to approval of the Master Development Plan.

San Marcos Road between Los Altos Road and the project boundary shall be improved prior to the development of Phase 1 of the project and prior to the issuance of building permits.

(iv) The applicant shall enter into a maintenance agreement with the City for the portion of San Marcos Road between Los Altos Road and the project boundary. The agreement shall guarantee that damage to the road which results from construction traffic generated by the development of the project is properly repaired. The agreement shall be reviewed and approved by the City Engineer and the City Attorney. The agreement shall remain in-force throughout construction of Phase 1 and Phase 2 of the project.

A maintenance security in a form acceptable to the City Attorney and the City Engineer shall be posted for the portion of San Marcos Road between Los Altos Road and the project boundary. The maintenance security shall remain effective until final acceptance of both Phase 1 and Phase 2 of the project.

(v) The existing left-turn lane on State Highway 41 for eastbound traffic entering Los Altos Road shall be brought into conformance with current Caltrans Design Standards. New left-turn lane improvements shall be constructed on State Highway 41 for eastbound traffic entering the driveway serving lots 109-112. Prior to the issuance of any additional building permits for housing units after the year 2013; the applicant shall provide the City with updated financial assurance mechanisms for the left-turn lane improvements at Los Altos Road.

Timing (Los Altos Road): The improvements necessary to bring the existing left-turn lane on State Highway 41 for eastbound traffic entering Los Altos Road into conformance with current Caltrans Design Standards shall be constructed within three (3) years of the effective date of the ordinance amendment or prior to the issuance of the 52nd housing unit building permit, whichever occurs first. No additional housing unit building permits will be issued if either of the preceding timing requirements is triggered.

(Lots 109-112) The new left-turn lane improvements for eastbound traffic on State Highway 41 entering the driveways accessing Lots 109-112 shall be constructed prior to the issuance of the first housing unit building for with the development of any portion of Lots 109-112, unless Caltrans modifies or eliminates the left-turn lane requirements for the driveway accessing Lots 109-112.

(vi) The existing residential driveway approach serving lots 109-112 shall be brought up to current Caltrans Design Standards.

Timing: Prior to the issuance of the first housing unit building permit for any portion of Lots 109-112.

(vii) Applicable sight distance improvements in accordance with current Caltrans Design Standards shall be constructed at the intersection of Los Altos Road and State Highway 41, and at the intersection of the driveway serving Lots 109-112 and State Highway 41. Improvement plans for the sight distance improvements shall be submitted for review and approval by Caltrans and the City Engineer.

Timing: Interim sight distance improvements for the current configuration of the Highway 41 and Lost Altos Road intersection shall be completed within six (6) months of the effective date of this ordinance amendment. Ongoing interim sight distance maintenance shall be completed by September 15th each year thereafter and until the final intersection improvements are completed and accepted by Caltrans. Interim sight distance improvements and ongoing interim maintenance shall be completed as permitted

by Caltrans and relevant permitting agencies and subject to the City Engineer's verification. The City Engineer may stop issuance of building permits for housing units if the sight distance maintenance is not conducted.

Final sight distance improvements for the Highway 41 and Los Altos Road intersection shall be constructed together with the final intersection improvements within three (3) years of the effective date of this ordinance amendment or prior to the issuance of building permits for the 52nd housing unit, whichever occurs first. No additional housing unit building permits will be issued if either of the preceding timing requirements is triggered.

The sight distance improvements for the driveways accessing Lots 109-112 shall be constructed prior to the issuance of the first housing unit permit for any portion of Lots 109-112.

(viii) Advisory and warning signage shall be installed along State Highway 41 to advise drivers of the approaching intersection with Los Altos Road and the driveway serving Lots 109-112. Signage shall be designed and installed to comply with, and as allowed by, Caltrans Standards. Improvement plans for the interim and final advisory and warning signage shall be submitted for review and approval by Caltrans and the City Engineer. Prior to the issuance of any additional housing unit building permits after the year 2013; the applicant shall provide updated financial assurance mechanisms for the final advisory and warning signage improvements.

Timing: interim advisory and warning signage improvements for Los Altos Road shall be constructed within six (6) months of the effective date of this ordinance amendment. No additional building permits for housing units will be issued after six (6) months of the effective date of this ordinance amendment, if the preceding timing requirement is not satisfied, unless the City Engineer and Community Development Director grant a time extension. Time extension requests will only be considered for delays that are outside of the applicant's control. Final advisory and warning signage improvements shall be constructed within three (3) years of the effective date of this ordinance amendment or prior to the issuance of building permits for the 52nd housing unit, whichever occurs first. No additional housing unit building permits will be issued if either of the preceding timing requirements is triggered.

The advisory and warning signage improvements for the driveways accessing Lots 109-112 shall be constructed prior to the issuance of the first housing unit permit for any portion of Lots 109-112.

(ix) A right-turn taper in compliance with the Caltrans Highway Design Manual, Chapter 400, Intersections at Grade, Figure 405.7, or as directed by Caltrans, shall be constructed on State Highway 41 for westbound traffic entering Los Altos Road. Improvement plans for the right-turn taper shall be submitted for review and approval by Caltrans and the City Engineer. Prior to the issuance of any additional housing unit building permits after the year 2013; the applicant shall provide updated financial assurance mechanisms for the right turn taper.

Timing: A right-turn taper, in compliance with the California Caltrans Highway Design Manual, Chapter 400 Intersections at Grade, Figure 405.7, or as directed by Caltrans, for Los Altos Road shall be constructed within three (3) years of the effective date of this ordinance amendment or prior to the

issuance of building permits for the 52nd housing unit, whichever occurs first. No additional housing unit building permits will be issued if either of the preceding timing requirements is triggered.

(x) Curve widening shall be constructed on the following roads where curve radii is less than two hundred (200) feet. Curve widening shall be constructed in conformance with Section 4, Paragraph F of the City Standard Specifications, or as approved by the City Engineer. Plans for the curve widening shall be submitted for review and approval by the City Engineer prior to the approval of the Master Development Plan.

a. Laurel Avenue from Santa Lucia Road to Cenegal Road.

b. Cenegal Road from Laurel Avenue to the project boundary.

The curve widening shall be constructed when the ADT on Laurel Avenue reaches five hundred (500) vehicles per day, with the development of the thirty-eighth lot in Phase 2, or within three (3) years of the issuance of building permits for Phase 2, whichever is earlier.

(xi) A three (3)-foot wide Class II base or other all weather surface walkway shall be provided along one side Cenegal Road from the project boundary to Laurel Avenue and along Laurel Avenue from Cenegal Road to Santa Lucia Road, or as approved by the City Engineer. Improvement plans for the walkways shall be submitted for review and approval by the City Engineer and Community Development Director prior to approval of the Master Development Plan.

The three (3)-foot-wide pedestrian walkway shall be constructed when the ADT on Laurel Avenue reaches five hundred (500) vehicles per day, with the development of the thirty-eighth lot in Phase 2, or within three (3) years of the issuance of building permits for Phase 2, whichever is earlier.

(4) Drainage.

(i) All drainage improvements shall be constructed in accordance with the City Engineering Department Standard Specifications and Drawings or as directed by the City Engineer.

(ii) A grading and drainage plan for each lot, prepared by a registered civil engineer, shall be submitted for review and approval by the City Engineer prior to the issuance of building permits. A registered civil engineer shall provide a written statement that all work has been completed and is in full compliance with the approved plans and the Uniform Building Code (UBC).

(iii) An erosion control plan addressing interim erosion control measures to be used during the construction shall be submitted for review and approval by the City Engineer. Erosion control measures shall be in-place between October 1st and April 1st.

Prior to issuance of Grading Permits, and if required under the Clean Water Act (CWA), the applicant shall obtain the necessary permits in compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES).

(5) Utilities.

(i) All relocation and/or alteration of existing utilities shall be the responsibility of the applicant.

(ii) The applicant shall submit a composite utility plan signed and approved by a representative for each public utility company along with the improvement plans.

(iii) The applicant shall install all new utilities (water, gas, electric, cable TV and telephone) underground. Fire hydrants shall be installed at locations as required by the City Fire Marshal. Utilities shall be extended to the property line frontage of each parcel or its public utility easement.

(iv) Any utility trenching in existing streets shall be overlayed to restore a smooth riding surface to the satisfaction of the City Engineer.

(6) General.

(i) A Preliminary Soils Report shall be prepared for the property to determine the presence of expansive soil or other soil problems and shall make recommendations regarding grading of the proposed site. A final soils report shall be submitted by the soils engineer prior to the final inspection and shall certify that all grading was inspected and approved and that all work done is in accordance with the plans and the preliminary report.

(ii) All improvements shall be covered with a one hundred percent (100%) Performance Guarantee and a fifty percent (50%) Labor and Materials Guarantee until the improvements are deemed substantially complete by the City Engineer. Prior to the final inspection of the improvements, and before the other guarantees mentioned in this condition are released, a ten percent (10%) Maintenance Guarantee shall be posted to cover the improvements for a period of one (1) year from the date of the final inspection. The guarantee amounts shall be based on an engineer's estimate submitted by the project engineer and approved by the City Engineer. The guarantees posted for this project shall be approved by the City Attorney.

(iii) A mylar copy and a blue line print of as-built improvement plans, signed by the registered engineer who prepared the plans, shall be provided to the City Engineer prior to the final inspection.

(iv) The applicant shall acquire title or interest in any off-site land that may be required to allow for the construction of the improvements. The applicant shall bear all costs associated with the necessary acquisitions.

(v) All improvements shall be completed or bonded for prior to the approval of the Master Development Plan. If the improvements are to be bonded, the applicant shall enter into a Performance Agreement with the City. The form and content of the Performance Agreement shall be reviewed and approved by the City Engineer and City Attorney. (Ord. 580 § 2, 2014; Ord. 409 § 3, 2003; Ord. 286 § 3 Exh. C, 1995)

9-3.657 Establishment of Planned Development Overlay Zone No. 12 (PD12).

Planned Development Overlay Zone No. 12 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 12 is established on parcels APNs 045-342-003, 045-381-010, 045-381-007, 045-381-009, 045-331-002, 045-331-004, 045-331-008, 045-331-001, 045-342-005, 045-342-004, 045-342-013, 045-342-001, 045-342-008, 045-342-002, 045-352-005 with a combined gross acreage of 63.3 acres. The maximum residential density within the planned development shall not exceed two hundred seventy-nine (279) residential units. A minimum of 6.31 acres of commercial retail use and 27.7 acres of common and natural open space on the 63.3-acre project site shall be provided. The development standards contained within the master plan of development document (CUP 2003-0099), as conditioned shall be applied to all future development within the project area, and as follows:

(a) The Vesting Tentative Tract Map (TTM 2003-0033) and any subsequent amendments for the site shall be consistent with CUP 2003-0099. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(c) The commercial area, residential dwelling units, landscaping, walls and fencing shall be subject to review under the City's Appearance Review requirements consistent with the approved master plan of development.

(d) Building setbacks lot sizes, landscape area, and lot coverage shall be as identified within the approved master plan of development.

(e) Alterations or additions to established dwelling units shall be subject to the density and development standards of the master plan of development.

(f) Subsequent amendments to the master plan of development shall be approved by Planning Commission Resolution.

(g) The commercial center will retain the Commercial Retail zoning district designation. The following allowable uses are proposed for this district within the PD12 overlay zone:

(1) Broadcast studios;
(2) Building materials and hardware (indoor only);
(3) Food and beverage retail sales;
(4) Furniture, home furnishings and equipment;
(5) General merchandise stores;
(6) Mail order and vending;
(7) Temporary or seasonal sales;
(8) Financial services;
(9) Health care services;
(10) Offices;
(11) Small scale manufacturing;
(12) Temporary offices;
(13) Personal services;
(14) Light repair services;
(15) Eating and drinking places;
(16) Membership organizations;
(17) Horticultural specialties;
(18) Schools—business and vocational;
(19) Business support services, where all areas of use are located within a building;
(20) Farm equipment and supplies;
(21) Fuel and ice dealers;
(22) Hotels and motels;
(23) Skilled nursing facility;
(24) Bed and breakfast;
(25) Funeral services;
(26) Schools;
(27) Utility service center;
(28) Libraries and museums;
(29) Temporary events.

All residential and open space use shall be consistent with the requirements of the underlying zoning district except as allowed by the master plan of development. (Ord. 538 § 2, 2009; Ord. 462 § 2, 2004)

9-3.658 Establishment of Planned Development Overlay Zone No. 14: (PD14).

Planned Development Overlay Zone No. 14 is established on the official zoning maps (Section 9-1.102 of this title). The following development standards and conditions applicable therein are also established.

(a) The maximum density shall not exceed one (1) dwelling unit for each acre of land although individual lots may be smaller provided that the overall project density conforms to the specified maximum density.

(b) Individual lot sizes shall be established in conjunction with the Tentative Tract Map and shall not be required to comply with minimum lot size criteria for the Residential Single Family (RSF-Y) (one acre minimum with sewer, one and one-half (1.5) acre minimum without) provided that the overall density conforms to the specified maximum density.

(c) Design of the subdivision and construction of the project shall incorporate mitigation measures set forth in the Final Environmental Impact Report (EIR) prepared by Firma, September 1998.

(d) A Tentative Tract Map showing the proposed division of land for the entire site shall be submitted and approved prior to any site development. The Tentative Tract Map may propose a phasing plan for improvements and future land divisions.

(e) Individual lots created by the tract map approved for the entire site shall not be permitted to be reduced in size by subsequent land division. (Ord. 357 § 4, Exh. B, 1999)

9-3.660 Establishment of Planned Development Overlay Zone No. 15: (PD15).

Planned Development Overlay Zone No. 15 is established as shown on the official zoning map (Section 9-1.102 of this title). All development within the district shall be in conformance with the development standards and established herein:

(a) Purpose. The purpose of the district is to allow the creative clustering of residential parcels to preserve sensitive environmental features and provide common open space by allowing lot size smaller than the underlying zone's minimum.

(b) Development Standards.

(1) The maximum density shall not exceed two (2) dwelling units for each gross acre of land. Individual lot sizes may be smaller provided the overall project density conforms to the specified maximum density.

(2) Individual lot sizes shall be established in conjunction with a Tentative Tract Map and shall not be required to comply with the minimum lot size criteria for the Residential Single Family One-Half (1/2) Acre Minimum District (RSF-X), provided the overall density conforms to the specified maximum density.

(3) City sewer service and water service from the Atascadero Mutual Water Company shall be provided to all residential lots.

(4) In no case shall a residential lot size be less than one-quarter (1/4) acre, nor exceed a three-to-one (3:1) depth-to-width ratio.

(5) A master plan of development shall be approved in conjunction with any Tentative Tract Map application. All subdivision improvements and subsequent development shall be consistent with the master plan of development. The master plan of development shall contain the following:

(i) A site plan indicating land use, common open space, circulation, lot sizes, slopes, native trees and common landscape features;

(ii) A statistical summary of the projects land uses and densities;

(iii) A statement of project features that will provide a public benefit;

(iv) Any special development standards that will be required of future development;

(v) Individual building plans and elevations are not required.

(6) Access. No lot shall take access from Seperado Avenue with exception to Lot 10 and Lot 30 to serve the primary residence. Secondary driveways on Lot 10 and 30 are prohibited. (Ord. 476 § 2, 2005; Ord. 367 § 2 Exh. A, 1999)

9-3.661 Establishment of Planned Development Overlay Zone No. 16: (PD16).

Planned Development Overlay Zone No. 16 is established as shown on the official zoning map (Section 9-1.102 of this title). All development within the district shall be in conformance with the development standards and established herein:

(a) Purpose. The purpose of the district is to allow the creative clustering of residential parcels to preserve sensitive environmental features and provide open space by allowing lot sizes smaller than the underlying zone's minimum lot size requirements in the RS, RSF, LSF Zoning Districts.

(b) Development Standards:

(1) The maximum density shall not exceed that allowed by the underlying zoning district and general plan designation. Individual lot sizes may be smaller provided the overall project density conforms to the specified maximum density.

(i) Minimum individual lot sizes shall be at least one acre (gross) for parcels served by on-site septic systems and one-half (1/2) acre (net) for lots served by the City's sewer system.

(2) Lots shall utilize common access when feasible.

(3) Open space easements shall be provided for each project. All open space easements shall be designated as nonbuild, nonstorage areas on the final parcel/tract maps. (Septic systems are allowed to be located within the open space easements.)

(4) All building sites within the planned development shall be located on slopes under twenty percent (20%).

(5) Development on each parcel shall be designed to avoid native tree impacts, preserve the contours of the hills, protect prominent view sheds, maintain wildlife corridors and minimize impacts to significant drainage areas and blue-line creeks.

(6) A master plan of development shall be approved in conjunction with any tentative tract/parcel map application. All subdivision improvements and subsequent development shall be consistent with the master plan of development. The master plan of development shall contain the following:

(i) A site plan indicating land use, open space, circulation, lot sizes, slopes, native trees, building sites and common landscape features;

(ii) A statistical summary of the project's land uses and densities;

(iii) A statement of project features that will provide a public benefit;

(iv) Any special development standards that will be required of future development;

(v) Individual building plans and elevations are not required. (Ord. 387 Exh. A, 2002)

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 yard at porch	15 feet
Front yard at dwelling	20 feet
Front yard at garage	25 feet
Side yards	5 feet
Side 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.

(Ord. 402 § 2, 2002)

9-3.663 Establishment of Planned Development Overlay Zone No. 18: (PD18).

A Planned Development Overlay Zone No. 18 may be established in the RMF-16 Multifamily Residential Zones on parcels APN 030-481-005 and 030-481-006 with a combined net acreage of 2.94 acres. The maximum density within the planned development shall not exceed a gross density of ten (10) units per acre. The following development standards shall be applied to the Planned Development Zone No. 18:

(a) The master plan of development (CUP 2002-0074) for the site shall be approved. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(c) Each dwelling unit, landscaping, walls and fencing shall be subject to review under the City's Appearance Review Requirements.

(d) Building setbacks lot sizes, landscape area, and lot coverage shall be as identified within the approved master plan of development:

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

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

(g) All front yards, street facing side yards, project perimeter, and two-to-one (2:1) slopes exceeding five (5) feet in height shall be landscaped.

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

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

(j) 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. (Ord. 417 § 2, 2003)

9-3.664 Establishment of Planned Development Overlay Zone No. 19: (PD19).

A Planned Development Overlay Zone No. 19 may be established in the RSF-Y Single Family Residential Zones on parcels APN 049-191-002, 026, 027, 028, and 030 with a combined gross acreage of twenty-eight (28) acres. The maximum density within the planned development shall not exceed a gross density of seventy (70) units on the twenty-eight (28) acre project site. The following development standards shall be applied to the Planned Development Zone No. 19:

(a) The master plan of development (CUP 2002-0082) for the site shall be approved. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(c) Each dwelling unit, landscaping, walls and fencing shall be subject to review under the City's Appearance Review requirements consistent with the approved master plan of development.

(d) Building setbacks, lot sizes, landscape area, and lot coverage shall be as identified within the approved master plan of development.

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

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

(g) All front yards, street facing side yards, project perimeter, common areas, and two-to-one (2:1) slopes exceeding five (5) feet in height shall be landscaped.

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

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

(j) 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. (Ord. 424 § 2, 2003)

9-3.665 Establishment of Planned Development Overlay Zone No. 20: (PD20).

A Planned Development Overlay Zone No. 20 may be established in the RMF-16 Multifamily Residential Zones on parcels APN 045-358-10 with a combined gross acreage of two and nine-tenths (2.9) acres. The maximum density within the planned development shall not exceed a gross density of forty (40) units on the two and nine-tenths (2.9) acre project site. The following development standards shall be applied to the Planned Development Zone No. 20:

(a) The master plan of development (CUP 2002-0064) for the site shall be approved. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(c) Each dwelling unit, landscaping, walls and fencing shall be subject to review under the City's Appearance Review Requirements consistent with the approved master plan of development.

(d) Building setbacks, lot sizes, landscape area, and lot coverage shall be as identified within the approved master plan of development.

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

(f) Parking for one resident vehicle shall be provided in a garage with minimum interior dimensions of twelve (12) feet by twenty (20) feet. A minimum of one parking space of at least nine (9) feet by twenty (20) feet shall be provided within the driveway area of each unit and may be used to satisfy a portion of the guest parking requirement. Gross total project parking shall be two and eight-tenths (2.8) spaces per unit. Driveway widths may be tapered to less than eighteen (18) feet to accommodate street tree planting. A minimum of one guest parking space of at least nine (9) feet by twenty (20) feet shall be provided on-site for each unit. On-street parking shall not be used to satisfy the parking requirements.

(g) All front yards, street facing side yards, project perimeter, parking and common areas shall be landscaped.

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

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

(j) 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. (Ord. 431 § 2, 2003)

9-3.666 Establishment of Planned Development Overlay Zone No. 21: (PD21).

A Planned Development Overlay Zone No. 21 may be established in the RSF-Y Multifamily Residential Zones on parcels APN 49-163-013 and 49-163-015 with a combined gross acreage of 4.93 acres. The maximum density within the planned development shall not exceed a gross density of five (5) units on the 4.93-acre project site. The following development standards shall be applied to the Planned Development Zone No. 21:

(a) Second dwelling units shall not be allowed.

(b) One (1) of the five (5) lots may be less than the required one acre minimum lot size.

(c) All utilities, including electric, telephone and cable, along the frontage of and within the PD shall be installed underground. (Ord. 443 § 2, 2004; Ord. 402 § 2, 2002)

9-3.667 Establishment of Planned Development Overlay Zone No. 22: (PD22).

A Planned Development Overlay Zone No. 22 may be established in the RMF-16 Multifamily Residential and Commercial Professional Zones for a combined horizontal and vertical mixed-use project on parcel APN 031-242-012 with a combined gross acreage of 0.441 acre. The maximum density within the planned development shall not exceed a gross density of three (3) units within the residential zoned portion and one (1) unit within the commercial zoned portion. The following development standards shall be applied to the Planned Development Zone No. 22:

(a) The master plan of development (CUP 2004-0128) for the site shall be approved. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(c) Each dwelling unit, landscaping, walls and fencing shall be subject to review under the City's Appearance Review requirements consistent with the approved master plan of development.

(d) Building setbacks, lot sizes, landscape area, and lot coverage shall be as identified within the approved master plan of development.

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

(f) Parking for one-resident vehicle shall be provided in a garage with minimum interior dimensions of eleven (11) feet by twenty (20) feet. A minimum of one guest parking space of at least nine (9) feet by twenty (20) feet shall be provided on-site. On-street parking shall not be used to satisfy the parking requirements.

(g) Parking for the commercial/office uses shall be provided at a ratio of one (1) space per five hundred (500) square feet.

(h) All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained as approved.

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

(j) Trash for the commercial uses shall be stored within the designated receptacle area and shall include recyclable waste.

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

(l) Alterations, additions, or conversions to established dwelling units and/or commercial buildings shall be subject to the density and site development standards of the underlying zone and shall be reviewed pursuant to the City's Appearance Review Guidelines.

(m) The permits for the commercial portion of the project must be issued prior to, or concurrent with the issuance of the first residential permit, and that the commercial portion of the project shall be finaled prior to, or concurrent with the final of the first residential permit. (Ord. 455 § 2, 2004)

9-3.668 Establishment of Planned Development Overlay Zone No. 23: (PD23).

Planned Development Overlay Zone No. 23 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 23 is established on parcels APN 056-131-015, 017, 018, and 019 with a combined gross acreage of 13.35 acres. The maximum residential density within the planned development shall not exceed the following: fourteen (14) single-family courtyard homes, eighteen (18) multifamily duplex units (as shown on the master plan of development). The development standards contained within the master plan of development document (CUP 2003-0108), as conditioned, shall be applied to all future development within the project area, and as follows:

(a) The master plan of development (CUP 2003-0108) for the site shall be approved. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(c) Each dwelling unit, landscaping, walls, and fencing shall be subject to review under the City's Appearance Review requirements consistent with the approved master plan of development.

(d) Building setbacks, lot sizes, landscape area, and lot coverage shall be as identified within the approved master plan of development and as conditioned.

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

(f) The residential lots shall provide parking based on the multifamily development parking standards set forth in the Atascadero Municipal Code. A minimum of two (2) parking spaces shall be provided on each lot, either within the garage or in the driveway of the unit. A minimum of one (1) guest parking space shall be provided on each lot in addition to any garage parking. A dedicated residential parking area shall be provided to meet the overall Atascadero Municipal Code multifamily parking requirements. On-street parking shall not be used to satisfy the parking requirements.

(g) Parking for the commercial and hotel use areas shall total the combined required parking spaces shared among each use, as identified in the master plan of development. All uses within the business park area shall provide parking as shown on the master plan of development, with the exception of indoor recreation and amusement services which shall provide parking at a ratio of no less than one (1) space per three hundred (300) square feet of floor area.

(h) All landscaping shown on the approved landscape plan will be installed by the developer and shall be permanently maintained as approved.

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

(j) Trash for the commercial uses shall be stored within the designated receptacle area and shall include recyclable waste.

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

(l) Alterations, additions, or conversions to established dwelling units and/or commercial buildings shall be subject to the density and site development standards of the underlying zone and shall be reviewed pursuant to the City's Appearance Review Guidelines.

(m) All trees shown to be protected on the approved master plan of development shall be maintained. Native trees within the 3.99 acre SFR-X parcel APN 056-131-015 shall be preserved unless deemed hazardous and unsafe by a certified arborist. Any other future tree removal shall require approval per the requirements set forth in the Atascadero Native Tree Ordinance.

(o) Allowed uses for the commercial portion of the project fronting West Front shall be as prescribed as follows:

Allowable uses:

(1) Building materials and hardware (see Section 9-6.165 of this title);
(2) Food and beverage retail sales;
(3) Furniture, home furnishings and equipment;
(4) General merchandise stores;
(5) Mail order and vending;
(6) Temporary or seasonal sales (see Section 9-6.174 of this title);
(7) Financial services;
(8) Health care services;
(9) Personal services;
(10) Light repair services;
(11) Eating and drinking places;
(12) Horticultural specialties (see Section 9-6.116 of this title);
(13) Business support services, where all areas of use are located within a building;
(14) Hotels and motels;
(15) Schools (see Section 9-6.125 of this title);
(16) Temporary events (see Section 9-6.177 of this title).

Conditional uses:

(1) Amusement services;
(2) Bar/tavern;
(3) Eating and drinking places with drive-through facilities;
(4) Service station (see Section 9-6.164 of this title);
(5) Public assembly and entertainment;
(6) Indoor recreation services;
(7) Animal hospitals (see Section 9-6.110 of this title);
(8) Food and kindred products (see Section 9-6.128 of this title);
(9) Indoor auto dealers (new and used) and supplies (see Section 9-6.163 of this title).

(p) Allowed uses for the business park portion of the project behind the hotel shall be as prescribed as follows:

Allowable uses:

(1) Broadcast studios;
(2) Building materials and hardware (see Section 9-6.165 of this title);

(3) Furniture, home furnishings and equipment;
(4) General merchandise stores;
(5) Mail order and vending;
(6) Temporary or seasonal sales (see Section 9-6.174 of this title);
(7) Financial services;
(8) Health care services;
(9) Offices;
(10) Small scale manufacturing;
(11) Temporary offices (see Section 9-6.176 of this title);
(12) Personal services;
(13) Light repair services;
(14) Accessory storage (see Section 9-6.103 of this title);
(15) Membership organizations;
(16) Horticultural specialties (see Section 9-6.116 of this title);
(17) Business support services, where all areas of use are located within a building;
(18) Social and service organizations;
(19) Libraries and museums;
(20) Amusement services;
(21) Indoor recreation services; and
(22) Temporary events (see Section 9-6.177 of this title).

Conditionally allowable uses:

(1) Indoor auto dealers (new and used) and supplies (see Section 9-6.163 of this title). (Ord. 544 § 2, 2009; Ord. 539 § 2, 2009;Ord. 486 § 2, 2005)

9-3.669 Establishment of Planned Development Overlay Zone No. 24: (PD24).

Planned Development Overlay Zone No. 24 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 24 is established on parcels APN 030-491-013, 001, 020, 019 with a combined gross acreage of 5.32 acres. The maximum residential density within the planned development shall not exceed a maximum of fifty-two (52) residential units as identified in the Master Plan of Development (PLN 2014-1529/CUP 2003-0117 as amended), which includes six (6) commercial live work units, a base density of forty-four (44) multifamily units, plus a density bonus for two (2) additional multifamily units. The development standards contained within the Master Plan of Development document (CUP 2003-0117 as amended), as conditioned, shall be applied to all future development within the project area, and as follows:

(a) All site development shall require the approval of a Master Plan of Development. All construction and development shall conform to the approved Master Plan of Development, as conditioned.

(b) The vesting tentative subdivision map (Tract 3070, as amended) and any subsequent amendments for the site shall be consistent with PLN 2014-1529 as amended. All construction and development shall conform to the approved Master Plan of Development, as conditioned.

(c) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved Master Plan of Development.

(d) The commercial area, residential dwelling units, landscaping, walls and fencing shall be consistent with the approved Master Plan of Development. Building setbacks, lot sizes, landscape area, and lot coverage shall be as identified within the approved Master Plan of Development.

(e) All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained as approved.

(f) All utilities, including electric, telephone and cable, along the frontage of, and within the PD and along the project frontages shall be installed and/or relocated underground, except as noted in the in the Master Plan of Development and the Conditions of Approval.

(g) The nonresidential uses shall retain the commercial retail zoning district designation, including proposed office spaces in the mixed-use area identified in the Master Plan of Development. The following allowable uses are proposed for this district within the PD-24 overlay zone:

(1) Residential multifamily (second and third floors only);
(2) Broadcast studios;
(3) Building materials and hardware (indoor only);
(4) Food and beverage retail sales;
(5) Furniture, home furnishings and equipment (indoor only);
(6) General merchandise stores;
(7) Mail order and vending;
(8) Car-wash;
(9) Financial services;
(10) Health care services;
(11) Offices;
(12) Personal services;
(13) Eating and drinking places;
(14) Business support services, where all areas of use are located within a building;
(15) Utility service center;
(16) Temporary events;
(17) Day care.

(h) The conditional uses will be consistent with those listed for the underlying commercial retail zone and will require an amendment to the Master Plan of Development.

(i) All residential and commercial uses shall be consistent with the requirements of the underlying zoning district except as allowed by the Master Plan of Development.

(j) All trees shown to be protected on the approved Master Plan of Development shall be maintained. Any future tree removal shall require approval per the requirements set forth in the Atascadero Native Tree Ordinance.

(k) All public improvements shall be consistent with proposed improvements that are identified in vesting tentative map Tract 3070, as amended. Frontage improvements for Gusta Road will not be required. (Ord. 622 § 4, 2019; Ord. 589 § 4, 2015; Ord. 465 § 2, 2004)

9-3.670 Establishment of Planned Development Overlay Zone No. 25: (PD25).

Planned Development Overlay Zone No. 25 may be established in Residential Multifamily Zones. The maximum residential density within the planned development shall not exceed the densities allowed by the underlying zoning district and provisions of this code. The following development standards shall be met by all projects within the PD-25 overlay zone:

(a) All site development shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(b) The tentative tract map and any subsequent amendments for the site shall be consistent with an approved master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(d) All proposed projects shall be no fewer than four (4) residential units and no greater than twelve (12) residential units.

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

(f) Access off of the public street shall be designed as a parking court if the distance from the back of sidewalk to the terminus of the court is less than one hundred fifty (150) feet and shall include the following elements:

(1) Sixteen (16) feet paved width minimum (decorative concrete or pavers) with two (2) foot shoulders of decorative paving (subject to fire department approval);

(2) Decorative paving continuous throughout the parking court;

(3) Address marker at the entrance to the court.

Multiple parking courts can be joined providing that each court meets the above standards and that only one (1) court per street access be established.

(g) Appearance of each dwelling unit, site landscaping, site development, and amenities shall be consistent with the Atascadero Appearance Review Manual. All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained as approved.

(h) Building setbacks shall be as follows:

Setback from public street frontage	12 feet from right-of-way/back of sidewalk (whichever is greater) when minimum 6-foot landscape parkway is provided
	18 feet from right-of-way/back of sidewalk (whichever is greater) when no parkway is provided
	Porches can encroach up to 3 feet into the required setback
Setback from parking court/interior street	8 feet to porch
	10) feet to front of residence
	10 feet minimum to garage (if one car garage is proposed, the second parking space must be located in the driveway with a minimum length of 20 feet)
	5 feet to side of residence
Setback between buildings	10 feet minimum (unless attached)
Rear yard setback	12 feet minimum

(i) Porches shall be provided for each unit. Porches shall be a minimum of six (6) feet deep and a functional width.

(j) Residential units adjacent to a public street shall be oriented to the public street.

(k) A landscaped yard and/or an open space amenity feature shall be located at the terminus of the parking court/street. No garages or vehicle parking are permitted at the court/street terminus.

(l) Three hundred (300) square feet of private open space shall be provided for each unit with a minimum dimension of twelve (12) feet.

(m) Each unit shall include the following:

(1) Three hundred (300) cubic feet of shelved storage area. (Bedroom and entry/coat closets shall not count toward this requirement);

(2) Dedicated space for laundry facilities with hookups.

(n) All utilities, including electric, telephone, and cable, within the PD and along the project frontages shall be installed and/or relocated underground.

(o) Engineered drainage detention basins shall be located within a common area. Multiple basins on individual lots shall not be permitted. All basins shall be landscaped, shall be no deeper than two (2) feet, and shall be unfenced. No retaining walls or fencing shall be permitted within the basin area.

(p) Exterior walls or 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. Fence posts shall be metal or pressure-treated wood. Wood preservative/sealer shall be applied to fence panels.

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

(r) Trash shall be stored in individual garages or behind fenced areas on individual lots. Dedicated trash storage area shall be a minimum of three (3) feet by six (6) feet paved area.

(s) A minimum of one common decorative light shall be provided at the end of the parking court.

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

(u) A one-car garage (minimum eleven (11) feet by twenty (20) feet) shall be required for attached residential units. A two (2) car garage (minimum twenty (20) feet by twenty (20) feet) shall be required for detached residential units.

(v) The total number of parking spaces shall be provided as follows:

(1) Two (2) spaces per unit for units with less than four (4) bedrooms. One additional space for each additional bedroom. All spaces must be located on the individual lot;

(2) Guest parking provided at a ratio of one space per every three (3) units.* (Ord. 469 § 2, 2005)

* Guest parking may not be located adjacent to the public street frontage.

9-3.671 Establishment of Planned Development Overlay Zone No. 26: (PD26).

This Planned Development Overlay Zone on parcel APN 049-042-018 in the Residential Multifamily Zone. The maximum residential density within the planned development shall not exceed the density allowed by the underlying zoning district and provisions of the Atascadero Municipal Code. The following development standards shall be met by the entitled project within the PD-26 overlay zone:

(a) All site development shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(b) The Tentative Tract Map and any subsequent amendments for the site shall be consistent with an approved master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(d) Appearance of each dwelling unit, site landscaping, site development, and amenities shall be consistent with the Atascadero Appearance Review Manual. All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained as approved. Buffer landscaping along the eastern property line shall be maintained by the individual property owners in perpetuity.

(e) Each unit shall include the following:

(1) Three hundred (300) cubic feet of shelved storage area (bedroom and entry/coat closets shall not count toward this requirement);

(2) Dedicated space for laundry facilities with hookups.

(f) All utilities, including electric, telephone, and cable, within the PD and along the project frontages shall be installed and/or relocated underground.

(g) Engineered drainage detention basins shall be located within a common or designated area. All basins shall be landscaped, shall be no deeper than two (2) feet, and shall be unfenced. Upon approval of the City Engineer, retaining walls may be allowed in the drainage basin area.

(h) Exterior walls or 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. Fence posts shall be metal or pressure-treated wood. Wood preservative/sealer shall be applied to fence panels.

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

(j) Trash shall be stored in individual garages. (Ord. 480 § 2, 2005)

9-3.672 Establishment of Planned Development Overlay Zone No. 27: (PD27).

Planned Development Overlay Zone No. 27 is established as shown on the Official Zoning Maps (Section 9-1.102). A Planned Development Overlay Zone No. 27 is established on parcel APN 029-271-001 with a combined gross acreage of 1.71 acres. The maximum residential density within the planned development shall not exceed thirty (30) residential units. The development standards contained within the master plan of development document, as conditioned, shall be applied to all future development within the project area, and as follows:

(a) All site development shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(b) The Vesting Tentative Tract Map (TR 3141) and any subsequent amendments for the site shall be consistent with the approved master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(d) The commercial area, residential dwelling units, landscaping, walls and fencing shall be subject to review under the City's Appearance Review requirements consistent with the approved master plan of development.

(e) Building setbacks, lot sizes, landscape area, and lot coverage shall be as identified within the approved master plan of development.

(f) All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained as approved.

(g) All utilities, including electric, telephone and cable, along the frontage of, and within the PD and along the project frontages shall be installed and/or relocated underground.

(h) The property will retain the Commercial Retail zoning district designation. The following allowable uses are proposed for this district within the PD-27 overlay zone for the live/work spaces and community building:

(1) Food and beverage retail sales;

(2) Furniture, home furnishings and equipment;

(3) General merchandise stores;

(4) Mail order and vending;

(5) Temporary or seasonal sales;
(6) Financial services;
(7) Offices;
(8) Temporary offices;
(9) Personal services;
(10) Light repair services;
(11) Membership organizations;
(12) Business support services, where all areas of use are located within a building;
(13) Libraries and museums;
(14) Temporary events;
(15) Tasting room;
(16) Artisan foods and products;
(17) Small family day care;
(18) Research and development;
(19) Printing and publishing.

(i) The conditional uses will be as follows:

(1) Public assembly and entertainment;
(2) Microbrewery/brewpub;
(3) Schools—business and vocational;
(4) Schools;

(j) No open parking spaces shall be reserved for any commercial or residential tenant with the exception of the tandem spaces.

(k) The common lot shall be maintained as a common use parcel for all residential tenants. No fencing or other barrier shall be constructed which hinders pedestrian access to each residential lot or which limits the ability for a residential owner to provide basic utility services to their property.

(l) All trees shown to be protected on the approved master plan of development shall be maintained. Any future tree removal shall require approval per the requirements set forth in the Atascadero Native Tree Ordinance. (Ord. 630 § 3, 2019; Ord. 491 § 2, 2006)

9-3.673 Establishment of Planned Development Overlay Zone No. 28: (PD28).

This Planned Development Overlay Zone applies to APN 029-252-001 in the residential multifamily zone. The maximum residential density within the planned development shall not exceed the density allowed by the underlying zoning district and provisions of the Atascadero Municipal Code. The following development standards shall be met by the entitled project within the PD-28 overlay zone:

(a) All site development shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(b) The tentative tract map and any subsequent amendments for the site shall be consistent with an approved master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(d) All utilities, including electric, telephone, and cable, within the PD and along the project frontages shall be installed and/or relocated underground.

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

(f) Trash shall be stored in individual garages.

(g) This project contains a historic colony home. Any future modifications to the exterior of the buildings or the site setting shall follow the Secretary of the Interiors standards. (Ord. 505 § 2, 2007)

9-3.674 Establishment of Planned Development Overlay Zone No. 29: (PD29).

This Planned Development Overlay Zone on APN 029-322-022, 023, 02 in the Residential Multifamily Zone. The maximum residential density within the planned development shall not exceed the density allowed by the underlying zoning district and provisions of the Atascadero Municipal Code. The following development standards shall be met by the entitled project within the PD Overlay Zone No. 29:

(a) All site development shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(b) The Tentative Tract Map and any subsequent amendments for the site shall be consistent with an approved master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(d) Appearance of each dwelling unit, site landscaping, site development, and amenities shall be consistent with the Atascadero Appearance Review Manual. All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained as approved. Buffer landscaping along the eastern property line shall be maintained by the individual property owners in perpetuity.

(e) Any future improvements/rehabilitation of the historic colony home shall be completed in accordance with the secretary of the interior's standards for rehabilitating historic structures.

(f) Each unit shall include the following:

(1) Three hundred (300) cubic feet of shelved storage area. (Bedroom and entry/coat closets shall not count toward this requirement.)

(2) Dedicated space for laundry facilities with hookups.

(g) All utilities, including electric, telephone, and cable, within the PD and along the project frontages shall be installed and/or relocated underground.

(h) Exterior walls or 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. Fence posts shall be metal or pressure treated wood. Wood preservative/sealer shall be applied to fence panels.

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

(j) Trash shall be stored in individual garages. (Ord. 516 § 2, 2007)

9-3.675 Establishment of Planned Development Overlay Zone No. 30: (PD30).

Planned Development Overlay No. 30 is established on APN 029-062-013 (5440 Traffic Way) in the Residential Multifamily Zoning District. The maximum residential density within the planned development shall not exceed the density allowed by the underlying zoning district and provisions of the Atascadero Municipal Code. The following development standards shall be met by the entitled project within the PD Overlay No. 30:

(a) All site development shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(b) The Tentative Parcel Map and any subsequent amendments for the site shall be consistent with an approved master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(c) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development. Appearance of each dwelling unit, site landscaping, site development, and amenities shall be consistent with the master plan of development, as conditioned. All landscaping shall be consistent with the master plan of development, as conditioned and shall be installed by the developer and shall be maintained as approved.

(d) All utilities, including electric, telephone, and cable, within the PD and along the project frontages shall be installed underground and/or relocated underground.

(e) Exterior walls or 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. Fence posts shall be metal or pressure treated wood. Wood preservative/sealer shall be applied to fence panels.

(f) All mechanical equipment, including HVAC units and utility meters, shall be screened from view from adjacent streets and properties. (Ord. 513 § 2, 2007)

9-3.676 Establishment of Planned Development Overlay Zone No. 31: (PD31).

This Planned Development Overlay Zone on APN 028-111-001, 003 in the Industrial Park Zone for the establishment of a bicycle motor cross track and associated improvements. Uses on other areas of the site, if listed as an allowed or conditionally allowed use, shall only be subject to the standards and requirements of this code. The following development standards are applicable to the establishment of a BMX facility and shall be met by the entitled project within the PD-31 Overlay Zone:

(a) All site development shall require the approval of a Master Plan of Development. All construction and development shall conform to the approved Master Plan of Development, as conditioned;

(b) Any subsequent amendments for the site shall be consistent with an approved Master Plan of Development. All construction and development shall conform to the approved Master Plan of Development, as conditioned;

(c) The facility and all improvements including drainage basins, erosion-control measures, landscaping, signage, structures, and waste water facilities shall be maintained by the Atascadero BMX Association or their designee(s). If the use is discontinued, all improvements will be removed to the satisfaction of the City Engineer and the Community Development Director;

(d) The Atascadero BMX Association will ensure that all structures and improvements conform to the floodway standards set forth in the Atascadero Municipal Code Title 9, Chapter 11 and as regulated by the Federal Emergency Management Agency;

(e) Parking shall be limited to designated areas of the site. Overflow parking shall only be used for larger events. No parking will be permitted on Sycamore Avenue or any other undeveloped portion of the surrounding Atascadero Mutual Water Company property;

(f) The landscape buffer between the historic Anza Trail and the BMX facility shall be maintained by the Atascadero BMX Association or their designee(s). All buffer landscaping shall be maintained in a way which screens the BMX facility from the historic trail. (Ord. 521 § 2, 2007)

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 yard at porch (measured from back of sidewalk)	10 feet
Front yard at dwelling (measured from back of sidewalk)	20 feet
Front yard at garage (measured from back of sidewalk)	25 feet
Side yards (measured from property line)	5 feet
Corner lot side 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. (Ord. 594 § 2, 2016)

9-3.678 Establishment of Planned Development Overlay Zone No. 33: (PD33).

Planned Development Overlay Zone No. 33 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 33 is established on parcels APNs 045-401-003, 004 and 045-401-014, 013, 010, 009, 018, and 017 with a combined acreage of 37.7 acres. Development shall be permitted as follows:

(a) Project Area Development Standards. The following development standards shall be applicable to the entire project area as identified in Figure 1.

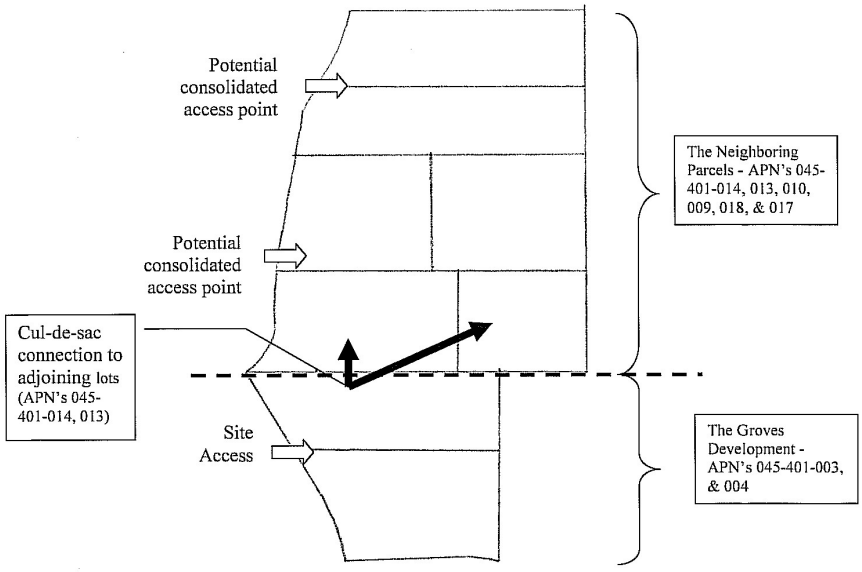

Figure 1: Development Diagram

(1) Lots of less than one (1) acre net shall be required to hook up to City sewer.

(2) All utilities, including electric, telephone and cable, along the frontage of, and within the PD and along the project frontages shall be installed and/or relocated underground.

(3) All residential uses shall be consistent with the requirements of the underlying zoning district except as allowed by a master plan of development.

(4) Any future tree removal shall require approval of the Planning Commission. Exceptions for single-family uses will not be considered exempt within the Planned Development Overlay Zone.

(5) Street trees shall be provided along all internal and abutting public street frontages at a maximum spacing of thirty (30) feet on-center. Clustering and alternative spacing may be approved by the City Engineer to accommodate topographic, sight-distance, or drainage conflicts or to maintain the rural setting within larger lot development areas.

(6) The construction of any new residential unit (not applicable to replacement of existing units) shall require payment of a mitigation fee toward the Santa Barbara/U.S. 101 interchange. Payment shall be made prior to issuance of any residential building permit. Final fee amount shall be based on a City approved cost estimate of six million five hundred thousand dollars ($6,500,000.00) for the final improvements, with a maximum of eight thousand dollars ($8,000.00) per unit.

(7) All newly constructed residential units shall be subject to inclusionary housing fee payment totaling five percent (5%) of the building valuation for any primary residential unit.

(8) All shared facilities and public street frontages shall be maintained by the development as a whole or in portions. An HOA or other maintenance mechanism shall be established for each subdivision requiring such prior to recordation of any final map.

(9) All parcels shall annex into the City's Community Facilities District prior to or concurrent with recordation of any final map. Annexation will not be required for existing parcels if no map is pursued.

(10) Solid privacy fencing adjacent to public frontages shall be set back a minimum of ten (10) feet from the edge of the pedestrian path/public way easements. All low property line fencing will include landscaping between the fencing and the pedestrian pathway.

(11) All lighting shall be designed to eliminate any off-site glare. All exterior site lights shall utilize full cut-off, "hooded" lighting fixtures to prevent off-site light spillage and glare.

(12) APCD construction level mitigation measures for fugitive dust and construction emissions shall be required for any site development.

(b) The Groves Development—RSF-X Parcels (APNs 045-401-003, and 004). The following development standards shall be applicable to The Groves Development parcels, identified in Figure 1.

(1) A clustered subdivision may be permitted with an overall maximum density of two (2) du/ac.

(2) All clustered site development shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

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

(4) A meandering ten (10) foot wide pedestrian pathway shall be required along the Viejo Camino frontage, subject to the approval of the City Engineer. Easements shall be dedicated to the City where applicable to accommodate all pedestrian facilities.

(5) All internal streets shall be designed with a four (4) foot minimum width walkable shoulder. Exceptions may be granted where topography or drainage facilities conflict, subject to the approval of the City Engineer.

(6) Larger parcels shall abut Santa Barbara Road to provide a buffer to the existing rural residential area, maximize tree retention, and minimize grading on heavily sloped areas.

(7) A cul-de-sac connection to the neighboring parcels (APNs 045-401-014, 013), as shown on Figure 1, shall be provided through The Groves Development site.

(8) On-street parking shall be provided for all streets serving lots of one-half (½) acre or less.

(9) All shared facilities shall be maintained by the development through an HOA or other City approved maintenance mechanism.

(c) The Neighboring Parcels—RSF-Y Parcels (APNs 045-401-014, 013, 010, 009, 018, and 017). The following development standards shall apply to future development within the Planned Development boundary.

(1) A cluster subdivision may be permitted on any portion or portions of the site area providing overall density does not exceed one (1) du/ac.

(2) All clustered site development shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(3) Architectural site design and individual lot development for non-clustered developments shall be completed by staff and/or a designee of the Community Development Director.

(4) Access to the Neighbor Parcel portion of the project site from Halcon Road shall be consolidated into two (2) access roads. Shared access roads shall be evaluated for sight-distance upon submittal of any tentative map and/or development plan. Proposed access roads shall be designed to serve the entire area. Private driveways shall be eliminated once development commences. Private driveways serving existing residences where access off of the shared roads is not feasible, may request an exception to this requirement, subject to the approval of the City Engineer. Should any parcel resulting from the subdivision of APNs 045-401-014, 013 take access via Halcon Road, the consolidated access roads shall be utilized. No private driveway connections to Halcon Road from APNs 045-401-014, 013, or subdivided portions thereof, shall be permitted.

(5) All shared facilities shall be maintained by the development through an HOA or other City approved maintenance mechanism.

(6) On-street parking shall be required for roads serving lots of one-half (½) acre or less.

(7) Walkable shoulders designed to meet City standards shall be required for all roads serving lots of one-half (½) acre or less. Roads serving lots of greater than one-half (½) acre shall be designed to City standards.

(8) A meandering ten (10) foot wide pedestrian pathway shall be required along the Halcon Road frontage, subject to the approval of the City Engineer. Easements shall be dedicated to the City where applicable to accommodate all pedestrian facilities.

(9) A noise analysis shall be required for all residential units and private outdoor areas located within seventy-five (75) feet of Halcon Road. A noise analysis will only be required for private outdoor areas where the usable space is located entirely within this zone.

(10) A biological survey to determine the presence of sensitive plant species and wildlife species such as nesting birds, American badger, or Silvery legless lizards shall be conducted prior to the issuance of any building permit or approval of any subdivision map or development plan. Recommendations from the report shall be adhered to prior to and/or during construction. (Ord. 595 § 2, 2016)

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 Yard Garages (measured from the back of sidewalk)	25 feet
Front Yard Covered Porches/Decks (measured from back of sidewalk)	3 feet
Front Yard Residential Units (measured from back of sidewalk)	15 feet
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 yard (measured from back of sidewalk)	15 feet
Corner Lot 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. (Ord. 611 § 2, 2017)

9-3.680 Establishment of Planned Development Overlay Zone No. 35: (PD35)

Planned Development Overlay Zone No. 35 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 35 is established on parcels APN 049-063-003, 004, 049-071-029, 030 (Parcels 1-4 of AT02-278).

(a) All site development or significant modifications, beyond ADA or code required changes, to the site or exterior changes of any building shall require Design Review Committee review.

(b) The following uses are allowed within the PD-35 overlay zone:

(1) Churches and related activities;
(2) Indoor recreation services;
(3) Libraries and museums;
(4) Public assembly and entertainment;
(5) Parks and playgrounds;
(6) Temporary events;
(7) Utility facilities;
(8) Government offices;
(9) Temporary offices;
(10) Residential care: 6 residents or less;
(11) Child care center;
(12) Adult day care facility;
(13) Parking lots;
(14) Broadcast studios.

(c) The following uses are conditionally allowed within the PD-35 overlay zone:

(1) Schools;
(2) Single family dwelling;
(3) Schools – Business and vocational;
(4) Membership organizations;
(5) Social service organizations;
(6) Utility infrastructure;
(7) Telecommunications facilities. (Ord. 625 § 5, 2019)

9-3.681 Establishment of Planned Development Overlay Zone No. 36: (PD36).

Planned Development Overlay Zone No. 36 may be established in Residential Multifamily Zones. The maximum residential density within the planned development shall not exceed the densities allowed by the

underlying zoning district and provisions of this code. The following development standards shall be met by all projects within the PD36 Overlay Zone:

(a) All site development shall require the approval of a Master Plan of Development. All construction and development shall conform to the approved master plan of development, as conditioned.

(b) The tentative tract map and any subsequent amendments for the site shall be consistent with an approved Master Plan of Development. All construction and development shall conform to the approved master plan of development, as conditioned.

(c) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved Master Plan of Development.

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

(e) Access off of the public street shall be designed as a parking court with a maximum length of less than one hundred fifty (150) feet and shall include the following elements:

(1) Decorative paving continuous throughout the parking court;

(2) Address marker at the entrance to the court.

(f) Appearance of each dwelling unit, site landscaping, site development, and amenities shall be consistent with the Atascadero Appearance Review Manual. All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained as approved.

(g) Building setbacks shall be as follows:

Setback from public street frontage	15 feet from right-of-way/back of sidewalk (whichever is greater) Porches can encroach up to 3 feet into the required setback
Setback from parking court/interior street	8 feet to porch 10 feet to front of residence 10 feet minimum to garage (if one car garage is proposed, the second parking space must be located in the driveway with a minimum length of 20 feet) 5 feet to side of residence
Setback between buildings	10 feet minimum
Rear yard setback	12 feet minimum

(h) Porches shall be provided for each unit. Porches shall be a minimum of six (6) feet deep and a functional width.

(i) Residential units adjacent to a public street shall be oriented to the public street.

(j) Each unit shall include the following:

(1) Three hundred (300) cubic feet of shelved storage area. (Bedroom and entry/coat closets shall not count toward this requirement);

(2) Dedicated space for laundry facilities with hookups.

(k) All utilities, including electric, telephone, and cable, within the PD and along the project frontages shall be installed and/or relocated underground.

(l) Engineered drainage detention basins shall be located within a common area. Multiple basins on individual lots shall not be permitted. All basins shall be landscaped, shall be no deeper than two (2) feet, and shall be unfenced. No retaining walls or fencing shall be permitted within the basin area.

(m) Exterior walls or 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. Fence posts shall be metal or pressure-treated wood. Wood preservative/sealer shall be applied to fence panels.

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

(o) Trash shall be stored in individual garages or behind fenced areas on individual lots. Dedicated trash storage area shall be a minimum of three (3) feet by six (6) feet paved area.

(p) The total number of parking spaces shall be provided as follows:

(1) Two (2) spaces per unit for units with less than four (4) bedrooms. One (1) additional space for each additional bedroom. All spaces must be located on the individual lot

(2) Guest parking provided at a ratio of one space per every three (3) units. Guest parking may not be located adjacent to the public street frontage. (Ord. 634 § 4, 2020)

9-3.682 Establishment of Planned Development Overlay No. 37: (PD37).

Planned Development Overlay Zone No. 37 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 37 is established on parcels APN's 049-063-003, 004, 049-071-029, 030 (Parcels 1-4 of AT02-278).

(a) All development must be consistent with a City approved Master Plan of Development. A Master Plan of Development approved by the City shall be required prior to completion of conveyance of any site from the City to private ownership. All new development shall be consistent with a Master Plan of Development. The Master Plan of Development shall be reviewed by the DRC and shall consider the views and connectivity between City Hall, Sunken Gardens, the Centennial Plaza and bridge and Colony Square. Building and site designs shall preserve a view corridor to the pedestrian bridge as viewed from West Mall. Any significant building modifications following approval, including ADA or code required changes, to the site or exterior changes of any building, shall require Design Review Committee review.

(b) The following uses are allowed within the PD-37 overlay zone on the ground floor:

1.	Artisan Foods and Products
2.	Bar/Tavern
3.	Eating and Drinking Places
4.	General Retail* (with additional parameters—see below)
5.	Microbrewery—Brewpub
6.	Tasting Room
7.	Winery—Boutique
8.	Open space areas for passive outdoor use including walking, gathering, public entertainment, seating, and related, dedicated for use to the public
Note:	
*	Minimum operating hours (open to the public) shall be 4 days per week, 6 hours per day, and open until at least 7PM.

The following retail uses shall not be allowed: Building materials and hardware, medical supplies, office supplies, or other items that do not contribute to the synergy, pedestrian orientation and general plan consistency for the downtown.

(c) The following uses are allowed within the PD-37 overlay zone above the ground floor:

(1) All uses as allowed on ground floor list;

(2) Business support services;

(3) Live/work unit;

(4) Lodging/hotel/motel/vacation rental;

(5) Multifamily dwelling;

(6) Personal services;

(7) Offices.

(d) Property Development Standards.

(1) Front yard setback at East Mall. Ten (10) foot building setback shall be required for ground floor portions of the building, setback may be utilized for outdoor dining, awnings, second or third story building projections such as decks, patios or other floor area, signs, and other features designed to enhance the public space. No building setback shall be required at the rear side, facing Atascadero Creek.

(2) Parking. No on-site parking shall be allowed. Parking required for residential uses shall be required at the rate of one (1) space per two (2) bedrooms (minimum one (1) space per unit), to be located off site within one thousand (1,000) feet of the property boundary and provided in perpetuity through an off-site parking agreement. No parking shall be required for retail and restaurant uses on the ground floor consistent with this PD. No parking shall be required for office, or transient lodging uses.

(3) Height. Forty-five (45) feet, maximum of three stories, with each successive story a minimum of ten (10) percent reduced floor area from story below. Use of roof area permitted for outdoor uses/occupancy. Non-habitable roof projections such as elevator enclosures, parapet walls, roof forms, and other architectural features may extend above the maximum height up to eight (8) feet.

(e) Site and Building Design.

(1) A single development project shall be completed on the north east side of the plaza, or as one (1) cohesive project on all of the lots. North east side lots shall be merged prior to conveyance to private ownership.

(2) Building designs may bridge the plaza space when a minimum vertical clearance of sixteen (16) feet is maintained and a minimum plaza width of twenty (20) feet is maintained. When portions of buildings cover the plaza, provisions for natural light, ample visibility, and unrestricted public/pedestrian access, shall be maintained.

(3) Building architecture shall complement, but not duplicate, City Hall. Designs that incorporate brick, extensive glazing, tile roofs, balconies, and opportunities to utilize outdoor spaces shall be strongly encouraged.

(4) Recessed building entries with a depth of at least six (6) feet, transom windows, and glazing along East Mall that allows sixty (60) percent visibility into the ground floor space shall be required. Glazing shall not be blocked by interior walls or panels.

(5) Encroachments that provide for outdoor dining shall be encouraged at Centennial Plaza and the public sidewalk while maintaining a minimum path of travel of eight (8) feet on the plaza and six (6) feet on public sidewalks.

(6) Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must be accessible to Fire Department and Water Company personnel at all times.

(7) Building Coverage. No limit. Each successive floor shall reduce interior floor space by ten (10) percent to enhance building articulation and reduce building massing.

(8) Stormwater. No above ground stormwater retention may be allowed on site in excess of four hundred (400) square feet over the entire Planned Development.

(9) Native Trees. No Heritage trees shall be impacted or removed by proposed development. Native trees that contribute to the tree canopy of Centennial plaza, the parking lot, and the creek pathway should be preserved in place and protected during construction as feasible. Some native trees may need to be pruned or removed to accommodate appropriate site development. The existing off-site Deodar Cedar shall be

preserved and protected. Any tree removals shall be subject to the City's Native Tree ordinance.

(10) Public Restrooms. Public restrooms shall be provided in one (1) or more of the ground floor buildings within the PD. Restrooms shall be open to the public for hours to be determined by the City in a location that is accessible from the ground floor. (Ord. 655 § 4, 2022)

9-3.690 Establishment of Specific Plan Zone No. 1: (SP-1).

A Specific Plan Zone No. 1 is established in on parcels APN 045-311-001, 045-401-015, 045-401-016, 045-411-001, 045-412-001 with a combined gross acreage of one hundred twenty (120) acres. The maximum density within the planned development shall not exceed two hundred sixty-nine (269) residential units (except for nine (9) bonus units allowed by the General Plan), three and one-half (3.5) acres of service commercial use, and fifty-four and one-half (54.5) acres of open space on the one hundred twenty (120) acre project site. The twenty-one (21) estate lots may contain second units limited to eight hundred (800) square feet. The development standards contained within the Woodlands Specific Plan Policy Document and Appendices (SP 2003-001), as conditioned, shall be applied to all future development within the Specific Plan area, and as follows:

(a) The vesting tentative tract map (TTM 2003-0027) and any subsequent amendments for the site shall be consistent with SP 2003-0001. All construction and development shall conform to the approved Specific Plan, as conditioned.

(b) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved Woodlands Specific Plan.

(c) The commercial area, residential dwelling units, landscaping, walls and fencing shall be subject to review under the City's Appearance Review requirements consistent with the approved Woodlands Specific Plan.

(d) Building setbacks lot sizes, landscape area, and lot coverage shall be as identified within the approved Woodlands Specific Plan.

(e) Alterations or additions to established dwelling units shall be subject to the density stan-dards of the Specific Plan Zone and shall be reviewed pursuant to the Woodlands Specific Plan Development Standards.

(f) The specific plan shall be adopted and amended by City Council resolution. (Ord. 429 § 2, 2003)

9-3.691 Establishment of Specific Plan Zone No. 2: (SP-2).

A Specific Plan Zone No. 2 (SP-02) is established in on parcels (APN 049-112-002, 018, 019, 022, 036, 039, 049-151-005, 036, 037, 040, 041, 049-102-020, 031, 032, 045, 048, 056 and 049-131-070) with a combined gross acreage of 39.3 acres. The permitted uses, maximum intensities, residential densities, site plans and architectural guidelines are established and regulated by the Del Rio Road Commercial Area Specific Plan (SP 2003-0003). The development standards contained within the Specific Plan Policy Document and Appendices, as conditioned, shall be applied to all future development within the Specific Plan area, and as follows:

(a) All development projects and construction permits shall be consistent with the requirements of the Del Rio Road Commercial Area Specific Plan Document (adopted by ordinance) and the Del Rio Road Commercial Area Specific Plan Master Plan of Development which is an appendix to the Specific Plan and adopted by City Council resolution.

(b) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved Del Rio Road Commercial Area Specific Plan.

(c) The commercial area, residential dwelling units, landscaping, walls and fencing shall be subject to review under the City's Appearance Review requirements consistent with the approved Del Rio Road Commercial Area Specific Plan.

(d) Building setbacks, lot sizes, landscape area, and lot coverage shall be as identified within the approved Del Rio Road Commercial Area Specific Plan.

(e) Modifications and changes to the project shall be processed consistent with the Del Rio Road Commercial Area Specific Plan requirements.

(f) The Del Rio Road Commercial Area Specific Plan document shall be adopted and amended by City Council Ordinance.

(g) The Specific Plan Master Plan of Development for the Del Rio Road Commercial Area Specific Plan shall be adopted and amended by City Council resolution. (Ord. 560 § 2, 2012)

Article 29. Reserved

Article 30. Density Bonus

9-3.801 Purpose.

The purpose of this section is to comply with State Density Bonus Law (California Government Code (GC) Sections 65915 through 65918), by providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to very low-, low-, or moderate-income households, senior citizens, or include child care facilities.

(a) Projects that utilize the density bonus are not required to implement the City's Inclusionary Housing Policy or other inclusionary housing ordinance in effect at the time of issuance of building permit. (Ord. 570 § 1, 2013)

9-3.802 Applicability.

The provisions of this section apply to the construction of five (5) or more housing units as a part of any tentative subdivision map, master plan of development (conditional use permit) or other development application that satisfy one (1) or more of the following criteria:

(a) At least ten (10) percent of the units are designated for low-income households.

(b) At least five (5) percent of the units are designated for very low-income households.

(c) One hundred (100) percent of the units are designated for senior citizens as defined in Sections 51.3 and 51.12 of the Civil Code or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(d) At least ten (10) percent of the units in a common interest development are designated for moderate-income households, provided that all units in the development are offered to the public for purchase. (Ord. 570 § 1, 2013)

9-3.803 Calculating the density bonus.

The density bonus shall be calculated as shown in the table below for very low-, low-, and moderate-income households. For housing developments meeting the criteria of Section 9-3.802(c), the density bonus shall be twenty (20) percent of the total number of senior housing units. All density calculations resulting in fractional units shall be rounded consistent with the City's Municipal Code Section 9-1.109.

Percentage of Affordable Units and Corresponding Density Bonus

Very Low-Income Households Earning < 50% AMI		Low-Income Households Earning < 80% AMI		Moderate-Income 120% AMI Persons/Families in Common Interest Development[1]	
Very Low-Income Units	**Percentage of Density Bonus[1]**	**Low-Income Units**	**Percentage of Density Bonus[1]**	**Moderate-Income Units**	**Percentage of Density Bonus[1]**
5%	20.0%	10%	20.0%	10%	5.0%
6%	22.5%	11%	21.5%	11%	6.0%
7%	25.0%	12%	23.0%	12%	7.0%
8%	27.5%	13%	24.5%	13%	8.0%
9%	30.0%	14%	26.0%	14%	9.0%
10%	32.5%	15%	27.5%	15%	10.0%
11%	35.0%	16%	29.0%	16%	11.0%
		17%	30.5%	17%	12.0%
		18%	32.0%	18%	13.0%
		19%	33.5%	19%	14.0%
		20%	35.0%	20%	15.0%
				21%	16.0%
				22%	17.0%
				23%	18.0%
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				25%	20.0%
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				31%	26.0%
				32%	27.0%
				33%	28.0%
				34%	29.0%
				35%	30.0%
				36%	31.0%
				37%	32.0%
				38%	33.0%
				39%	34.0%
				40%	35.0%

[1] Density bonus is above the highest range of base density.

(Ord. 570 § 1, 2013)

9-3.804 Developer incentives.

(a) Restrictions. When an applicant seeks a density bonus as prescribed by GC Section 65915, the City will grant developer incentives as required, unless it makes any of the following findings:

(1) The developer incentives are not required in order to provide affordable housing, as defined in Section 50052.3 of the Health and Safety Code, or for rents for the targeted units to be set as specified in GC Section 65915(c).

(i) The developer incentives would have a specific adverse impact, as defined in paragraph (2) of Subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(ii) The developer incentives would be contrary to State or Federal law.

(b) Number of Developer Incentives. The number of developer incentives shall be in compliance with the table as shown below:

Number of Developer Incentives

Number of Developer Incentives	Set Aside Units		
	Very Low-Income Units	Low-Income Units	Moderate-Income Units in Common Interest Developments[1]
1	5%	10%	10%
2	10%	20%	20%
3	15%	30%	30%

[1] Common interest development includes common interest developments of, or in a planned development as defined in Subdivision (k) of Section 1351 of the Civil Code that are offered to the public for purchase.

(c) Developer Incentives Defined. For the purposes of this section, concession or incentive means any of the following that results in identifiable, financially sufficient, and actual cost reductions:

(1) Reduced site development standards;

(2) Modified zoning code;

(3) Architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code;

(4) A reduction in setback requirements;

(5) Reduction of vehicular parking standards;

(6) Approval of mixed-use zoning if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area;

(7) Other regulatory developer incentives proposed by the developer;

(8) Other regulatory developer incentives proposed by the City. (Ord. 570 § 1, 2013)

9-3.805 Waivers and modifications of development standards.

(a) Proposal. In accordance with Government Code Section 65915(e), an applicant may propose a waiver or modification of development standards if it would physically preclude the construction of a development project under the criteria Section 9-3.802 at the densities or with the developer incentives permitted by this section. A waiver or modification of standards shall be reviewed by the City's Design Review Committee and approved by the Planning Commission and/or City Council.

(b) A proposal for the waiver or reduction of development standards pursuant to this subsection shall neither reduce nor increase the number of developer incentives to which the applicant is entitled pursuant to Section 9-3.804(b).

(c) Grounds for Denial. In accordance with Government Code Section 65915(e), the City may deny an applicant's request to waive or modify the City's development standards in any of the following circumstances:

(1) The application does not conform with the requirements of this section or Government Code Sections 65915 through 65918.

(2) The applicant fails to demonstrate that the City's development standards physically preclude the utilization of a density bonus on a specific site. The City's Design Review Committee or Planning Commission shall make the appropriate finding.

(3) The waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(4) The waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(5) The waiver or reduction would be contrary to State or Federal law. (Ord. 570 § 1, 2013)

9-3.806 Application procedure.

An application for a density bonus, developer incentive, or waiver or modification of development standards shall include the following information:

(a) Site plan;

(b) Preliminary architectural elevations;

(c) Preliminary floor plans;

(d) Preliminary landscaping plan;

(e) The total number of base units;

(f) The number and location of proposed affordable housing units;

(g) The specific developer incentive(s) sought, if any;

(h) The specific waiver or modification to development standards sought, if any;

(i) If seeking a developer incentive, documentation regarding the necessity of the developer incentive in order to provide affordable housing costs or rents;

(j) If seeking a waiver or modification of development standards, documentation regarding the necessity of the waver or modification, including documentation demonstrating that the City's development standards physically preclude the utilization of a density bonus;

(k) If requesting a density bonus based on land donation in accordance with Government Code Section 65915(g), information sufficient to permit the City to determine that the proposed donation conforms with the requirements of Section 65915 and this code; and

(l) If requesting a density bonus based on the provision of a child day care facility in accordance with Government Code Section 65915(h), the application must:

(1) Provide the location of the proposed child day care facility and the proposed operator,

(2) Agree to operate the child day care facility for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable,

(3) Agree to have contracted with a child day care facility operator for operation of the child day care facility before the first building permit is issued, and

(4) Agree that the child day care facility will be in operation when the first certificate of occupancy is issued. (Ord. 570 § 1, 2013)

Chapter 4

GENERAL SITE DESIGN AND DEVELOPMENT STANDARDS

Sections:

9-4.101 Purpose.
9-4.102 Applicability of the standards.
9-4.103 Setbacks.
9-4.104 Exceptions to setback standards.
9-4.105 Use of setbacks.
9-4.106 Front setbacks.
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9-4.164 Lot line adjustment review for flag lots.

9-4.101 Purpose.

This chapter establishes standards for use in the design and development of land uses and buildings within the City. The purpose of these standards is to support, through careful site evaluation and design, the establishment of land uses in a manner that protects the public health, safety and welfare and supports the achievement of the objectives of the General Plan. (Ord. 68 § 9-4.101, 1983)

9-4.102 Applicability of the standards.

The standards of this chapter apply to all new land uses which are required to have a zoning approval pursuant to this title, except where the standards of Chapter 9-6 or Chapter 9-3 conflict with the provisions of this chapter, the more restrictive provisions ~~of Chapters 9-6 and 9-3~~ prevail. (Ord. 68 § 9-4.102, 1983)

9-4.103 Setbacks.

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

9-4.104 Exceptions to setback standards.
9-4.105 Use of setbacks.
9-4.106 Front setbacks.
9-4.107 Side setbacks.
9-4.108 Rear setbacks.
9-4.109 Interior setbacks and open areas.
9-4.110 Projections into required setbacks.

(Ord. 68 § 9-4.103, 1983)

9-4.104 Exceptions to setback standards.

The minimum setback requirements of this title apply to all uses except the following (see also Section 9-4.110 of this chapter):

(a) Uncovered decks, terraces, steps, earthworks and other similar landscaping or design elements placed directly on finished grade that do not exceed an average height of thirty (30) inches above the surrounding finished grade, provided that no such wood structure shall extend closer than eighteen (18) inches to a property line. (Ord. 482 § 2, 2005; Ord. 232 § 2, 1991; Ord. 68 § 9-4.104, 1983)

(b) Buildings containing residential uses along El Camino and Highway 41 may encroach up to five (5) feet into the required landscaped setback per Section 9-4.106(b)(2)(i) and (ii) with up to twenty-five percent (25%) of the building façade, as long as street trees per Section 9-4.125(b)(5) are planted at least every thirty (30) feet.

9-4.105 Use of setbacks.

Required setback areas are to be landscaped when required by Section 9-4.125 and shall be unobstructed by any building or structure. The use of setbacks for vehicle parking is subject to Section 9-4.116. (Ord. 68 § 9-4.105, 1983)

9-4.106 Front setbacks.

The front 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 front 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) 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.

(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, 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.

(4) Variable Setback Block. Where a residential block is partially developed with single-family dwellings having less than the required front setbacks and no uniform front setback is established, the front 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 front setback is to be reduced to the average of the 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 Mixed-Use~~Uses~~ in Commercial and Industrial Zones.

(1) All garages shall have a minimum front setback of twenty (20) feet.

(2) All buildings containing residential units shall have a minimum setback of: ~~fifteen (15) feet~~

(i) Fifteen (15)-foot landscaped setback, including street trees required per Section 9-4.125(b)(5), along El Camino.

(ii) Ten (10)-foot landscaped setback, including street trees required per Section 9-4.125(b)(5), along Highway 41.

(iii) Twelve (12)-foot landscaped setback, including street trees required per Section 9-4.125(b)(5), on all other corridors in nonresidential zones.

Ten (10)-foot landscaped front setback, including street trees required per Section 9-4.125(b)(5), on all other corridors in the RMF zone.~~. 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 for structures that do not contain residential uses. Single-family residential structures ~~Ground floor residential uses~~ are subject to the setback requirements of subsection (a) of this section. Multifamily residential uses, where required to comply with ADA or State law, are subject to the setback requirements of subsection (b) of this section.

(1) Adjacent to Residential Zone. Where a commercial or industrial zone has a front 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 front setback of buildings that do not contain residential uses 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 front 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 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 front setbacks with the majority.

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

(g) 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. (Ord. 614 § 4, 2017; Ord. 578 § 1, 2013; Ord. 552 § 2, 2010; Ord. 68 § 9-4.106, 1983: Ord. 82 § 9-4.106, 1984)

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. 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.

(3) Accessory Buildings. 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 (5) 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) 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.

(5) 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.

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

~~(7) 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. Single-family residential structures~~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. (Ord. 646 § 11, 2021; Ord. 524 § 2, 2008; Ord. 303 § 2 (Exh. C), 1996; Ord. 68 § 9-4.107, 1983)

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. 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 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, except for the landscape buffer required by Section 9-4.130(i)(3). The rear setback shall be a minimum of ten (10) feet for buildings or portions of buildings which exceed twelve (12) feet in height, unless adjacent to property in the RR, RS, RSF, or LSF zoning districts, in which case Section 9-4.130 (Transition to Adjacent Rural and Single Family Uses) applies.

(c) L, LS and P Zones. A minimum of ten (10) foot rear setback is required. (Ord. 98 § 1, 1985; Ord. 68 § 9-4.108, 1983)

9-4.109 Interior setbacks and open areas.

Detached buildings located on the same site are to be separated as follows:

(a) Non-Habitable Structures. Minimum (5) foot setback required for enclosed structures. No minimum setback for open-sided structures.

(b) Habitable Structures. Minimum (5) foot setback required.

(c) Exemptions. The following structures are exempt from the provisions outlined in this section:

(1) Decks;

(2) Patio covers and landscape structures;

(3) Structures under one hundred twenty (120) square feet when exempt from a building permit based on the adopted Building Code and consistent with the standards set forth in Section 9-6.106(b)(3);

(4) Similar accessory structures as determined by the Community Development Director. (Ord. 635 § 5, 2020; Ord. 552 § 2, 2010; Ord. 68 § 9-4.109, 1983)

9-4.110 Projections into required setbacks.

(a) Uncovered Decks. When constructed with a height more than thirty (30) inches above the surrounding finish grade, a wood deck may extend into required setbacks as follows (decks less than thirty (30) inches high are exempt from these requirements). See Section 9-4.104(a)):

(1) Front Setback. A deck is not to be located therein.

(2) Side Setback. As determined by the Uniform Building Code.

(3) Rear Setback. A deck may occupy up to thirty percent (30%) of a required rear setback, but is to extend no closer than three (3) feet to the rear property line.

(b) Fire Escapes. A ladder or stairs designed to be used exclusively as an upper floor fire escape may project into a required setback only as provided by the Uniform Building Code.

(c) Roof and Wall Features. Cantilevered and projecting architectural features including chimneys, bay windows, balconies, cornices, eaves, rain gutter, signs (where allowed), display windows, and solar collectors may project into a required setback only as allowed by the Uniform Building Code.

(d) Porches.

(1) Front Porch. A covered front porch may project up to six (6) feet into a required front setback (Section 9-4.106) or landscaped setback (Section 9-4.106(b)(2)), provided that the floor level of the porch is to be no higher than the ground level of the building. An unenclosed front porch is not limited on its projection, provided it is one hundred (100) square feet or less in area.

(2) Side Porch. A porch and/or outside stairway may be located in a required side setback provided the porch is not roofed or enclosed below the steps and does not extend into the side setback more than allowed by the Uniform Building Code.

(3) Rear Porch. A porch in the required rear setback is subject to the same limitations as a deck, pursuant to subsection (a)(3) of this section.

(e) Flag Lots. Six (6) foot fences shall be allowed within the front yard setback area, but in no case shall a six (6) foot fence be allowed within an area connecting the required front yard setback areas for any adjoining lots. Trash enclosures may encroach into the front yard setback area but shall maintain a five (5) foot setback from adjoining property lines and shall not be located within the access strip. (Ord. 635 § 5, 2020; Ord. 82 § 9-4.110, 1984; Ord. 68 § 9-4.110, 1983)

9-4.111 Heights.

The purpose of the following sections is to limit the height of structures as needed to: support public safety; protect access to natural light, ventilation, and direct sunlight; support the preservation of neighborhood character; and to preserve viewsheds and scenic vistas. These standards are organized as follows:

9-4.112 Measurement of height.

9-4.113 Height limitations.

(Ord. 68 § 9-4.111, 1983)

9-4.112 Measurement of height.

(a) Buildings and Structures. The height of a building or structure is to be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the finish grade.

(b) Fences, Walls, and Hedges. The measurement of heights for fencing, walls, arbors or hedges shall be subject to Section 9-4.128. (Ord. 646 § 11, 2021; Ord. 68 § 9-4.112, 1983)

9-4.113 Height limitations.

The maximum height for new structures is as follows:

(a) Limitation by Zone.

Zone	Maximum Height
A, RS, RSF, LSF	30 feet
CN, CP, CR, CS, CT	35 feet
CPK, IP, I	45 feet
LS, L, P	35 feet
RMF	35 feet ~~(portions of buildings exceeding 25′ shall require additional setbacks in accordance with Section 9-4.107)~~

(b) Exceptions to Height Limitations.

(1) Planning Commission Waiver. The height limitations of this section may be modified through conditional use permit approval, provided the Planning Commission first finds the project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties and that the modified height will not exceed the lifesaving equipment capabilities of the Fire Department.

(2) Height Adjustment. The height limitations specified by subsection (a) of this section may be adjusted by approval of an administrative use permit (Section 9-1.112) for a single-family residential building to allow additional height, to a maximum of forty (40) feet, provided that the required side and rear setbacks are increased one (1) foot in width for each foot of height over thirty (30) feet.

(3) Downhill Lot. Where the average front-to-back slope of a lot is greater than one (1) foot of fall in seven (7) feet of distance from the centerline of the street to the rear face of the proposed building, up to ten (10) feet may be added to the rear building face, which is to be excluded from the height measurement (Section 9-4.112).

(4) Uninhabited Structures. The height limits specified in subsection (a) of this section do not apply to the following structures (measurement of height is to be from the ground, as set forth in Section 9-4.112):

(i) Radio and television receiving antennas of the type customarily used for home radio and television receivers, when fifty (50) feet or less in height.

(ii) Transmitting antennas used by licensed amateur (ham) radio operators when fifty (50) feet or less in height.

(iii) Flagpoles fifty (50) feet or less in height.

(iv) Grain elevators, silos, water tanks, windmills, wind generators, and all other similar structures not containing residential uses and located in the A, RS, CR, CS, CPK, IP and I Zones.

(v) Chimneys no more than one hundred (100) feet in height located in the CPK, IP and I Zones and all other chimneys and roof vents extending no more than two (2) feet above the height limit specified in subsection (a) of this section.

(vi) Industrial towers, nonportable equipment and other uninhabited structures no more than sixty (60) feet in height located in the CPK, IP and I Zones.

(vii) All portable construction equipment.

(viii) Public utility poles and structures for providing electrical and communications services.

(ix) Solar collectors not more than five (5) feet above the height limit specified in subsection (a) of this section.

(x) Satellite receiving and similar communication dishes and devices in commercial and industrial zones, when no more than ten (10) feet above the maximum height in the zone.

(5) Architectural Projections/Features and Mechanical Equipment. The following structures and structural features may exceed the height limits of this section as follows:

(i) Nonhabitable architectural features. ~~The height limitations of this section may be increased up to forty (40) feet t~~Subject to ~~hrough~~ administrative use permit approval, ~~to allow for~~ nonhabitable architectural features may be allowed to exceed maximum heights by ten (10) feet including, but not limited to, varied roof forms, tower elements, and cupolas with the intent of encouraging creative building design.

(ii) Rooftop Mechanical Equipment. Subject to administrative use permit approval, rooftop mechanical equipment and related architectural screening may exceed maximum height limits by up to five (5) feet.

(iii) Elevator Shafts and Stairways. Subject to administrative use permit approval, an elevator or stairway to a rooftop deck/upper story open space may exceed the maximum height limits by up to ten (10) feet. The area containing the elevator shaft or stairway shall be set back from any building edge by at least five (5) feet.

(iv) To approve an administrative use permit to increase height, the following findings shall be made:

a. For nonhabitable architectural features, t~~T~~he additional height provides architectural interest and adds to a varied roofline.

b. For rooftop mechanical equipment, the mechanical equipment is adequately screened, in a style consistent with the building's architecture, and set back from the edge of the building.

c. For elevator shafts and stairways, the improvements are necessary to provide access to the building and are designed to be complementary to the building's architecture.

~~b~~d. The added features will not block solar access to adjacent properties. (Ord. 646 § 11, 2021; Ord. 614 § 4, 2017; Ord. 454 § 3, 2004; Ord. 68 § 9-4.113, 1983)

9-4.114 Parking and Loading.

Parking and loading standards are intended to: minimize street congestion and traffic hazards; provide safe and convenient access to businesses, public services, and places of public assembly; and to make the appearance of parking areas more compatible with surrounding land uses. Parking and loading standards are in the following sections:

9-4.115 Off-street parking required.
9-4.116 Location of parking on a site.
9-4.117 Parking design standards.
9-4.118 Required number of parking spaces.
9-4.119 Parking lot construction standards.
9-4.120 Off-site parking.
9-4.121 Off-street loading requirements.
9-4.122 Drive-in and drive-through facilities.
9-4.123 Driveway standards for single-family residential uses.

(Ord. 68 § 9-4.114, 1983)

9-4.115 Off-street parking required.

All uses requiring an entitlement shall be provided off-street parking as set forth in this section, except parking lots in the following situations:

(a) Compact Car Spaces. Lots with twenty (20) or more spaces may substitute compact car spaces for up to twenty percent (20%) of the total number of spaces. Compact car spaces shall be a minimum of eight

(8) by fourteen (14) feet in size. Compact spaces shall be designated by painting the word "compact" or similar, on the surface of the space.

(b) Motorcycle Parking. Lots with twenty (20) or more spaces may replace regular spaces with motorcycle spaces at a ratio of one (1) motorcycle space for each twenty (20) spaces. Motorcycle spaces shall be a minimum size of three (3) by six (6) feet. Motorcycle spaces shall be designated by painting the word "motorcycle," or similar, on the surface of the space.

(c) Bicycle Spaces. Lots with twenty (20) or more spaces may substitute a bicycle rack providing space for at least five (5) bicycles at a ratio of one (1) bicycle rack for each twenty (20) spaces. It is recommended that all shopping centers provide some bicycle spaces in the project.

(d) Parking District. Parking requirements may be modified within a parking district where the district provides adequate parking within the limits of the district and the parking requirements of a new use are accommodated by the parking district.

(e) Shared On-Site Parking Adjustment. Where two (2) or more nonresidential uses are on a single site, the number of parking spaces may be reduced through administrative use permit approval (Section 9-1.112) at a rate of five percent (5%) for each separate use, up to a maximum of twenty percent (20%); as long as the total number of spaces is not less than required for the use requiring the largest number of spaces.

(f) Shared Peak-Hour Parking. In addition to the reduction of required parking allowed by subsection (e) of this section, where two (2) or more uses have distinct and differing peak traffic usage periods (for example, a theater and a bank), the required number of parking spaces may be reduced through conditional use permit approval, provided that the parking lots of each use are located within three hundred (300) feet of each other (as measured along the most direct pedestrian path). The amount of reduction may be up to seventy-five percent (75%) of the amount of spaces required for the most intensive of the two (2) or more uses sharing the parking.

(g) On-Street Parking Adjustment.

(1) Subject to approval of an administrative use permit, multifamily residential and mixed-use developments may meet a portion of required guest parking with available on-street parking along the site frontage. Where on-street parking is not marked, twenty-two (22) lineal feet of curb space shall constitute an on-street parking space. Where an on-street parking space is adjacent to multiple lots, the credit shall be given to the development on the lot whose frontage contains more than fifty percent (50%) of the parking space length.

(2) Where a proposed driveway from a street to a new parking area would eliminate on-street parking spaces equal to or greater in number than the off-street spaces required, the requirement for off-street spaces may be eliminated through administrative use permit approval (Section 9-1.112 of this title) where the access or proposed building cannot reasonably be redesigned to avoid a net loss of parking.

(h) Planning Commission Modification. The parking standards of this title may be modified through conditional use permit approval based upon specific findings of fact that the characteristics of a use or its immediate vicinity do not necessitate the number of parking spaces, type of design, or improvements required by this title and that reduced parking will be adequate to accommodate on the site all parking needs generated by the use. (Ord. 614 § 4, 2017; Ord. 578 § 1, 2013; Ord. 136 § 9-4.115, 1986; Ord. 68 § 9-4.115, 1983)

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 (Section 9-4.106) or required landscape setback (Section 9-4.106(b)(2)).

(b) Parking Between Front Property Line and Residential Buildings. For residential-only and mixed-use residential projects, parking spaces shall not be located between the residential structures and the front property line. However, this configuration may be allowed with administrative use permit approval, based on a finding that superior outdoor common open space results from the parking configuration.

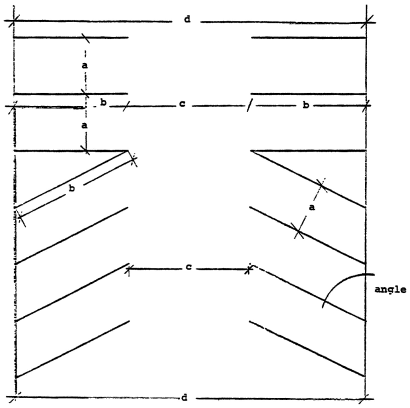
(b) Use of Side and Rear Setbacks. Side and rear setbacks may be used for vehicle parking. A minimum of five (5) feet of landscaping is required ~~except~~ on the street ~~side of a corner lot and except where landscaping is required by Section 9-4.125 of this chapter~~frontage between the property line and the parking area. (Ord. 482 § 2, 2005; Ord. 68 § 9-4.116, 1983)

9-4.117 Parking design standards.

All off-street parking areas shall be designed and improved as set forth in this section.

(a) Parking Space and Aisle Dimensions. All off-street automobile parking spaces are to be a minimum of nine (9) by eighteen (18) feet in size, except for compact car spaces, handicapped spaces, motorcycle spaces, and bicycle spaces (Section 9-4.115). Parking lot aisles shall be as follows:

(1) Angle Parking. The aisle dimensions for angle parking are to be based upon the angle and width of the parking space as set forth in the following chart. The use of a wider parking space enables reducing the aisle width, as shown.



Angle	Space Width (a)	Space to Curb (b)	Aisle[1] (c)	Tier[2] Width (d)
90 degree	8′ — 0″[3]	14′ — 0″	20′ — 0″	52′ — 0″
	9′ — 0″	18′ — 0″	24′ — 0″	60′ — 0″
	10′ — 0″	18′ — 0″	22′ — 0″	58′ — 0″
60 degree	8′ — 0″[3]	16′ — 0″	14′ — 0″	48′ — 0″
	9′ — 0″	20′ — 0″	18′ — 0″	58′ — 0″
	10′ — 0″	20′ — 8″	16′ — 0″	57′ — 4″
45 degree	8′ — 0″[3]	15′ — 6″	12′ — 0″	43′ — 0″
	9′ — 0″	19′ — 0″	16′ — 0″	54′ — 0″
	10′ — 0″	20′ — 0″	14′ — 0″	54′ — 0″

Notes:
1 Aisle widths for 45 degree and 60 degree spaces are one-way only.
2 Tier means 2 rows of parking spaces, plus an aisle.
3 Compact car spaces only, see Section 9-4.115(a) of this chapter.

(2) Parallel Parking. Space dimensions are to be nine (9) by twenty-two (22) feet. Aisle dimensions for parallel parking are to be twelve (12) feet for one-way aisles, and twenty-four (24) feet for two-way aisles.

(3) Access Drive Location. A driveway from a street to a parking area with four (4) or more spaces is to be located and designed as follows:

(i) Distance from Street Corner. Parking area driveways are to be located a minimum of fifty (50) feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest travel lane of the intersecting street.

(ii) Number of Driveways. Entrance and exit driveways crossing the street property line of a single site are to be limited to two (2) along the frontage of any single street except properties in excess of five hundred (500) feet of frontage may have one additional drive for each two hundred fifty (250) feet. One-way ~~D~~ddriveways on the same property are to be separated by a minimum of fifteen (15) feet. Two-way driveways for residential and mixed-use projects must be separated by a minimum of one hundred (100) feet.

(iii) Driveway Design. Driveways shall be designed to provide for entrance and exit in a forward direction and to avoid backing directly into public streets.

(iv) Cross-Access Driveways. Driveways that provide access to more than one (1) residential or mixed-use residential project may be eligible for an incentive listed for Lot Consolidation Incentives found in Section 9-3.331(f).

(4) Drop-Off Points Required. Parking areas for public assembly facilities shall include a designated on-site location for dropping off passengers at an entrance to the facility in advance of parking the vehicle. Drop-off points are to be provided for: hotels and motels; schools with fifty (50) or more students; churches with a capacity of one hundred (100) or more; restaurants with a capacity of fifty (50) or more customers; public transportation terminals; places of public assembly; public buildings; and offices larger than five thousand (5,000) square feet.

(5) Tandem Parking. Each space in a parking lot, area or garage is to be individually accessible, except that automobiles may be parked in tandem in the following situations:

(i) In a parking area serving a single-family dwelling or individual mobilehome where the tandem parking is not more than two (2) cars in depth; provided that both spaces are for the same dwelling, and are not located in a required front setback.

(ii) In a public garage or public parking area where all parking is performed by attendants at all times, or for public assembly facilities and temporary events where user arrivals and departures are simultaneous and where parking is attendant-directed.

(iii) For all-day employee parking lots restricted to employee use, provided that required aisle widths are maintained, and no more than fifty (50) percent of the employee spaces are designed for tandem use. (Ord. 149 § 2, 1987; Ord. 68 § 9-4.117, 1983)

9-4.118 Required number of parking spaces.

All land uses requiring approval under this title shall provide off-street parking spaces as specified in subsections (b) and (c) of this section:

(a) Use of Charts. The charts in subsection (c) of this section determine the number of parking spaces required for each use of land, as follows:

(1) Uses Not Listed. For uses not specifically listed in this subsection that do not have parking requirements set by Chapter 9-6, the same parking and loading space is required as for the most similar use of equivalent intensity; except where a use not listed requires conditional use permit approval, in which case the amount of parking and loading space required shall be as determined by the Planning Commission.

(2) Parking and Loading Intensity. Parking lot and loading bay intensity describes the rate of vehicle turnover in parking and loading areas. Turnover factors are assigned to each use by the charts in subsection (c) of this section. High intensity areas have rapid turnover; medium intensity areas are those where vehicles are parked from two (2) to four (4) hours; low intensity areas have minimum turnover and few repeat users, such as long-term and employee parking lots. Loading bay intensity is used in Section 9-4.121.

(3) Mixed Use Sites. Where a site contains more than one principal land use (such as a shopping center), the amount of parking required shall be the total of that required for each individual use, except as otherwise provided by Section 9-4.115.

(4) Mixed Function Buildings. Where a building occupied by a single use contains several functions, such as sales, office and storage areas, parking shall be as required for the principal use for the gross floor area (total area of all internal functions); except that when storage areas are larger than two thousand (2,000) square feet, the parking requirement is to be determined separately for those areas, as specified for warehousing.

(5) Assigned parking. For projects where a parking reduction is granted, assigned parking spaces are prohibited.

(6) Terms Used in Charts.

(i) Active Use Area. All developed areas of a site and buildings except storage, parking and landscaping.

(ii) Floor Area. Gross floor area within buildings.

(iii) Site Area. Gross site area.

(iv) Use Area. All developed areas of a site and buildings, except parking and landscaping.

(v) Number of Spaces. Where subsection (c) sets parking requirements based on building area (square footage), site or use area, the number of spaces is to be as set forth for each footage increment specified or fraction thereof.

(b) Company Vehicles. Commercial or industrial uses shall provide one parking space for each company vehicle which is parked on the site during normal business hours. Such space may be located within a building.

(c) Parking Requirements by Land Uses.

(1) Agricultural Uses. Except for the specific uses listed in this subsection, improved off-street parking and loading spaces are not required for an agricultural use, as long as sufficient usable area is provided to meet the parking needs of all employees, visitors and loading activities entirely on the site of the use.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Ag. processing: packing and processing	1 per 1,000 s.f. of use area	Low	High
Wineries	1 per 1,000 s.f. of active use area and 1 per 3,000 s.f. of storage, and 1 per 100 s.f. of tasting room	Low / Medium	High
Animal husbandry, farm equipment and supplies	1 per 500 s.f. of floor area, and 1 per 1,000 s.f. of outdoor use	Low	Low

(2) Communication Uses. Broadcasting studios are to provide parking as required for offices (see subdivision (8) of this subsection). Transmission facilities are not required to have identified spaces, as long as sufficient usable area is provided to meet the parking needs of all employees entirely on the site of the use.

(3) Cultural, Educational, and Recreation Uses.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Active Recreation Facilities			
Amusement parks/fairgrounds	1 per 75 s.f. of use area	Medium	Medium
Arcades (games) and billiards	1 per 100 s.f. of floor area	Medium	N.A.
Bowling alleys	4 per lane	Medium	Low
Dance clubs	1 per 25 s.f. of dance floor	Medium	N.A.
Dance studios	1 per 200 s.f. of floor area	Low	N.A.
Golf courses	5 per hole plus any required for clubhouse uses	Low	N.A.
Golf driving ranges (separate from golf courses)	2 per tee	Low	N.A.
Miniature golf	2 per hole	Medium	N.A.
Skateboard parks	1 per 500 s.f. of use area	Medium	N.A.
Skating rinks	1 per 400 s.f. of use area	Medium	N.A.
Swimming pools (public or member)	1 per 100 s.f. of pool area, and 1 per 300 s.f. of deck area	Medium	N.A.
Tennis courts, racquetball	2 per court	Medium	N.A.
Libraries	1 per 500 s.f.	Medium	N.A.
Public Assembly			
Exhibit facilities (including museums)	1 per 150 s.f. of exhibit floor	High	Low
Seated spectator facilities (including a church, theater, other auditoriums and meeting halls, sports assembly)	1 per 4 fixed seats, or 1 per 40 s.f. of spectator area if seats not fixed	High	Low
Schools			
Preschools, day care	As required by Section 9-6.125.		
Elementary and high school	As required by Section 9-6.125.		
Business and vocational	As required by Section 9-6.125.		

College and University	As determined by Planning Commission		

(4) Manufacturing and Processing Uses. Parking lot turnover is low; loading by intensity is medium. Parking spaces are required as follows:

(i) One (1) space per five hundred (500) square feet of active use area within a building; and

(ii) One (1) space per one thousand (1,000) square feet of storage area within a building; and

(iii) One (1) space per two thousand (2,000) square feet of outdoor active use area; and

(iv) One (1) space per five thousand (5,000) square feet of outdoor storage area.

(5) Residential Uses.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Single-family dwellings (including mobilehomes)	2 per dwelling, except 1 per dwelling is required where the site is less than 4,000 s.f. in area	N.A.	N.A.
Multifamily dwellings (including condominiums and other attached ownership dwellings)	**Residential Parking** 1 b.r. unit: 1.5 spaces 2 b.r. unit: 2.0 spaces each additional bedroom: 0.5 space	Low	N.A.
	Guest Parking 1 space per 5 units, or fraction thereof[1]		
Group quarters (including boarding houses, rooming houses, dormitories, and organizational houses)	1 per bed, plus	Low	N.A.
	1 per eight beds		
	Note 1: See Section 9-4.115(g)(1).		

(6) Resource Extraction. No improved parking is required, provided that sufficient usable area is available to accommodate all employee and visitor vehicles entirely on the site.

(7) Retail Trade Uses. Parking required for a retail use shall be a minimum of two (2) spaces for each use or separate tenancy, except where more spaces are required as follows:

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Auto and vehicle dealers	1 per 400 s.f. of showroom, 2 per service bay, 1 per 3,000 s.f. of outdoor use area	Medium	Medium
Building materials and hardware, nurseries	1 per 500 s.f. of floor space, 1 per 3,000 s.f. of outdoor use area	Medium	Medium
Eating and Drinking Places			
Restaurants and bars (on-site consumption. With dancing facilities, are also to meet dance club parking requirements)	**Customer Spaces** 1 table per patron, 1 per 2 counter stools, plus	High	Medium
	Employee Spaces 1 per 6 tables, 1 per 100 s.f. of kitchen		
Fast food (includes drive-ins. If patron tables provided, use must also meet restaurant customer space requirement)	1 per 25 s.f. of kitchen	High	Medium
Food and beverage retail sales	1 per 200 s.f. of floor area, 1 per checkstand	High	Medium
Furniture, home furnishings and equipment	1 per 500 s.f. of sales area, 1 per 1,000 s.f. of storage area	Low	Medium
General merchandise stores	1 per 300 s.f. of sales area, 1 per 600 s.f. of storage area	Medium	Low
Mail order and vending	1 per 1,000 s.f. of use area	Low	Low

(8) Service Uses. Parking required for a service use is to be a minimum of two (2) spaces for each use or separate tenancy, except where more spaces are required as follows:

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Auto repair and service	4 per service bay, 1 per 1,000 s.f. of outdoor active use area	Medium	Low
Equipment rental	1 per 500 s.f. of floor area, 1 per 2,000 s.f. of outdoor use area	Medium	Low
Copying and reproduction	1 per 400 s.f. of floor area	Medium	Low
Contract construction services	1 per 500 s.f. of floor area	Low	Low
Correctional institutions	As determined by Planning Commission		
Financial services	5 per teller window, 3 per service desk	High	Low
Health care	1 space per 200 s.f. of floor area	High	Low
Hospitals	1 per bed, 1 per office space	High	Low
Laundries and Dry Cleaning Plants	1 per 1,000 s.f. of floor area, plus 2 per office space	Low	High
Pick-up	2 per check stand	High	Low
Offices			
Accounting, advertising, agencies, architecture, government, insurance, law, offices, real estate	1 per 400 s.f.	Medium	N.A.
Other offices	1 per 500 s.f. of floor area	Low	N.A.
Photography studios, commercial art studios	1 per 400 s.f. of floor area	Low	N.A.
Post offices	5 per service window, 1 per 500 s.f. of floor area other than customer area	High	High
Personal Services			
Barbershops	2 per chair	Medium	N.A.
Beauty shops	3 per chair	Medium	N.A.
Dry cleaners	1 per 500 s.f. of floor area	Medium	Low
Funeral and crematory services	1 per 4 seats in each assembly room, 2 per office or 1 per 40 s.f. of floor area in assembly rooms, whichever is greater	Medium	Medium
Health spas	1 per 300 s.f. of floor area	Medium	N.A.
Laundromats	1 per 2 washers	High	N.A.
Other personal services	1 per 500 s.f. of floor area	Medium	N.A.
Public safety facilities	As determined by Planning Commission		
Repair service (consumer)	1 per 400 s.f. of floor area	Low	Low
Waste disposal site	As determined by Planning Commission		

(9) Transient Lodgings.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Hotels, motels	2 spaces, plus 1 per unit, plus 1 per 10 units	High	Low

(10) Transportation Uses.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Public utility terminals	None, provided sufficient usable area is available to accommodate all employee and visitor vehicles entirely on-site	Low	Low
Transit stations and terminals	1 per 20 s.f. of waiting area, 1 per 300 s.f. of office space; additional spaces as required for accessory uses (restaurants, etc.)	High	High
Truck stops	1 per 1,000 s.f. of use area for first 5,000 s.f., 1 per 3,000 s.f. of use thereafter	Medium	High
Vehicle and freight terminals	2 per loading bay, 1 per 300 s.f. of office space	High	High
Vehicle storage	None, provided sufficient usage area is available to accommodate all employee and visitor vehicles entirely on-site	Low	Low

(11) Wholesale Trade.

Use	Parking Spaces Required	Parking Lot Intensity	Loading Bay Intensity
Warehousing			
Commercial storage	1 per 2,000 s.f. of use area for first 10,000 s.f., 1 per 5,000 s.f. of use area thereafter	Low	High
Ministorage	2 spaces for manager office	Low	Low
Wholesaling and distribution	1 per 1,000 s.f. of use area for first 10,000 s.f. of use area, 1 per 3,000 s.f. of use thereafter	Low	High

(Ord. 635 § 5, 2020; Ord. 614 § 4, 2017; Ord. 136 § 9-4.118, 1986; Ord. 68 § 9-4.118, 1983)

9-4.119 Parking lot construction standards.

All parking areas containing three (3) or more off-street parking spaces are to be improved as follows, except as otherwise provided by this section.

(a) Surfacing. All parking areas are to be surfaced with an asphalt, concrete, chip seal, or crushed rock surface, as specified in the following chart or as required by property development standards listed in this Code. Where concrete or asphalt is required, brick or other masonry paving units may be substituted, including turf block. Where surfacing is intended to function as both emergency vehicle access and open space with appropriate amenities, surface shall include decorative paving, masonry, brick, or permeable paving units.

Minimum Required Surface
Parking Lot Turnover

Location	High	Medium	Low
Inside urban services line	Asphalt or concrete	Asphalt or concrete	Asphalt or concrete
Outside urban services line	Asphalt or concrete	Asphalt or concrete	Crushed rock or chip seal

(b) Lining and Marking. Parking spaces in paved parking areas shall be marked with paint striping, a minimum of two (2) inches in width. Parking spaces in other types of lots may be identified by wheel stop barriers.

(c) Wheel Stops. Wheel stops or continuous concrete or asphalt curbing are required in all parking lots to define the perimeter of the parking area and to protect landscaping from vehicle encroachment. In addition, wheel stops are required for each parking space in a high turnover parking lot. Wheel stops shall be provided as follows:

(1) Materials and Installation. Wheel stops shall be constructed of concrete, continuous concrete curbing, asphalt, timber, or other durable material not less than six (6) inches in height, or an approved functional equivalent. Wheel stops are to be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.

(2) Setback. Wheel stops or other vehicle barriers shall be located approximately three (3) feet from the front of the parking space.

(3) Functional Equivalent. Wherever possible, functional equivalents in the form of raised sidewalks or curbs surrounding planters or similar may be used in lieu of wheel stops.

(d) Vertical Clearance. Covered parking spaces are to have a vertical clearance of at least seven (7) feet six (6) inches above the parking lot surface for all uses, except residential.

(e) Slope. The finished grade of a parking lot is not to exceed five percent (5%) slope, unless approved by an administrative use permit (Section 9-1.112 of this title).

(f) Landscaping. A minimum of ten percent (10%) of the interior of all parking lots shall be landscaped, in addition to any perimeter landscaping required by subsection (g) of this section. Shade trees are to be provided at approximately thirty (30) foot intervals along parking rows, except shade trees shall not be required for parking areas occupied with solar panel covered carports. Landscape fingers shall be a minimum of six (6) feet wide and shall be provided every eight (8) parking spaces. These landscaping requirements do not apply to parking lots that are underground or within buildings.

(g) Screening.

(1) From Residential Areas. Parking lots that abut a residential zone shall be separated from such property by a landscaping strip with a minimum width of five (5) feet and a six (6) foot high solid fence or wall.

(2) From Streets. Parking lots abutting a public street shall be separated from the street right-of-way by a landscaping strip with a minimum width of ten (10) feet; and, where parking spaces are arranged to head toward the street, by a minimum three (3) foot high solid fence decorative wall or landscape equivalent located on the parking lot side of the landscaping strip.

(h) Garages. Individual garages attached to and serving a single residential unit shall be limited to twenty-five percent (25%) of total required parking.

(i) Cross-Access. All parking facilities for multifamily residential and mixed-use projects must be designed to accommodate cross pedestrian access between private properties. (Ord. 614 § 4, 2017; Ord. 482 § 2, 2005; Ord. 68 § 9-4.119, 1983)

9-4.120 Off-site parking.

(a) Where it is not feasible to provide sufficient on-site parking, an administrative use permit (Section 9-1.112) may be granted to allow the required parking to be located off-site, provided that:

(1) The most distant parking space is not more than four hundred (400) feet from the use; and

(2) The site of the parking lot is in the same ownership as the principal use, or is under a recorded lease or similar agreement, with the use that provides that the parking will exist as long as the use it serves, unless the parking is replaced with other spaces that satisfy the requirements of this title; and

(3) The site of the parking is not located in a residential zone unless the principal use requiring the parking is allowable in a residential zone. Where any such principal use is subject to conditional use permit approval, the off-site parking shall be subject to conditional use permit approval.

(b) Where off-site parking is a conditionally allowed use in a multiple-family zoning district, the following criteria and minimum design standards shall be applied:

(1) The site for the proposed off-site parking shall be adjacent to the commercial use;

(2) The off-site parking shall be maintained for employee use only and shall be supplemental to the normally required parking provided on the commercial site;

(3) The off-site parking shall not be used to increase the density of commercial development normally allowed;

(4) All vehicular access to the off-site parking area shall be from the commercial site. No access to the off-site parking lot shall be taken from a residential street;

(5) A minimum of one-half (½) of the site shall be developed for residential use. The residential use shall be so situated that the off-site parking lot is not visible form the street. A minimum of one-half (½) of the allowable residential density shall be provided;

(6) The residential portion of the site shall be developed prior to use of the off-site parking facility;

(7) Site specific design standards such as landscaping, lighting, and security shall be established through the conditional use permit process. (Ord. 614 § 4, 2017; Ord. 330 § 2 (Exh. B), 1997; Ord. 68 § 9-4.120, 1983)

9-4.121 Off-street loading requirements.

Off-street loading bays are required as provided by this section, based upon the loading bay intensity determined by Section 9-4.118(c).

(a) Number of Bays Required.

Number of Bays Required
Loading Bay Intensity

Use Area in Square Feet	High	Medium	Low
Less than 10,000	1	0	0
10,000 — 30,000	2	1	0
30,000 — 60,000	3	2	1
60,000 — 100,000	4	3	2
100,000 — 150,000	5	4	3
Each additional 50,000	1	0.5	0.25

(b) Adjustment to Number of Bays. The number of loading bays required may be adjusted (Section 9-1.112) to fifty (50) percent of the required number when such bays are designed to serve two (2) or more uses jointly, provided that each use has access to the loading zone without crossing public streets, alleys, or sidewalks.

(c) Use of Loading Bays. Loading bays shall not be used for repair work, vehicle storage, or to satisfy space requirements for off-street parking.

(d) Loading Bay Design Standards.

(1) Access. Each loading bay shall be accessible from a street or alley or from an on-site aisle or drive connecting with a street or alley. Such access may be combined with access to a parking lot if located so loading activities will not obstruct normal on-site parking and traffic flow. Loading bays shall be designed to preclude the necessity for maneuvering on a street or sidewalk.

(2) Setbacks. Loading bays are to be set back a minimum of twenty-five (25) feet from any residential zone. (Ord. 68 § 9-4.121, 1983)

9-4.122 Drive-in and drive-through facilities.

This section establishes supplementary standards for retail trade or service uses which conduct business while customers remain in their vehicles. Such uses may include drive-through facilities that are accessory to a principal building where business is conducted indoors or that conduct all business by means of drive-through facilities. Such uses may include, but are not limited to, drive-in restaurants, fast food establishments with drive-through take-out windows, photo-finishing services, and bank services. These standards are not applicable to service stations (Section 9-6.164).

(a) Site Location Criteria. A site that contains drive-in or drive-through facilities shall be located on a collector or arterial, provided that access to drive-through facilities may be to a local street when properties across the local street from the exit driveway are not in a residential zone.

(b) On-site Traffic Control. Sites with drive-through facilities shall provide internal circulation and traffic control devices as follows:

(1) Lane Separation. An on-site circulation pattern shall be provided for drive-through traffic that separates such traffic from that of stopover customers. Separation may be by paint-striped lanes from the point of site access to the stacking area described in subdivision (2) of this subsection. such lanes are to be a minimum width of ten (10) feet.

(2) Stacking Area. An area shall be provided for cars waiting for drive-through service that is physically separated from other traffic circulation on the site. That stacking area shall accommodate a minimum of four (4) cars per drive-through window in addition to the car(s) receiving service. Separation of the stacking area from other traffic shall be by concrete or asphalt curbing on at least one (1) side of the lane. Stacking areas shall be designed to preclude excessive overflow into public streets.

(3) Directional Signals. Signs shall be provided that indicate the entrance, exit and one-way path of drive-through lanes. (Ord. 68 § 9-4.122, 1983)

9-4.123 Driveway standards for single-family residential uses.

Driveways for single-family residences shall be improved as follows in order to make adequate provision for access including that necessary for emergency vehicles:

(a) Surfacing. Private driveways with an average slope of twelve (12) percent or more shall be surfaced with asphalt, concrete or chip seal while private driveways with an average slope of less than twelve (12) percent shall be provided with an all-weather surface. No driveway shall be allowed to exceed an average slope of twenty (20) percent unless adjusted (Section 9-1.112) upon a determination that no other feasible alternative is available. Plan and profile drawings may be required by the Planning Director in order to determine the average slope.

(b) Width. Private driveways shall have a minimum width of twelve (12) feet.

(c) Vertical Clearance. Private driveways shall have a vertical clearance of fourteen (14) feet. (Ord. 68 § 9-4.123, 1983)

9-4.124 Landscaping, screening and fencing.

The purposes of landscaping, screening, and fencing standards are to: provide areas on sites which can absorb rainfall to assist in reducing storm water runoff; control erosion; reduce glare and noise; enhance the appearance of structures and property; ~~and~~ to provide visual privacy; encourage retention of natural topography and mature trees; provide shade and reduce heat island effect; screen buildings without articulation and non-building elements to the extent practicable; and, for multifamily residential development, to provide public and private open space in a size and location that benefits occupants and ensures long-term maintenance and viability of landscaped areas. Landscaping, screening and fencing standards are organized in the following sections:

9-4.125 Landscape standards.
9-4.126 Standards for landscaping materials.
9-4.127 Landscaping plans.
9-4.128 Fencing and screening.
9-4.129 Solid waste collection and disposal.

(Ord. 68 § 9-4.124, 1983)

9-4.125 Landscape standards.

The sites of all projects requiring approval, except for single family dwellings, are to be landscaped as follows:

(a) Minimum Landscaped Area.

(1) In the following zoning districts, minimum landscape coverage based on the net site area are as follows:

(i) Single family zoning districts: none ~~(see Chapter 5 of this Code for second unit landscaping requirements);~~

(ii) Multifamily zoning districts: twenty-five percent (25%);

(iii) Commercial zoning districts (excluding downtown commercial): ten percent (10%);

(iv) Industrial zoning districts: five percent (5%);

(v) Planned Development overlay zoning districts: as required by the master plan of development and conditions of approval.

(2) Determination of Landscape Coverage Area. Landscape coverage area shall include all areas not covered by pavement or buildings, including, but not limited to, open space areas, planters, and setback areas. Decorative pavement and other hardscape designed to be used ~~within~~ as part of a contiguous common open space area for gathering and/or recreational purposes may be included in the landscape coverage calculation, if compliant with Section 9-4.126(a).

(3) Criteria for Reduced Landscaping for ~~Nonresidential~~ Projects in Nonresidential Zoning Districts. To encourage design excellence, the Community Development Director, Planning Commission, or City Council (depending on approval process) may decrease the minimum landscaped area for projects in nonresidential zones, upon the following criteria:

(i) Professionally designed landscaping, designs of special merit, decorative site elements, and preserving existing mature native trees are highly encouraged and considered in an applicant's request to reduce required landscaping.

(ii) The Community Development Director, Planning Commission, or City Council (depending on approval process) may grant a reduction of an applicant's landscape requirement by a total of up to fifty percent (50%) upon an applicant's demonstration of the criteria listed below:

a. Retention of existing on-site native trees with a minimum of twenty-five percent (25%) canopy cover retained over the project site;

b. Use of decorative pavement material such as pavers or colored stamped concrete over a minimum of twenty-five percent (25%) of the paved area of the site;

c. Installation of a variety of tree and plant materials, including ornamental species and native trees;

d. Use of box-sized trees throughout the project site.

(b) Where Required. The sites of all projects requiring approval, except for single family dwellings, are to be landscaped as follows:

(1) Setbacks. All setback areas required by Section 9-4.103 or Chapter 9-6 of this title, except where enclosed and screened from the view of public streets and adjoining properties by solid fencing in accordance with Section 9-4.128 of this chapter and except where a required setback is traversed by a driveway or sidewalk shall be landscaped. Required landscaped side and rear setback areas shall use fire resistant plants;

(2) Unused Areas. All areas of a building site not identified on a site plan intended for a specific use or purpose, except where enclosed and blocked from the view of public streets by solid fencing and/or buildings shall be landscaped;

(3) Parking Areas. As required by subsections (f) and (g) of Section 9-4.119 of this chapter;

(4) Trash Enclosures. All trash enclosures shall be screened with landscaping unless built into the building or built in compliance with Section 9-4.129 (Solid waste collection and disposal);

(5) Street Trees. Deciduous ~~S~~street trees shall be provided along all public and private street frontages at a minimum of twenty (20) to thirty (30) feet on center and comply with Section 9-4.126. For all projects with multifamily residential uses, if the public right-of-way width is inadequate to accommodate street trees, said trees shall be planted on the project site within the front setback;

(6) Special Use Sites. As required by Chapter 9-6 of this title for specific land uses, for the purposes of screening, buffering or general landscaping;

(7) Where Required by Conditions of Approval. As set forth in conditions of approval adopted pursuant to Section 9-2.110(b)(3)(ii);

(8) A minimum five (5) foot landscape strip must be provided within the side yard setback of all commercial and multifamily project sites, except in locations where a reciprocal access easement exists with

the adjacent lot or commercial building is located. This side yard width may be reduced to three (3) feet if decorative concrete pavement is utilized.

(c) Exceptions to Required Landscaping.

(1) Agriculture Zone. Except where required for a special use by Chapter 9-6 of this title, setback and unused area landscaping, in accordance with subsections (a)(1) and (a)(2) of this section, is not required where such areas are cultivated or maintained in native vegetation.

(2) Planning Commission Modification. Where conditional use permit approval is required, the Planning Commission may waive, modify or increase the landscaping requirements of this section if a finding can be made that existing vegetation, topography, or structural arrangement preclude the need for landscaping. (Ord. 483 § 2, 2005; Ord. 68 § 9-4.125, 1983)

9-4.126 Standards for landscaping materials.

Materials used and their installation and maintenance is subject to the following provisions, except single-family residences within a single-family residential zone:

(a) Allowable Materials. Landscaping shall include some combination of the following materials, where appropriate to achieve the intended or required purpose of the landscaping (e.g., screening, etc.) but in no case shall contain only nonliving landscape materials:

(1) Trees (minimum fifteen (15)-gallon size), shrubs (minimum one (1)-gallon size), groundcover, non-invasive vines, flowers or lawns (drought-resistant plantings are preferred in order to minimize water use for landscaping). For residential projects, to ensure tree survival, health, and shade canopy, trees must be planted according to the following standards:

(i) At least three (3) feet from underground utilities, fences, walkways, driveways, decks, and patios;

(ii) At least seven (7) feet from the stems of small trees and shrubs;

(iii) At least ten (10) feet from overhead utilities and trunks of other large trees; and

(iv) At least fifteen (15) feet from structures.~~;~~

(2) Nonliving landscaping materials, including but not limited to ~~D~~decorative pavement, mulch, decorative boulders, or other decorative materials in accordance with landscape coverage standards listed in Section 9-4.125 of this chapter;

(3) Natural features such as rock outcrops;

(4) Structural features, including fountains, ponds, walls and fences.

(5) For residential projects of two units or more, where grading and erosion control requires reseeding, seeds and other plant materials used for erosion control and slope stabilization must consist of native species matching the existing plant species within the tributary stream. The seed and plant material may not contain any non-native plant species.

(6) For residential projects of two units or more, up to one arbor, trellis, or other similar ornamental feature per street frontage may be installed as part of the landscaping design, up to a maximum height of nine (9) feet, no greater than forty (40) square feet as measured at the perimeter along the ground, and no longer than eight (8) feet in horizontal length. Said feature must be of a transparent and open design.

(b) Excluded Materials. Landscaping proposed to satisfy the requirements of this title shall not include any plant materials which:

(1) Have root structures that in their mature state may damage or interfere with the normal use of existing public or private underground electrical lines, cables, or conduits, pipes or other underground structures; or public or private sidewalks, curbs, gutters or paved parking and turnaround areas, drainage improvements, or adjacent structures, foundations or landscape materials. For residential projects of two

units or more, landscaping and planting plan must demonstrate landscaped area can accommodate proposed plant palette at full maturity;

(2) Will have diminished potential for survival because of proposed locations or grouping that does not satisfy the needs of the plant material necessary for healthy growth. For residential projects of two units or more, landscaping plan must demonstrate that plant types are grouped based on similar water needs;

(3) Because of proposed location and type, will create a potential hazard of brush or forest fire. For residential projects of two units or more, landscaping plan and planting palette must demonstrate compliance with California Fire Code;

(4) Will obstruct the vision of vehicle operators or pedestrians at points of intersection between pedestrian and vehicular traffic. (refer to engineering standard: Minimum Sight Distance for Driveways and Intersecting Roads with Stop Control);

(5) Are identified on California Department of Food and Agriculture list as noxious or invasive;

(6) Less than fifty percent (50%) of the project site's landscaping (not including lawn/turf) are native, drought tolerant plants.

(c) An automatic drip, low-flow irrigation system with wet weather override shall be provided. Irrigation plans shall be included on landscape plans.

(d) Concrete Curbing. Where landscaping is required to be installed by Section 9-4.125 of this chapter, such landscaping shall be enclosed by raised concrete curbing or an approved functional equivalent, prior to final unless a bond is approved by the Community Development Director.

(e) Proper Maintenance Required. All required plantings shall be maintained in good growing condition, and in any case where a required planting has not survived, shall be replaced with new plant materials. A maintenance agreement may be recorded against the property in a form approved by the Community Development Director.

(f) Additional Maintenance for Multifamily Residential. In addition to the requirements contained in subsection (e), all multifamily residential project landscaping is subject to the following requirements:

(1) All landscaping on-site or planted along street frontage shall be maintained in a manner that allows trees to grow to their full natural height and natural canopy.

(2) All setback and open space areas shall be permanently maintained in a neat and orderly manner, consistent with approved site and landscaping plans. In any case where a required planting has not survived, it shall be replaced with new plant materials.

(3) A maintenance agreement shall be recorded prior to building permit for all landscaping, building exteriors, accessory structures, parking areas, and other common facilities.

(Ord. 482 § 2, 2005; Ord. 68 § 9-4.126, 1983)

9-4.127 Landscaping plans.

The purpose of a landscaping plan is to identify the placement and type of plant materials as features of project design. By detailing the plantings and method of irrigation proposed, a landscaping plan provides an effective means for evaluating whether chosen plant materials will: survive in the climate and soils of a given site; satisfy the functional objectives of landscaping (such as erosion control, screening and shade) within a reasonable time; and whether a proposed irrigation system will adequately support landscaping while conserving water. Landscaping plans shall be prepared, processed and used as follows:

(a) Where Required. Landscaping plans are required for all approved precise plan and conditional use permit applications prior to issuance of a building permit, except for:

(1) Residential projects of two (2) units or less;

(2) Agricultural uses not involving buildings and agricultural accessory buildings.

(b) Landscaping Plan Content. Landscaping plans are to be neatly and accurately drawn, at an appropriate scale, that will enable ready identification and recognition of information submitted. Where a project covers only a portion of a site, the landscaping plan need show only the areas where existing soil contours and vegetation will be disturbed by construction or use, or other areas where landscaping is required. Landscaping plans shall show the following details, in accordance with the applicable design standards:

(1) The location of all trees existing in or within fifty (50) feet of areas proposed for grading or other construction that are eight (8) inches or larger in diameter at four (4) feet above natural grade. Trees proposed to be removed are to be identified (refer to Section 9-11.105 for tree removal standards);

(2) Any shrubs or plants identified as rare, endangered or critical by the San Luis Obispo County Native Plant Society;

(3) Proposed landscaping details, including the location, species, container size, and number of trees, shrubs and groundcover, and provisions for irrigation;

(4) Details and location of proposed fencing, entries, trash collection areas and freestanding signs;

(5) Walkways, plazas and sitting areas, play areas, including related street furniture and permanent outdoor equipment;

(6) Outdoor light fixtures, including their location, height and wattage;

(7) Irrigation system details, where an automatic irrigation system is proposed or required. Irrigation plan details shall include:

(i) A plan and schedule of equipment, including gate valve, backflow preventer, control valves, piping, sprinkler heads, meter size and location,

(ii) Water source, including type, size of service connection, flow in gallons per minute (GPM), static water pressure in pounds per square inch (PSI), and maximum pressure in PSI required to operate the irrigation circuit with the greatest pressure loss in the system.

(c) Landscaping Plan Review and Approval.

(1) Timing of Review. Landscaping plans shall be reviewed and approved prior to the issuance of a building permit which they accompany.

(2) Method of Review. Planning Department review of landscaping and irrigation plans will be by a registered landscape architect or other person(s) designated by the Planning Director; provided, however, that when the landscaping plans are prepared by a landscape architect, licensed landscape contractor or nurseryman, the landscape plan review will be limited to an evaluation of landscaping impacts on adjoining properties and public ways, verification of plant material placement, the adequacy of irrigation proposals, and compliance with applicable provisions of this title.

(3) Criteria for Approval. Landscaping and irrigation plans shall be approved when:

(i) Plans demonstrate that species and placement of trees and shrubs may reach full maturity within designated landscape areas;

(ii) Plans demonstrate that, upon maturity, landscaping materials will meet the Fire Department's Driveway Access Requirements for Shrubs and Trees, including:

a. Unobstructed width of twelve (12) feet;

b. Unobstructed height of thirteen (13) feet six (6) inches;

c. Unobstructed width is the total clear zone whether or not the twelve (12) foot clear zone is entirely paved; and

d. Trees overhanging the driveway shall be trimmed to a minimum height of thirteen (13) feet, six (6) inches over the entire clear zone.

(iii) The proposed plant and materials will survive in the climate and soils of the site;

(iv~~i~~) The proposed plant materials and their planned locations will satisfy the landscaping requirements of Section 9-4.127 of this chapter (e.g., screening, shade, maintenance of permeable soil);

(v~~iii~~) The proposed means of irrigation will adequately support the landscaping materials proposed. (Ord. 614 § 4, 2017; Ord. 68 § 9-4.127, 1983)

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 front 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 not exceed noise levels of 50dB at the property line and shall be screened to the height of the particular piece of equipment, as follows:

(i) Roof-Mounted Equipment. Mechanical equipment may be mounted on roofs, provided the equipment is concealed from the view of abutting streets with~~To be screened by~~ solid architectural features that are integrated into the overall architectural design, such as a parapet wall. ~~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.

a. Mechanical equipment that is visible from a public street and located within three (3) feet of a structure shall be fully screened with structural/architectural screening that matches the architectural style and materials of the adjacent structure.

b. Mechanical equipment that is set back more than three (3) feet from a structure shall be fully screened with landscaping. Proposed plant materials shall be 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.

(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 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 front 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.

c. Interior fences or landscape delineation between private yards and common open spaces within multifamily developments, including cottage clusters, shall comply with Section 9-4.130(k)(5).

d. Exterior fencing (along the original project site perimeter for cottage clusters and along the property lines for other multi-family projects) for multifamily residential projects shall be consistent in style, design, and materials throughout the project site and subject to the following:

(i) Fencing within a required front or corner yard setback shall have at least fifty percent (50%) transparency;

(iii) The following designs and/or materials may be used: hog panel with wood frame, split rail, decorative iron, metal picket, wood picket, welded pipe rail with wire.

(iv) The following designs and/or materials shall not be used: chain-link, dog-eared fencing, barbed wire, razor wire, electric fences, plywood, particle board, paper, visqueen plastic, plastic tarp, cloth, or similar material.

(v) Wood fencing shall include a top and bottom rail.

(vi) Fence posts shall be metal or pressure treated wood.

(vii) Fencing around storm drainage basins:

a. Shall not exceed four (4) feet;

b. Shall be at least seventy-five percent (75%) transparent; and

c. May be constructed of split rail or other natural materials that have horizontal material application.

(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 – Nonresidential Projects. For nonresidential projects, ~~A~~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 within a planting area at least three (3) feet in width 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. (Ord. 646 § 11, 2021; Ord. 614 § 4, 2017; Ord. 578 § 1, 2013; Ord. 554 § 2, 2011; Ord. 547 § 2, 2009; Ord. 482 § 2, 2005; Ord. 68 § 9-4.128, 1983)

9-4.129 Solid waste collection and disposal.

Within the urban services line, all land uses requiring a zoning approval, except single family dwellings, temporary uses, agricultural uses, and other uses that do not create a need for solid waste pickup and disposal shall provide an enclosed area for the temporary storage of solid waste before disposal truck pickup, as required by this section.

(a) Application Content. Applications for plot plan, precise plan and conditional use permit approval shall include the location of solid waste collection areas, collection containers, and maneuvering areas for disposal trucks, including access driveways where necessary.

(b) Collection Area Standards.

(1) Location of Collection Facilities. The solid waste collection area shall be located within one hundred (100) feet of the dwellings or buildings served, but is not to be located in any front yard setback (Section 9-4.106).

(i) Exception: For residential projects of two or more units, subject to an administrative use permit and compliance with the following standards, solid waste collection areas may be placed within a front yard setback:

a. Solid waste collection area shall be placed at least five feet from the front property line;

b. The project shall provide an additional Tier 1 amenity for open space (described in Section 9-3.262(c)(5)(i));

c. The solid waste collection enclosure shall be designed to include all of the following:

1. Gabled roof;

2. Use of the same primary or secondary siding materials as the multifamily structure; and

3. Installation of a minimum of five (5) feet of landscaping surrounding non-entry portions of the structure; and

d. Tree canopy can be accommodated along property frontage in accordance with Section 9-4.125(d)(5).

(2) Enclosure Required. Solid waste collection areas that use dumpsters or other containers with a total capacity greater than two (2) thirty-three (33) gallon containers shall be designed to accommodate dumpsters, compost, and recycling containers and shall be screened from the view of public streets and adjoining properties by a solid fence or wall as high as the collection container, but not less than ~~three (3) feet nor more than~~ six (6) feet in height.

(3) Enclosure Construction Standards.

(i) The floor or bottom surface of a solid waste collection area shall be of concrete or other impervious materials.

(ii) The collection shall have unobstructed vertical clearance for a minimum height of twenty-five (25) feet.

(4) Enclosure Construction Standards – Multifamily Residential and Mixed-Use Development. In addition to the above, the following standards apply to residential projects of two or more units:

(i) The preliminary enclosure design must be approved by the garbage company prior to site de-sign and landscaping approval.

(ii) Enclosure vehicular entry doors shall not be directly visible from the public right-of-way.

(iii) Enclosures shall be constructed of no less than two and no more than three material types or construction elements (doors shall not count as a separate material type), such as a stone or masonry base, a siding element, and a roof or trellis element, using the at least one of the same materials as the multifamily structure.

(v) If located in the front yard, enclosures shall be compliant with Section 9-4.129(b)(i).

(vi) Every trash enclosure shall have a non-combustible, overhanging trellis or roof cover designed to prevent precipitation from entering trash bins.

(vii) Enclosures shall have solid steel vehicular entry doors and one human door.

(ix) Wheel stops or curbs shall be provided to prevent dumpsters from hitting walls of enclosure.

(x) A paved pathway that meets accessibility requirements shall be provided between all units and enclosure. (Ord. 68 § 9-4.129, 1983)

9-4.137 Exterior lighting.

The standards of this section are applicable to all outdoor night-lighting sources installed after the effective date of this title, except for streetlights located within public rights-of-way and all uses established in the Agriculture Zone. An electrical permit may be required by Title 8.

(a) Illumination Only. Outdoor lighting shall be used for the purpose of illumination only and shall not be designed for or used as an advertising display, except as provided by Sections 9-4.130 et seq.

(b) ~~Nondecorative~~ Exterior Lighting Shielded. All ~~nondecorative~~ exterior lighting shall be recessed at least two inches or shall be shielded with two-inch shielding to direct light toward buildings or the ground. Light sources shall be designed and adjusted to direct light away from any road or street and away from any property or buildings outside the ownership of the applicant.

(c) Minimization of Light Intensity. No light or glare shall be transmitted or reflected off-site~~in such concentration or intensity as to be detrimental or harmful to persons or to interfere with the use of surrounding properties or streets~~.

(d) Decorative Exterior Lighting Shielded. The light source for all ~~Where~~ lights, including those ~~are~~ used for the purpose of illuminating or accenting building walls, signs, flags, architectural features, or landscaping, ~~the light source is to~~ shall be shielded so as not to be ~~directly~~ visible from off-site.

(e) Ground Illuminating Lights. Any light source used for ground area illumination except incandescent lamps of one hundred fifty (150) watts or less ~~and light produced directly by the combustion of natural gas or other fuels,~~ shall be shielded from above in such a manner that the edge of the shield is level with or below the lowest edge of the light source. Where any light source intended for ground illumination is located at a height greater than eight (8) feet, the required shielding is to extend below the lowest edge of the light source a distance sufficient to block the light source from the view of any residential use within one thousand (1,000) feet of the light fixture.

(f) Height of Light Fixtures. For nonresidential uses, freestanding outdoor lighting fixtures shall not exceed the allowed height of the tallest building on the site, pursuant to Section 9-4.111. For multifamily residential and mixed-uses, freestanding outdoor lighting fixtures shall not exceed 14 feet in height.

(g) Parking Lot Lighting. Parking lot lighting may not exceed the levels needed to provide low level safety lighting for parking lot areas, as demonstrated by photometric plans.

(h) Motion Sensors. Lighting shall be on motion sensors to minimize lighting when not in use.

(i) Pedestrian Lighting. All lighting near residential units and along pedestrian pathways shall be a pedestrian scale, which may include bollard lighting. (Ord. 499 § 2, 2006; Ord. 68 § 9-4.137, 1983)

9-4.138 Grading.

The following sections (9-4.138 through 9-4.146) establish standards, in addition to the standards contained in the Uniform Building Code, for grading and excavation activities to minimize hazards to life and property; protect against erosion, the sedimentation of water courses, and the inundation of low lying areas; and protect the safety, use and stability of public rights-of-way and drainage channels. Grading regulations are organized into the following sections:

9-4.139 Grading plan required.
9-4.140 Grading permit required.
9-4.141 Grading permit: Application content.
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(Ord. 68 § 9-4.138, 1983)

9-4.139 Grading plan required.

In any case where a proposed project requiring a precise plan or conditional use permit approval involves fifty (50) or more cubic yards of earth moving, the application shall include a grade plan containing the information specified by this section. If engineered grading (Section 9-4.141(b)) is to occur, then the grading plan shall also include all information required by Section 9-4.141. A grading plan shall be neatly and accurately drawn to scale, including the following information:

(a) Existing ground contours or elevations of the site at two (2) foot intervals.

(b) Contours or site elevations after grading is completed, including any modifications to drainage channels.

(c) Any required retaining walls or other means of retaining cuts or fills.

(d) Elevations of the edge of the pavement or road at driveway entrance.

(e) Elevation of the finish floor of the garage or other parking area.

(f) Elevations at the base of building corners.

(g) Area of disturbance in square feet.

(h) Quantities of cut and fill.

(i) Erosion control notes and details.

(j) Drainage structures and other drainage design features.

(k) Sections showing grading, showing any retaining walls, cut and fill slopes, pads, building structures and drainage structures.

(l) Grading notes, details or other information required by the City Engineer. (Ord. 578 § 1, 2013; Ord. 68 § 9-4.139, 1983)

9-4.140 Grading permit required.

A grading permit shall be obtained where required by Title 8 of this code. (Ord. 68 § 9-4.140, 1983)

9-4.141 Grading permit—Application content.

To apply for a grading permit, a plot plan application shall be submitted together with the additional information required by this section. Where grading requiring a permit is proposed in conjunction with a

precise plan or conditional use permit request, those applications may be used to satisfy grading permit information requirements as long as all required information is submitted.

(a) Minor Grading. Where Section 9-4.140 requires a grading permit and the grading will move less than five hundred (500) cubic yards and is located on slopes less than twenty percent (20%); the application for a grading permit is to include the following:

(1) Contour Information.

(i) For sites with slopes of ten percent (10%) or less, generalized existing contours and drainage channels, including areas of the subject site (and adjoining properties) that will be affected by the disturbance either directly or through drainage alterations.

(ii) For sites with slopes greater than ten percent (10%) and less than thirty percent (30%), details of area drainage and accurate contours of existing ground at two (2) foot intervals; for slopes thirty percent (30%) or greater, contours at five (5) foot intervals.

(2) Location of any buildings or structures existing or proposed on the site within fifty (50) feet of the area that may be affected by the proposed grading operations.

(3) Proposed use of the site necessitating grading.

(4) Limiting dimensions, elevations or finished contours to be achieved by the grading, slopes of cut and fill areas and proposed drainage channels and related construction.

(5) Drainage plan in compliance with Municipal Code Section 9-4.148 and the City of Atascadero Drainage Standards.

(6) Where required by the Building Official, a soil engineering report, including date regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and criteria for corrective measures when necessary and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

(7) Where required by the Building Official, an engineering geology report, including a description of site geology, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

(8) Intended means of revegetation, including the location, species, container size and quantity of plant materials proposed, and the proposed time of planting.

(9) Where required by the Building Official, protective measures to be taken during construction, such as hydro-mulching, berms (temporary or permanent), interceptor ditches, subsurface drains, terraces, and/or sediment traps in order to prevent erosion of the cut faces of excavations or of the sloping surfaces of fills.

(b) Engineered Grading. Where the grading will move five hundred (500) cubic yards or more, is located on slopes of twenty percent (20%) or greater, or is located within a Geologic Hazard Overlay Zone or Flood Hazard Overlay Zone, the grading plan shall be prepared and certified by a registered civil engineer and shall include specifications covering construction and material requirements in addition to the information required for minor grading. (Ord. 578 § 1, 2013; Ord. 99 § 2 (1), 1985; Ord. 68 § 9-4.141, 1983)

9-4.142 Grading permit review and approval.

Grading permit applications shall be processed as follows:

(a) Environmental Determination. As required by Title 14 of the California Administrative Code, all grading permit applications are to receive an environmental determination pursuant to the California Environmental Quality Act (CEQA), except for applications that propose grading on terrain with slopes less

than twenty percent (20%) and that will involve less than five thousand (5,000) cubic yards of earth moving, which applications are hereby deemed categorically exempt from the provisions of CEQA.

(b) Application Processing Where EIR Required. Where the Planning Commission has required preparation of an Environmental Impact Report pursuant to CEQA, a grading permit application shall be processed, reviewed and approved according to all the provisions of Section 9-2.110.

(c) Application Processing Where No EIR is Required. Where a grading permit is categorically exempt from the provisions of CEQA or has been granted a negative declaration, the Building Official may approve the permit where the proposed grading is in conformity with applicable provisions of this title; provided:

(1) The Building Official may require that grading operations and project designs be modified if delays occur that result in weather-generated problems not considered at the time the permit was issued.

(2) Where a negative declaration for grading permit has identified mitigation measures necessary to reduce environmental impacts, such mitigation measures shall be applicable to the approved grading permit and grading operations as conditions of approval.

(d) Criteria for Approval. A grading permit may be issued only where the Planning Director first finds, where applicable, that:

(1) The extent and nature of proposed grading is appropriate to the use proposed and will not create site disturbance to an extent greater than that required for the use.

(2) Proposed grading will not result in erosion, stream sedimentation, or other adverse off-site effects or hazards to life or property.

(3) The proposed grading will not create substantial adverse long-term visual effects visible from off-site.

(4) The proposed grading conforms with the Uniform Building Code and, when required, with special grading standards (Section 9-4.143). (Ord. 68 § 9-4.142, 1983)

9-4.143 Special grading standards.

All excavations and fills except for minor grading shall be conducted in accordance with the following special standards:

(a) Area of Cuts and Fills. Cuts and fills shall be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations, and adequate yard areas. Consideration shall be given to revising the building design to minimize unnecessary grading.

(b) Creation of Building Sites: Slope Limitations. Grading for the purpose of creating a site for a building or structure shall be prohibited on slopes of twenty percent (20%) or greater except where authorized through precise plan approval.

(c) Final Contours. Contours, elevations and shapes of finished surfaces shall be blended with adjacent natural terrain to achieve a consistent grade and natural appearance.

(Ord. 99 § 2 (2), 1985; Ord. 68 § 9-4.143, 1983)

9-4.144 Grading standards.

All excavations and fills are to be conducted in accord with the following standards, when applicable:

(a) Grading Near Watercourses. Grading, dredging, or diking may not alter any intermittent or perennial stream or natural body of water shown on any USGS 7 1/2 minute map or designated by another State or Federal agency with jurisdiction over said waters, except as permitted through approval of a drainage plan and appropriate State and Federal permits. Watercourses are to be protected as follows:

(1) Watercourses shall not be obstructed unless an alternate drainage facility is approved.

(2) Fills placed within watercourses shall have suitable protection against erosion during flooding.

(3) Grading equipment shall not cross or disturb channels containing live streams without siltation control measures approved by the City Engineer in place.

(4) Excavated materials shall not be deposited or stored in or alongside a watercourse where the materials can be washed away by high water or storm runoff.

(b) Revegetation. Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements (Section 9-4.124 et seq.) and that shall not be occupied by structures, such areas shall be replanted as set forth in this subsection to prevent erosion after construction activities are completed.

(1) Preparation for Revegetation. Topsoil removed from the surface in preparation for grading and construction shall be stored on or near the site and protected from erosion while grading operations are underway, provided that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil shall be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

(2) Methods of Revegetation. Acceptable methods of revegetation include hydro-mulching, or the planting of rye grass, barley or other seed with equivalent germination rates. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscaping cover shall be sown at not less than four (4) pounds to each one thousand (1,000) square feet of land area. Other revegetation methods offering equivalent protection may be approved by the Building Official. Plant materials shall be watered at intervals sufficient to assure survival and growth. Native plant materials are encouraged to reduce irrigation demands.

(c) Off-Site Effects. Grading operations shall be conducted to prevent damaging effects of erosion, sediment production and dust on adjacent property, including public and private rights-of-way. (Ord. 578 § 1, 2013; Ord. 68 § 9-4.144, 1983)

9-4.145 Sedimentation and erosion control.

(a) Sedimentation and Erosion Control Plan Required. A sedimentation and erosion control plan is required when:

(1) Land is disturbed for any non-agricultural purpose.

(2) Grading which may affect adjacent property or private rights-of-way which is proposed to be conducted or left in an unfinished state during the period from October 15th through April 15th.

(3) Land disturbance activities are conducted in geologically unstable areas, on slopes in excess of thirty percent (30%), on soils rated as having severe erosion hazard, or within fifty (50) feet of any watercourse shown on the most current 7 1/2 minute USGS quadrangle map or designated by a State or Federal agency with jurisdiction over watercourse delineation.

(4) The placing or disposal of soil, silt, bark, slash, sawdust or other organic or earthen materials from logging, construction and other soil disturbance activities above or below the anticipated high water line of a watercourse where they may be carried into such waters by rainfall or runoff in quantities deleterious to fish, wildlife or other beneficial uses.

(b) Sedimentation and Erosion Control Plan Preparation and Processing. Sedimentation and erosion control plans shall address both temporary and final measures and shall be submitted to the City Engineer for review and approval. These plans, when required, shall be prepared by a registered civil engineer when grading exceeds five hundred (500) cubic yards. Plans for land disturbance of one (1) acre or larger shall be developed and signed by an appropriately licensed individual in accordance with the State Water Resources Control Board requirements. These plans shall be in accordance with the City Standard Improvement

Specifications and Drawings, and may be incorporated into and approved as part of a grading, drainage or other improvement plans, but must be clearly identified as an erosion and sedimentation control plan.

(c) Plan Check, Inspection, and Completion. Where required by the City Engineer, the applicant shall execute a plan check and inspection agreement with the City and the sedimentation and erosion control facilities inspected and approved before a certificate of occupancy is issued.

(d) Sedimentation and Erosion Control Measures. The control of sedimentation and erosion shall include, but not be limited to, the use of the following:

(1) Slope Surface Stabilization.

(i) Temporary mulching, seeding or other suitable stabilization measures approved by the City Engineer shall be used to protect exposed erodible areas during construction,

(ii) Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.

(2) Erosion and Sedimentation Control Devices. In order to prevent polluting sedimentation discharges, erosion and sediment control devices shall be installed as required by the City Engineer for all grading and filling. Control devices and measures which may be required include, but are not limited to:

(i) Energy absorbing structures or devices to reduce the velocity of runoff water.

(ii) Sedimentation controls such as sediment debris basin and traps.

(iii) Dispersal of water runoff from developed areas over large undisturbed areas.

(iv) Multiple discharge points to reduce the volume of runoff over localized areas.

(3) Final Erosion Control Measures. Within thirty (30) days after completion of grading, or prior to building final, requiring a sedimentation and erosion control plan, all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, shall be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical or vegetative measures. (Ord. 578 § 1, 2013; Ord. 68 § 9-4.145, 1983)

9-4.146 Nuisance and hazard abatement.

Existing grading that has become hazardous to life or property or grading performed in violation of this section or the Uniform Building Code shall be deemed a nuisance. Full abatement and restoration may be required and an assessment of cost may be levied in accordance with Chapter 9-8. (Ord. 68 § 9-4.146, 1983)

9-4.148 Drainage.

Standards for the control of grading and drainage are intended to minimize harmful effects of storm water runoff and resulting inundation and erosion on proposed projects, and to protect neighboring and downstream properties from drainage problems resulting from new developments. The standards of Sections 9-4.149 through 9-4.154 are applicable to projects and activities required to have a zoning approval.

9-4.149 Drainage plan required.

9-4.150 Environmental determination required.

9-4.151 Drainage plan preparation and content.

9-4.152 Drainage plan review and approval.

9-4.153 Plan check, inspection and completion.

9-4.154 Drainage standards.

(Ord. 68 § 9-4.148, 1983)

9-4.149 Drainage plan required.

Drainage plans shall be submitted with or be made part of plot plan, precise plan, conditional use permit or grading permit application for a project that:

(a) Involves a land disturbance (grading or removal of vegetation down to duff or bare soil by any method) of more than one (1) acre; or

(b) Will result in an impervious surface of more than one thousand (1,000) square feet; or

(c) Is subject to local ponding due to soil conditions and lack of identified drainage channels; or

(d) Is located in an area identified by the City Engineer as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project; or

(e) Is located within a designated Flood Hazard overlay zone; or

(f) Involves land disturbance or placement of structures within fifty (50) feet of any watercourse shown on the most current USGS 7 1/2 minute quadrangle map, or designated by a State or Federal agency with jurisdiction over watercourse delineation; or

(g) Involves hillside development on slopes steeper than ten percent (10%) or driveways over twelve percent (12%) slope. (Ord. 578 § 1, 2013; Ord. 68 § 9-4.149, 1983)

9-4.150 Environmental determination required.

In any case where a drainage plan is required by Section 9-4.149 and an environmental determination is not otherwise required, the project application shall be subject to an environmental determination before a decision to approve the application, except for single-family residences which are exempt from the provisions of CEQA. (Ord. 68 § 9-4.150, 1983)

9-4.151 Drainage plan preparation and content.

Drainage plans are to be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. Drainage plans must be prepared by an appropriately licensed profession as required by the City Engineering Standards or as required by the City Engineer.

(a) Basic Drainage Plan Contents. A drainage plan shall include the following information about the site:

(1) Flow lines of surface waters onto and off the site.

(2) Existing and finished contours at two (2) foot intervals or other topographic information approved by the City Engineer.

(3) Building pad, finished floor and street elevations, existing and proposed.

(4) Existing and proposed drainage channels including drainage swales, ditches and berms.

(5) Location, calculations and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains, and drop inlets.

(6) Estimates of existing and increased runoff resulting from the proposed improvements.

(7) Proposed erosion and sedimentation control measures.

(8) Proposed flood proofing measures where determined to be necessary by the City Engineer.

(9) One hundred (100) year flood elevations if the property is in flood hazard area.

(10) The drainage plan must show compliance with the City Drainage Standards and the Central Coast Water Board's Post Construction Stormwater Management Requirements for Development Projects in the Central Coast Region (upon adoption by the City Council). This includes all projects that add one thousand (1,000) square feet of impervious surface to the property.

(b) Engineered Plan Content. Engineered drainage plans shall include an evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems in addition to the information required by subsection (a) of this section. (Ord. 578 § 1, 2013; Ord. 68 § 9-4.151, 1983)

9-4.152 Drainage plan review and approval.

All drainage plans shall be submitted to the City Engineer for review and are subject to the approval of the City Engineer. (Ord. 68 § 9-4.152, 1983)

9-4.153 Plan check, inspection and completion.

Where required by the City Engineer, a plan check and inspection agreement shall be entered into and the drainage facilities inspected and approved before a certificate of occupancy is issued. (Ord. 68 § 9-4.153, 1983)

9-4.154 Drainage standards.

(a) Design and Construction. Drainage systems and facilities subject to drainage plan review and approval that shall be located in the City or existing or future public right-of-way shall be designed and constructed as set forth in the City Engineering Department Standard Improvement Specifications Drainage Standards and Drawings and the Central Coast Water Board's Post Construction Stormwater Management Requirements for Development Projects in the Central Coast Region (upon adoption by the City Council). All systems and facilities subject to drainage plan review and approval shall be designed in accordance with the City's Drainage Standards, Central Coast Water Board's Post Construction Stormwater Management Requirements (upon adoption by the City Council), and good engineering practices.

(b) Natural Channels and Runoff. Proposed projects may include design provisions to retain off-site natural drainage patterns and limit peak runoff to predevelopment levels when required by the City Engineer.

(c) Flood Hazard Areas. Buildings are not permitted in an area determined by the City Engineer to be subject to flood hazard by reason of inundation, overflow or erosion, except where provisions are made to eliminate such hazards to the satisfaction of the City Engineer. Such provisions may include providing adequate drainage facilities, protective walls, suitable fill, raising the floor level of the building or by other means. The placement of the building and other structures (including walls and fences) on the building site shall be such that water or mudflow will not be a hazard to the building or adjacent property. The City Engineer in the application of this standard shall enforce as a minimum the current Federal flood plain management regulations as defined in Title 24, Chapter X, Subchapter B, National Flood Insurance Program, Part 1910. (Ord. 578 § 1, 2013; Ord. 68 § 9-4.154, 1983)

9-4.156 Street trees (Reserved).

(Ord. 168 § 2, Exh. A, 1988; Ord. 106 § 2, 1985; Ord. 68 § 9-4.156, 1983)

9-4.157 Tree management plan (Reserved).

(Ord. 168 § 2, Exh. A, 1988; Ord. 68 § 9-4.157, 1983)

9-4.158 Street and frontage improvements.

Sections 9-4.159 and 9-4.160 establish standards for street frontage improvements required with development projects. (Ord. 398, 2002)

9-4.159 Curbs, gutters and sidewalks.

The installation of curb, gutter and sidewalks shall be as set forth in this section.

(a) When Required. Curb, gutter and sidewalk is required to be installed as set forth in this section when:

(1) The value of any structures proposed during a period of twelve (12) months (as indicated by all building permits issued for the site during the twelve (12) month period) exceeds twenty-five percent (25%) of the total value of all improvements existing on the site as determined by the assessment roll at the time the first of the building permits is applied for.

(2) A new structure is moved onto a site (rather than constructed in place) where street frontage improvements would be required by subsection (b) of this section.

(b) Where Required. Within the urban services line, concrete curb, gutter, and sidewalk is required with any project in the following areas:

(1) In all commercial zones, except in commercial areas oriented to highway travel unless pedestrian, vehicular and use characteristics of the project and surrounding area indicate a need for the improvements.

(2) In the RMF Zones, except that area with a permitted density of ten (10) units or less may alternatively provide asphalt or similar shoulder improvements to accommodate pedestrian needs ~~not be required to provide the improvements unless pedestrian, vehicular and use characteristics of the project and surrounding area indicate a need for the improvements. In RMF Zones with a permitted density of ten (10) units or less per acre, asphalt or similar shoulder improvements shall be provided to accommodate pedestrian needs~~if adjacent properties do not have curb, gutter and sidewalk.

(3) In all industrial zones, except that sidewalks may not be required unless pedestrian, vehicular and use characteristics of the project and surrounding area indicate a need for the improvements.

(4) In areas designated by any Curb, Gutter and Sidewalk Plan adopted by the City Council.

(5) In Planned Developments except where an alternative pedestrian path system is proposed and accepted by the City Engineer.

(6) Along El Camino Real.

(7) Along Morro Road (Capistrano Avenue to San Gabriel Road).

(c) Extent of Improvements. Curb, gutter and sidewalk improvements shall be constructed as required by this section along the entire street frontage of the site and also along the street frontage of any adjoining lots in the same ownership as the site.

(d) Exceptions. Curb, gutter and sidewalk improvement requirements may be waived, modified or delayed as follows, provided that waiver of such improvement requirements shall not grant relief from the requirements of this Code governing encroachment on City rights-of-way:

(1) Incompatible Grade. The improvements required by this section may be waived or modified by the City Engineer when, in the opinion of the City Engineer, the finish grades of the project site and adjoining street are incompatible for the purpose of accommodating such improvements.

(2) Incompatible Development. The required improvements may be waived by joint decision of the Planning Director and City Engineer where they determine, based upon the zoning districts of this title, existing land uses in the site vicinity, and existing and projected needs for drainage and traffic control that such improvements would be incompatible with the ultimate development of the area.

(3) Premature Development. The required improvements may be delayed when the City Engineer determines that they would be premature to the development of the area, provided that the applicant shall post a bond or other acceptable performance guarantee and construct the improvements within a period of one (1) year or such other time established by the City Engineer.

(4) Minor Projects Curb, Gutter and Sidewalk Not Required. Development of second units, residential remodels, residential additions, residential reconstruction and residential accessory structures on single-family residential zoned lots (RS/RSF/LSF) that are not part of a tentative subdivision map project shall be exempt from curb, gutter, and sidewalk installation requirements. Where roads do not currently exist, the applicant must comply with Section 9-4.160. If curb, gutter, and sidewalk improvements are not required, grading or other improvements within the public right-of-way may still be required by the City Engineer as part of the driveway encroachment permit if needed for safety, public utility service, site distance, or drainage as related solely to the proposed driveway encroachment, in accordance with City Engineering Standards.

(e) Design and Construction Standards. Curb, gutter and sidewalk improvements shall be constructed to the grade and specifications required by the City Engineer. Improvement plan drawings shall be submitted to the City Engineer for approval prior to construction of improvements and shall be designed and constructed as set forth in the City Engineering Department Standard Improvement Specifications and Drawings. A drainage plan may be required in conjunction with improvement plans. No drainage shall be allowed across public sidewalks or driveways. All grading and construction is to occur at the expense of the developer, including placement of base and surfacing between the lip of the new gutter and the existing pavement as necessary to complete the street surface. The new surfacing between the gutter and existing pavement is to be at least equal in kind to that presently in place. These improvements shall include paved transitions to provide for existing road drainage as well as drainage to or from the proposed site.

(f) Timing of Installation. All required improvements are to be completed as set forth in Sections 9-2.114 and 9-2.116 prior to occupancy.

(g) Plan Check and Inspection. When required by the City Engineer, a plan check and inspection agreement shall be entered into.

(h) Appeal. Any person aggrieved by the requirements of this section shall have the right of appeal to the City Council as provided by Section 9-1.111. (Ord. 578 § 1, 2013; Ord. 68 § 9-4.159, 1983)

9-4.160 Streets.

The installation and maintenance of asphalt road paving, asphalt berm and drainage facilities shall be constructed along the frontage of a development project (residential subdivision, commercial, industrial, individual residential lots, etc.) as follows:

(a) Frontage Street Construction. If the frontage street is not improved or paved along the development project frontage, the developer will be required to construct one-half (1/2) width plus ten (10) feet to the City of Atascadero Engineering Standards.

(b) Frontage Street Maintenance. If the street is in need of maintenance, per the City Engineer, along the development project frontage, the developer will be required to repair the road along the street property frontage to a width of one-half (1/2) width plus ten (10) feet. The repairs may include overlay, pothole repair, crack seal and or slurry seal. This requirement does not apply to second units, residential remodels, residential additions, residential reconstruction and residential accessory structures on single-family residential zoned lots (RS/RSF/LSF) that are not part of a tentative subdivision map. If frontage or off-site improvements are not required, grading or other improvements within the public right-of-way may still be required by the City Engineer as part of the driveway and or utility encroachment permit if needed for

safety, public utility service, site distance, or drainage as related solely to the proposed driveway encroachment, in accordance with City Engineering Standards.

(c) Subdivisions. A new subdivision shall construct and provide for future maintenance of all interior subdivision roads and related facilities. The project shall also provide well-paved City standard access roads from a collector or arterial to the subdivision and repair existing underpaved or poor condition interior or frontage roads.

(d) Commercial and Industrial Projects. The project shall construct all roads fronting the project to City standard. If the road fronting the project is an arterial or collector, the width of the road constructed shall be wide enough to allow for safe travel, turning movements and transitions, to the approval of the City Engineer. The project shall provide well-paved City standard access roads from a collector or arterial to project and repair existing underpaved or poor condition frontage roads. Repair may include overlay, pothole repair, crack seals or slurry seal.

(e) If existing buildings are on the property, the required improvements will be constructed if the value of the proposed buildings and site improvements is twenty-five percent (25%) or greater than the value of existing buildings and site improvements as determined by the San Luis Obispo County Tax Assessor.

(f) Damage Occurring from Construction. Any existing public street which is damaged as a result of on-site or off-site construction shall be reconstructed, or repaired if damage is not extensive, to the satisfaction of the City Engineer prior to issuance of a certificate of occupancy. For residential and mixed-use projects of two or more units, prior to the beginning of construction activities and after last building permit is finaled, public street condition (pre- and post-construction) shall be documented through video and/or photography and preconstruction inspection.

(g) Extent of Improvements. Street improvements, not including curb, gutter and sidewalk unless necessary for proper drainage control, may be required beyond the frontage of the property when traffic generated by the development of a site is determined to warrant such improvement in order to provide for adequate access and traffic safety.

(h) The City Engineer may allow cash payment or bonding for the improvement if it is in the best interest of the community and provide for orderly development of the circulation system. (Ord. 578 § 1, 2013; Ord. 398, 2002)

9-4.162 Archeological resources.

In the event archeological resources are unearthed or discovered during any construction activities, the following standards apply:

(a) Construction activities shall cease and the Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archeologist and disposition of artifacts may be accomplished in accordance with State and Federal law.

(b) In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department so proper disposition may be accomplished. (Ord. 68 § 9-4.162, 1983)

9-4.164 Lot line adjustment review for flag lots.

(a) The adjustment of all property lines containing a flag lot shall be permitted in accordance with the following design standards:

(1) The original lot shall have frontage on a dedicated street.

(2) The accessway to the rear lot shall be at least twenty (20) feet wide for residential zones, except where the accessway is more than one hundred fifty (150) feet long, it shall be at least twenty-four (24) feet wide. For all other zones, the accessway shall be at least thirty (30) feet wide.

(3) 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.

(4) Lots utilizing the accessway of a flag lot may be required to enter into a road maintenance agreement to insure perpetual maintenance and repair of the accessway. (Ord. 482 § 2, 2005)

Chapter 5

ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS

Sections:

9-5.010 Purpose.
9-5.020 Definitions.
9-5.030 General requirements.
9-5.040 Applicability.
9-5.050 Objective design standards for accessory dwelling units.
9-5.060 Objective design standards for junior accessory dwelling units.
9-5.070 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 Section 65852.2, as amended from time to time. Implementation of this chapter 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. (Ord. 659 § 5, 2022)

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 (1) 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 Government 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 (1) 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 Multifamily Development. A residential multifamily 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 ten (10) units per acre.

Residential Single-Family Property. A property zoned for single-family development with a base density of one (1) dwelling unit per parcel.

Short-Term Rental. Short-term rentals (vacation rental) shall be defined as rental units with stays of thirty (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 nine (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. (Ord. 659 § 5, 2022)

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) A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time.

(d) Water Service. All habitable dwelling units shall be served by a public water system.

(e) 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 three-quarters (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 one-quarter (1/4) mile radius are of sufficient size, considering possible future lot splits and full development potential, to provide a minimum density of at least one-half (0.5) acres per unit within the one quarter (1/4) 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.

(f) 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.

(g) Design. The design of an ADU and/or JADU shall be consistent with any objective design standards listed in this chapter.

(h) Short-Term Rental Prohibited. ADUs and JADUs developed in accordance with Government Code Section 65852.2 shall not be rented for terms of thirty (30) days or less.

(i) 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.

(j) 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. (Ord. 659 § 5, 2022)

9-5.040 Applicability.

(a) Permitted Zoning Districts. Accessory and junior accessory dwelling units shall be allowed in all areas zoned to allow single-family or multifamily 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: (i) an urban lot split has been approved pursuant to Title 11; and (ii) two (2) units (primary dwelling unit, UDU, ADU, or JADU) already exist or are approved for construction.

(2) No ADUs shall be allowed inconsistent with the California Code of Regulations Section 1273.08.

(3) No ADU may be established in a commercial district unless all of the following conditions have been met:

(i) The ADU is part of an approved mixed-use development;

(ii) The ADU is built above the ground floor; and

(iii) The ADU is within a mixed-use development that has reached its maximum allowable residential density. (Ord. 659 § 5, 2022)

9-5.050 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. ADUs shall have a maximum floor area of one thousand (1,000) square feet, except as follows:

(1) 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 three hundred (300) square feet, or five hundred (500) square feet on lots one (1) acre or greater. Any non-R Occupancy space may be up to five hundred (500) 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.

(2) Properties may have a detached ADU up to one thousand two hundred (1,200) square feet when all of the following are met:

(i) The property is a minimum of one (1) gross acre; and

(ii) The ADU has a setback of at least at least ten (10) feet from side and rear property lines; and

(iii) The ADU height is limited to eighteen (18) feet; and

(iv) All other property development standards applicable to zoning district shall apply.

(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 allowed by this chapter. No additional unconditioned space can be added if greater than the maximum allowances described in subsection (i) below. If existing units exceed the maximum size thresholds, no expansion or additions shall occur.

(b) Parking. One (1) 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 (1/2) 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 (1) 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 (1) block of the ADU.

(5) No parking shall be required when a permit application for an accessory dwelling unit is submitted concurrently with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this chapter.

(c) Garage Conversions. Garages may be converted to ADUs provided that one (1) 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. ADUs 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 subsection (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.

(3) Conversions of existing legal accessory structures built prior to January 1, 2020, may be subject to different standards, consistent with Government Code Section 65852.2(e).

(e) Height. The maximum height of an ADU shall be as follows:

(1) Sixteen (16) feet for any detached ADU where the setback is less than the minimum required setbacks for the underlying zoning district.

(2) Eighteen (18) feet in a multifamily zone for any detached ADU where the setback is less than the required minimum setbacks for the zoning district if the multifamily dwelling on the same site is multi-story.

(3) Twenty (20) feet for any detached ADU that complies with the setbacks of the underlying zoning district.

(4) Twenty-five (25) foot height limit if setbacks are increased to fifteen (15) feet from the side and rear property lines.

(5) Twenty-five (25) foot height limit for an ADU that is attached to a primary dwelling.

(6) No ADU shall exceed two (2) stories.

(f) Setbacks. An ADU shall maintain the following setbacks:

(1) Side Setback. A minimum of five (5) feet except for the following:

(i) ADUs that are sixteen (16) feet or less in height located on a lot with a proposed or existing primary residence may be set back a minimum of four (4) feet from the side property line;

(ii) ADUs that exceed twenty (20) feet in height shall increase the side setback to fifteen (15) feet;

(iii) ADUs that are eighteen (18) feet or less in height located on a lot with a proposed or existing multi-story multifamily building may be set back a minimum of four (4) feet from the side property line.

(2) Primary Street Frontage. Twenty-five (25) feet for single-family properties, fifteen (15) feet for multifamily properties.

(3) Corner Street Frontage. Ten (10) feet.

(4) Secondary Street Frontage. One-half (1/2) the front setback.

(5) Rear. A minimum of ten (10) feet except for the following:

(i) ADUs that are sixteen (16) feet or less in height located on a lot with a proposed or existing single-story primary residence may be setback a minimum of four (4) feet from the rear property line.

(ii) ADUs that exceed twenty (20) feet in height shall increase the rear setback to fifteen (15) feet.

(iii) ADUs that are eighteen (18) feet or less in height located on a lot with a proposed or existing multi-story multifamily building may be set back a minimum of four (4) feet from the rear property line.

(6) Access Way (Flag or Easement). Ten (10) feet.

(7) 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 4-7 and Title 8 of this code.

(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 (1) 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 Multifamily/Mixed-Use Developments. ADUs shall be permitted in multifamily and mixed-use developments subject to the following:

(i) Existing non-habitable space within a multifamily building may be converted to one (1) or more ADUs at a maximum ratio of twenty-five percent (25%) of the existing on-site units above the permitted site density.

(ii) In addition to the units authorized by subsection (i)(2)(i) above, one (1) additional accessory dwelling unit above the permitted site density shall be permitted within a multifamily 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 Government 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 (1) of the permitted housing unit types prior to further development of the property.

(j) Nothing in this section shall prohibit the construction of an ADU in accordance with Government Code Section 65852.2(c)(2)(C) and Government Code Section 65852.2(e) and (c)(2)(D)(ii) and (iii). (Ord. 659 § 5, 2022)

9-5.060 Objective design standards for junior accessory dwelling units.

9-5.06 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 five hundred (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 (1) 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 on site and maintain primary residency in either a primary dwelling unit, ADU, or the JADU.

(f) Nothing in the section shall prohibit the construction of an JADU in accordance with Government Code Section 65852.2(e). (Ord. 659 § 5, 2022)

9-5.070 Development fees.

Accessory units, whether attached or detached, shall be exempt from development impact fees when the gross floor area is less than seven hundred fifty (750) square feet. Units seven hundred fifty (750) square feet and larger shall be subject to the City's adopted development impact fee schedule. (Ord. 659 § 5, 2022)

Chapter 6

SPECIAL USES

Sections:

9-6.101 Accessory uses.
9-6.102 Establishment of an accessory use.
9-6.103 Accessory storage.
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9-6.106 Residential accessory uses.
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9-6.176 Temporary dwellings or offices.
9-6.177 Temporary events.
9-6.180 Recreational vehicle (RV) parks.
9-6.183 Vehicle storage.
9-6.184 Single room occupancy units (SRO).

9-6.101 Accessory uses.

The standards in the following sections apply to storage which is accessory to a principal use and other accessory uses such as home occupations, caretaker dwellings, and agricultural residences. The special standards for accessory uses are organized into the following sections:

9-6.102 Establishment of an accessory use.
9-6.103 Accessory storage.
9-6.104 Caretaker residence.
9-6.105 Home occupations.
9-6.106 Residential accessory uses.
9-6.107 Residential uses in the Agriculture Zone.

(Ord. 68 § 9-6.101, 1983)

9-6.102 Establishment of an accessory use.

With the exception of dwellings in the Agriculture Zone an accessory use shall not be established unless a principal use has first been established on the site in accordance with all applicable provisions of this title. Construction of a detached accessory building shall not be commenced until construction of the main building has progressed to completion of its foundation. (Ord. 68 § 9-6.102, 1983)

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 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 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. (Ord. 646 § 11, 2021; Ord. 635 § 5, 2020; Ord. 578 § 1, 2013; Ord. 68 § 9-6.103, 1983)

9-6.104 Caretaker residence.

One permanent accessory dwelling is permitted for purposes of housing a caretaker where allowed by Chapter 9-3 on the site of certain commercial or industrial zones, subject to the following standards (a caretaker residence in the A Zone is subject to Section 9-6.107):

(a) Supplementary Statement. The application shall include a statement with explanation of the need for caretaker quarters and the responsibilities of the caretaker/resident.

(b) Status of Caretaker. The resident of the dwelling shall be the owner or lessor, or an employee of the owner or lessor of the site.

(c) Type of Use Requiring a Caretaker. The principal use of the site must require a caretaker for security purposes, or for care of people, plants, animals, equipment, or other conditions on the site, or for needed housing for the owner or operator of a business.

(d) Allowable Location for a Caretaker Dwelling. In CN, CP, CT, CR, CS, LS, and L Zones, such dwelling shall be located on the second floor, or to the rear of a principal building. In the CPK, IP, and I Zones, such dwelling may be located in accordance with the needs of the applicant. In all zoning districts, a caretaker residence is to be located on the same lot of record or contiguous ownership as the use requiring a caretaker.

(e) Type of Dwelling Unit Allowed. Caretaker residences shall be a standard site-built home, a modular home, or an apartment-type unit if the caretaker residence is to be integral with a principal structure.

(f) Parking Requirement. None, provided sufficient usable area is available to accommodate all resident vehicles on-site. (Ord. 68 § 9-6.104, 1983)

9-6.105 Home occupations.

An accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods or services is subject to the standards of this section.

(a) Appearance, Visibility and Location. The standards of this section determine what physical changes may occur in a dwelling unit to accommodate a home occupation and where on a residential site a home occupation may be conducted.

(1) Changes to the Dwelling. The home occupation is not to change the residential character of the outside appearance of the building, either:

(i) By the use of colors, materials, lighting, signs or by the construction of accessory structures or garages visible from off-site and not of similar character as the residence; or

(ii) By the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

(2) Display of Products. The display of home occupation products for sale, in a manner visible from the public street or adjoining properties, is prohibited.

(3) Outdoor Activities. On sites of less than one (1) acre, the use shall be conducted entirely within a principal or accessory structure except instructional activities that may be performed outdoors. Outdoor storage of materials related to the home occupation is allowed only on parcels one (1) acre or larger (except as otherwise provided by Section 9-6.103), where such storage is to be screened from view of any street or adjacent property.

(4) Use of Garage or Accessory Structure. The use of a garage or accessory structure is allowed subject to Section 9-6.106, except that the conduct of the home occupation shall not preclude the use of the garage for vehicle parking unless any required replacement parking can be accommodated on-site.

(b) Area Devoted to a Home Occupation. The home occupation shall be incidental and subordinate to the principal use of the site as a residence.

(c) Employees. No person other than members of the household residing on the premises may be employed and working on the site, except that employees, including independent contractors, partners, and similar employee-type relationships, may be permitted through administrative use permit approval (refer to Section 9-1.112) as follows:

(1) The number of employees shall be unlimited, if the following criteria can be complied with:

(i) The employees do not work at or report to the site of the home occupation during, or immediately before or after, the normal operating hours of the business.

(ii) No additional vehicles, equipment, or outside storage shall occur at the residence as a result of the increased number of employees.

(2) A maximum of two (2) employees, if the following criteria can be complied with:

(i) No additional client vehicles are generated to the premises as a result of the increased number of employees.

(ii) The function of the employees in working on the site is to provide direct service to the employer rather than to the clients of the business.

(iii) It is necessary for the operation of the business to have the employees working at the site of the home occupation.

(iv) Any additional vehicles, equipment, or outside storage can be maintained on the site in compliance with subsection (a) of this section.

(v) The allowance of employees will not have any adverse effect on the surrounding residential area.

(d) Hours of Operation. Hours of operation are unrestricted except that home occupations which generate sounds audible from offsite shall be limited to the hours from 7:00 a.m. to 7:00 p.m., provided that such home occupation complies with the standards of Chapter 9-14.

(e) Limits on the Kinds of Home Occupations Allowable. Subject to all of the standards of this section, allowable home occupations consist of:

(1) Office-type personal or business services (including personal instruction such as music lessons or contracting services not involving on-site storage of materials or equipment) that do not involve the presence of more than one (1) client vehicle at any one (1) time;

(2) Handcraft or artwork production, including, but not limited to, pottery and ceramics, artistic glass or metalwork, electronic components, woodcarving and woodworking (except for mass-production operations such as cabinet shops), antique furniture restoration, painting and photography, except when such use involves on-site use of equipment requiring more than standard household electrical current at one hundred ten (110) or two hundred twenty (220) volts or that produces noise (refer to Chapter 9-14), dust, odor or vibration detrimental to occupants of adjoining dwellings;

(3) The personal sale of cosmetics, personal or household products (except appliances), or other goods or products; when such sales occur on the premises of the purchaser, provided that wholesale sales may occur pursuant to subsection (f) of this section, or occur off the premises in some other approved location; and

(4) Small-scale agricultural accessory uses and horticultural specialties.

(f) Sale of Products. On-site retail sales of the products of a home occupation are prohibited, except:

(1) Garage sales or the sale of handcrafted items and artwork produced on-site are allowed not more than twice per year, for a maximum of two (2) days per sale;

(2) Home distributors of cosmetics and personal or household products may supply other approved home occupation proprietors; and

(3) Agricultural produce stands are permitted consistent with Section 9-6.117.

(g) Signing. One (1) identification sign with a maximum area of two (2) square feet may be erected pursuant to Chapter 9-15. A commercial vehicle carrying any sign identifying the home occupation and parked on or adjacent to the residential site visible from the public street is included in determining the maximum allowable area of on-site fixed signs.

(h) Parking and Traffic. Traffic generated by a home occupation is not to exceed the volume normally expected for a residence in a residential neighborhood. All parking needs of the home occupation are to be met off the street. For purposes of this section, normal residential traffic volume means up to ten (10) trips per day. This subsection does not apply to garage or handcraft sales pursuant to subsection (f)(1) of this section. (Ord. 646 § 11, 2021; Ord. 614 § 4, 2017; Ord. 68 § 9-6.105, 1983)

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) 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. (Ord. 646 § 11, 2021; Ord. 635 § 5, 2020; Ord. 614 § 4, 2017; Ord. 552 § 2, 2010; Ord. 454 § 3, 2004; Ord. 449 § 1, 2004; Ord. 412 § 3, 2003; Ord. 68 § 9-6.106, 1983)

9-6.107 Residential uses in the Agriculture Zone.

Dwelling units in the A Zone, including primary family and farm support quarters, are allowed as accessory uses to agricultural uses on the same site subject to the standards of this section.

(a) Primary Family Housing. Land in the A Zone may be used for a property owner residence and one (1) additional residence for immediate family of the property owner, as follows:

(1) Special Requirements.

(i) Immediate Family Quarters. A secondary dwelling is allowed unit for use by the immediate family of the property owner, subject also to the provisions of subsection (a)(3) of this section. The permit application shall include identification of the immediate family members which are to occupy the dwelling, which may include only grandparents, parents, children, grandchildren, sisters and brothers of the property owner or spouse of the property owner.

(ii) Multiple Dwellings. In cases where more than one (1) single-family dwelling and one (1) immediate family dwelling is proposed on a contiguous ownership of one (1) or more lots of record, all additional units shall be subject to the provisions of subsection (b) of this section.

(2) Density. Residences in the Agriculture Zone are allowable at a ratio of one (1) primary family and one (1) immediate family unit for each legally-created lot of record, except where additional residences satisfy all provisions of subsection (b) of this section.

(3) Immediate Family Quarters: Special Standards.

(i) An approval permit for immediate family quarters shall be granted for a period of three (3) years. The Planning Department shall extend the permit for additional periods of three (3) years where the applicant demonstrates the occupancy of the dwelling remains immediate family.

(ii) An immediate family dwelling shall be removed from the site at such time as it is no longer occupied by the immediate family of the property owner.

(b) Farm Support Quarters. Includes farm or ranch housing for farm help or a caretaker customarily employed on land in the same ownership as the housing. Farm support quarters are allowable only when the housing is in direct support of existing or proposed agricultural production activities on lands owned or leased by the farm housing owner, subject to the following standards:

(1) Supplementary Statement. The application shall include explanation and documentation of the need for farm support quarters. The existing or proposed agricultural activities to be supported by the proposed farm support quarters must be described, as well as the number of employees necessary to conduct the agricultural operations.

(2) Criteria for Approval. The applicant shall demonstrate that the number of employees for which housing is proposed is necessary to support the existing and proposed agricultural activity. The demonstrations of necessity may be in the form of documentation of the number of employees previously used by the property owner in the agricultural operation or by citing examples of employees used by other agricultural operations of similar size and products.

(3) Status of Residents. Occupancy of farm support quarters is limited to the full-time employees and the spouse and children of full-time employees of agricultural or ranching operations conducted by the owners of the farm support housing, or lessor of the housing owner’s acreage. Farm support quarters shall not be rented or leased to individuals other than farm help and their families.

(4) Density. The maximum allowable density of farm support quarters is one (1) unit for each two and one-half (2½) acres.

(5) Sale of Farm Support Quarters. The site of farm support quarters shall not be separated from contiguous property in the same ownership by sale or land division unless a conditional use permit has been first approved, with the Planning Com-mission making the findings in subdivisions (i) and (ii) of this subsection, in addition to the required findings for a conditional use permit:

(i) The proposed reduction of the total acreage of the ownership will not affect its continuing use as a productive agricultural unit; and

(ii) The proposed reduction of the ownership size will not encourage population increases in the surrounding area incompatible with continuing agricultural operations.

(6) Group Quarters. The use of group quarters facilities such as bunkhouses, mess halls and the like for farm support quarters is allowable in the A Zone.

(7) Parking Requirements. No improved parking is required, provided sufficient usable area is available to accommodate all resident vehicles on-site. (Ord. 68 § 9-6.107, 1983)

9-6.108 Agricultural uses: Specialized.

Specialized agricultural uses other than crop production are subject to the provisions of the following sections:

9-6.109 Agricultural accessory buildings.

9-6.110 Animal hospitals.

9-6.111 Kennels.

9-6.112 Farm animal raising.

9-6.113 Interim agricultural uses.

9-6.115 Livestock specialties.

9-6.116 Horticultural specialties.

9-6.117 Agricultural produce stands.

(Ord. 614 § 4, 2017; Ord. 68 § 9-6.108, 1983)

9-6.109 Agricultural accessory buildings.

(a) Minimum Site Area. An agricultural accessory building is not to be established on a lot with an area less than one acre.

(b) Front Setback. Fifty (50) feet.

(c) Side and Rear Setbacks. Twenty-five (25) feet.

(d) Height. As provided by Section 9-4.113 (Height limitations). (Ord. 68 § 9-6.109, 1983)

9-6.110 Animal hospitals.

Animal husbandry facilities, including animal and veterinary hospitals, are subject to the following standards:

(a) Building Setbacks. Any building used to treat or board animals shall comply with the following additional setbacks. Any other buildings shall comply with the setbacks established for the particular zoning district in which the use is located.

(1) A and RS Zone. Setbacks shall be the same as for agricultural accessory buildings (Section 9-6.109) provided that the front setback may be reduced to twenty-five (25) feet and the rear setback may be reduced to ten (10) feet, if there are no door or window openings along the common property line with the adjacent residential use.

(2) Commercial Zones. None.

(b) Outside Animal Enclosures. Any outside animal enclosures which are accessory to animal husbandry facilities shall have a one hundred (100) foot setback from adjacent property for any enclosures used for boarding of large animals and shall have a twenty-five (25) foot setback for any outside areas used for short-term treatment activity. Boarding of small animals in outside enclosures shall not be permitted.

(c) Noise Control. As provided by Section 9-4.163.

(d) Access. Shall be from a paved road.

(e) Operation. The premises shall be continuously maintained in a clean and sanitary condition by daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease or offensive odor. Incineration is not permitted. (Ord. 614 § 4, 2017; Ord. 68 § 9-6.110, 1983).

9-6.111 Kennels.

Kennels providing overnight or longer term boarding for dogs, cats and similar household pets are subject to the following standards:

(a) Minimum Site Area.

(1) A, RS, and RSF Zones. One acre.

(2) CS Zone. None.

(b) Building Setbacks.

(1) A, RS and RSF Zones. As provided by Section 9-6.109.

(2) CS Zone. None.

(c) Outside Animal Enclosures. Outside animal enclosures shall not be used for overnight boarding. All animals shall be contained in pens or runs and not be allowed to run free on a site. Any outside enclosures shall be located a minimum of twenty-five (25) feet from all adjacent property lines and shall be designed to comply with subsection (d) of this section.

(d) Noise Control. As provided by Section 9-4.163.

(e) Operation. The premises shall be continuously maintained in a clean and sanitary condition by daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies or offensive odors. (Ord. 68 § 9-6.111, 1983)

9-6.112 Farm animal raising.

The raising or keeping of farm animals incidental to a residential use is allowed subject to the standards of this section, provided that these standards do not apply to domesticated household pets such as cats and dogs, which are governed under Section 4-1.119.

(a) Minimum Site Area. The minimum site area of a parcel used for farm animal raising shall be as specified in this subsection, unless a smaller site area is allowed as set forth in subsection (h) of this section. Adjacent parcels may be used to achieve the minimum site area by administrative use permit approval (Section 9-1.112) provided that there is a written agreement with the owner of the adjacent parcel(s); that said adjacent property is accessible for use by the animals for corrals, pens, pasturing or similar activity; that said adjacent property is not necessary to comply with minimum site area or animal density requirements for animals on its own site; and that any such adjustment shall only be valid for the duration of the agreement.

(1) Large Animals.

(i) Horses, burros, donkeys, and similar equines: One (1) acre.

(ii) Cows, steer, and similar bovines: One (1) acre.

(iii) Pigs and swine: One (1) acre.

(2) Small Animals.

(i) Goats, sheep, and similar ovines: One-half (1/2) acre.

(ii) Poultry (and similar ground birds): None.

(iii) Rabbits (and other non-carnivorous animals of similar size): None.

(iv) Turkeys: One-half (1/2) acre.

(v) Birds (including pigeons and other caged birds): None.

(b) Setbacks. All buildings used to house farm animals including livestock and poultry buildings, barns, stables, lofts, coops, and similar accessory structures are subject to the setback requirements of Section 9-6.109. All other animal enclosures including corrals, pens, feed areas, paddocks, uncovered stables and similar enclosures are subject to the setback requirements of this subsection. The occasional grazing of domestic animals in these setbacks is allowed provided that the pasture area is adequately fenced or that the grazing animal is securely restrained. Setbacks shall be measured from the nearest building used for residential purposes on adjacent property. Animals may be maintained at lesser setbacks when they were established prior to the residence on the adjacent property provided that the animals are continuously in compliance with subsection (c) of this section. If the animals are not so maintained, they may be required to comply with these setbacks.

(1) Large Animals.

(i) Equines: Fifty (50) feet.

(ii) Bovines: Fifty (50) feet.

(iii) Swine: One hundred (100) feet.

(2) Small Animals.

(i) Ovines: Fifty (50) feet.

(ii) Poultry: Twenty-five (25) feet.

(iii) Rabbits: Twenty-five (25) feet.

(iv) Turkeys: Fifty (50) feet.

(v) Birds: None.

(c) Maintenance. All buildings housing domestic animals, all animal enclosures, and all pasture areas shall be maintained free from litter, garbage, and the accumulation of manure. Premises shall be maintained in a neat and sanitary manner. If farm animals are not maintained in compliance with these standards, or are otherwise allowed to become a nuisance, the Planning Department shall initiate enforcement proceedings as provided by Chapter 9-8.

(d) Special Requirements. The keeping of specific domestic animals is subject to the special standards in this subsection in addition to other standards set forth in this section.

(1) Equines. None.

(2) Bovines. None.

(3) Swine. The maximum number of swine allowed on any parcel is three (3) sows and one (1) boar regardless of animal equivalency units.

(4) Ovine. None.

(5) Poultry. The maximum number of poultry allowed on any parcel is forty (40) regardless of animal equivalency units.

(6) Rabbits. All rabbits shall be contained in coops or pens and not be allowed to run free on a site. The maximum number of rabbits allowed on any parcel is forty (40) regardless of animal equivalency units.

(7) Turkeys. All turkeys shall be contained in coops or pens and not be allowed to run free on a site. The maximum number of turkeys allowed on any parcel is eight (8) regardless of animal equivalency units.

(8) Birds. None.

(e) Establishment of Animal Equivalency Units. Animal equivalency units are established in this subsection in order to define relationships among domestic animals of various sizes for use in determining allowable animal density.

(1) Large Animals.

(i) Equines: Each equine equals one (1) animal equivalency unit.

(ii) Bovines: Each bovine equals one (1) animal equivalency unit.

(iii) Swine: Each swine equals one (1) animal equivalency unit.

(2) Small Animals.

(i) Ovine: Two (2) ovine equal one (1) animal equivalency unit.

(ii) Poultry: Twenty (20) poultry equal one (1) animal equivalency unit.

(iii) Rabbits: Twenty (20) rabbits equal one (1) animal equivalency unit.

(iv) Turkeys: Two (2) turkeys equal one (1) animal equivalency unit.

(v) Birds: Not applicable.

(f) Allowable Animal Density. The maximum allowable animal density for a site is established by this subsection, unless a larger number is allowed as set forth in subsection (h) of this section.

(1) A Zone. No density limitations.

(2) RS Zone. Three (3) animal equivalency units per acre, provided that, for the first two (2) acres, no more than one (1) large animal shall be allowed for each full one-half (1/2) acre.

(3) RSF Zone. Two (2) animal equivalency units per acre, provided that no more than one (1) large animal shall be allowed for each full one-half (1/2) acre.

(g) Method of Calculating Animal Density. The method of calculating animal density is established by this subsection. The lot size (in gross acres) is multiplied by the allowable animal density (in animal equivalency units per acre) for the particular zoning district. The product is the maximum number of animal equivalency units allowed on the site. As an example, a 1.9 acre parcel in the RS Zone would allow 5.7 animal equivalency units which can be rounded off to six (6) as provided by Section 9-1.109(b)(4). This would allow two (2) equivalency units for large animals and four (4) equivalency units for small animals.

(1) Birds. Birds shall not be restricted as to density and shall not affect the allowable animal density on a parcel.

(2) Fraction of an Equivalency Unit. Since rounding off to whole numbers is provided for (Section 9-1.109), there will be no fractional equivalency units. Small animal equivalency units may not be divided between the various small animal subcategories. For example, ten (10) rabbits does not equal one-half (1/2) animal equivalency units and ten (10) rabbits and ten (10) poultry do not add together as one (1) animal equivalency unit.

(3) Unweaned Offsprings. Unweaned offsprings are permitted and shall not affect the allowable animal density on a parcel.

(h) Modification of Certain Standards. The minimum site area and allowable animal density standards set forth in this section may be adjusted subject to compliance with the criteria set forth in this section, except that these standards may also be modified through conditional use permit approval (refer to Section 9-2.110) if these criteria cannot be satisfied. The setback, maintenance and special requirements standards may not be modified by conditional use permit.

(1) Youth Projects. An adjustment not to exceed one (1) additional animal equivalency unit per acre or an adjustment to reduce the minimum site area by no more than twenty-five (25) percent may be granted for a youth project sponsored by a recognized organization, subject to the following criteria:

(i) The project is for a limited duration with a known termination date at which time the project animal will be removed from the site and the site brought into conformance with all applicable standards; and

(ii) There is an adult project supervisor who has reviewed and approved, in writing, the project and who can take corrective action if necessary regarding the project; and

(iii) All other standards of the section including setbacks, maintenance and special standards applicable to the project are and will be continuously satisfied; and

(iv) The site otherwise conforms to the standards set forth in the section; and

(v) All animals maintained on the site are owned by the residents of the premises; and

(vi) The youth involved in the project has demonstrated in prior adjustments, if applicable, the responsibility to maintain the project in a satisfactory manner.

(2) Small-Scale Breeding. An adjustment not to exceed one (1) animal equivalency unit for each of the first two (2) acres and two (2) animal equivalency units for each remaining acre may be granted for small-scale breeding for commercial purposes which does not exceed the special standards of subsection (d) of this section, subject to the following criteria:

(i) The site is located outside the urban services line; and

(ii) The site contains a minimum of three (3) acres; and

(iii) Secure enclosures are provided for any stud animals; and

(iv) Setbacks for any agricultural accessory buildings and animal enclosures are one hundred (100) feet from adjacent property lines; and

(v) A business license and home occupation permit (Section 9-6.105) can be secured.

(i) Other Animals. Domestic animals not specified in this section shall be reviewed by the Planning Director and shall be placed in the category which the animals most closely resemble.

(j) The grazing of animals is permitted when an individual property adheres to the density regulations of this section and may occur regardless of establishment of a primary use. (Ord. 646 § 11, 2021; Ord. 620 § 4, 2019; Ord. 614 § 4, 2017; Ord. 68 § 9-6.112, 1983)

9-6.113 Interim agricultural uses. (Reserved)

(Ord. 646 § 11, 2021; Ord. 68 § 9-6.113, 1983)

9-6.115 Livestock specialties.

(a) Chicken Ranches. The keeping of more than forty (40) chickens or other poultry is subject to the following:

(1) Urban Area Exclusion. The uses defined as chicken ranch shall not be located within the urban services line.

(2) Minimum Site Area. Five (5) acres.

(3) Setbacks. Fowl or poultry enclosures shall be located no closer than five hundred (500) feet from any adjacent property lines.

(b) Rabbit Farms. The raising or keeping of more than forty (40) rabbits is subject to the following:

(1) Minimum Site Area. Five (5) acres.

(2) Location. Rabbit pens shall be located no closer than one hundred (100) feet from adjacent property lines.

(3) Animal Density. No limitation when pens are entirely within a building. (Ord. 68 § 9-6.115, 1983)

9-6.116 Horticultural specialties.

These standards apply to the production and sale of ornamental plants and other nursery products.

(a) Limitation on Use.

(1) A and RS Zones. Limited to plant propagation, with no on-site retail sales except as provided by Sections 9-6.117 and 9-6.174.

(2) CR, CS and CPK Zones. Shall be conducted entirely within a building or enclosed yard.

(b) Minimum Site Area.

(1) A Zone. No minimum area.

(2) RS and RSF Zones. No minimum area for outdoor plant propagation; one (1) acre for greenhouse facilities, except accessory greenhouses.

(3) CP, CR, CS, CPK and LS Zones. No minimum area.

(c) Setback. As required by Section 9-6.109 for any buildings in the A and RS Zones. (Ord. 68 § 9-6.116, 1983)

9-6.117 Agricultural produce stands.

These standards apply to the retail sale of agricultural products except hay, grain and feed, in open structures constructed for agricultural product merchandising. Temporary or seasonal sales are also subject to Section 9-6.174.

(a) Limitation on Use.

(1) Residential Zones. Where stands are permitted, all products sold must be grown on the site of the stand, on adjacent contiguous parcels, or on other agricultural parcels in the City owned or leased by the owner of the site on which the stand is located. Permanent roadside stands are not allowed.

(2) A Zone. At least fifty percent (50%) of all products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other agricultural parcels in the City owned or leased by the owner of the site on which the stand is located.

(3) Temporary Stands. A temporary roadside stand is a facility where retail sales are conducted for a period less than sixty (60) days. A temporary stand maintained for a period greater than sixty (60) days which is in a vacant or unused condition for a period exceeding fourteen (14) days is to be entirely removed from the site or shall be authorized as a permanent stand. It may be reestablished at any time pursuant to this section. Reestablishment of a temporary stand previously authorized does not require a new permit in an A Zone, provided that all structures and parking areas are exactly as originally approved, and a building permit is obtained if required by the building and construction ordinance (Title 8 of this Code).

(b) Location. A roadside stand in a residential zone is to be located on a collector or arterial, at least two hundred (200) feet from any residence other than that of the applicant.

(c) Sales Area. To be limited to five hundred (500) square feet.

(d) Setbacks.

(1) Temporary Stand. None required, except when parking is proposed in front of a stand, setbacks are to be adequate to assure safe parking for at least three (3) vehicles in front of or nearby the stand, outside the public road right-of-way.

(2) Permanent Stand.

(i) Front Setback. Twenty-five (25) feet.

(ii) Side and Rear Setbacks. Twenty-five (25) feet.

(e) Parking. Temporary stands are to provide three (3) off-street spaces. Permanent stands are to provide five (5) spaces, located in off-street area accessed by a driveway a minimum of eighteen (18) feet

wide. The parking area for a permanent stand is to be surfaced with crushed rock or better. (Ord. 614 § 4, 2017; Ord. 68 § 9-6.117, 1983)

9-6.118 Cultural, education and recreation uses.

Any use identified by zoning district requirements shall be subject to the provisions of the following sections:

9-6.121 Churches and related activities.

9-6.123 Outdoor recreation services.

9-6.124 Rural sports and group facilities.

9-6.125 Schools and preschools.

(Ord. 68 § 9-6.118, 1983)

9-6.121 Churches and related activities.

Religious meeting facilities are subject to the following standards:

(a) Location. Church facilities shall be located on a collector or arterial.

(b) Limitation on Use. When located in an RS, RSF or LSF Zone, related activities may be limited to a Sunday school, an accessory residence, and small meeting rooms. Schools, gyms and facilities other than the sanctuary designed for large gatherings may be prohibited. (Ord. 552 § 2, 2010; Ord. 169 § 2, Exh. C, 1988; Ord. 68 § 9-6.121, 1983)

9-6.123 Outdoor recreation services.

Commercial or public outdoor athletic facilities, amusement parks and public parks are subject to the provisions of this section.

(a) Amusement Parks. Outdoor commercial recreation and entertainment facilities including but not limited to theme parks, permanent carnival-type rides, miniature golf, skateboard parks, go-cart and miniature auto tracks are subject to the following:

(1) Location. On a collector or arterial; not closer than one thousand (1,000) feet to a residential zone.

(2) Minimum Site Area. One (1) acre.

(3) Site Design Standards.

(i) Setbacks. All amusement park facilities are to be set back a minimum of twenty-five (25) feet from street frontage property lines and ten (10) feet from all interior lot lines.

(ii) Landscaping. Twenty-five (25) percent of an amusement park is to be landscaped including all required setbacks which are to be provided with screening plant materials.

(iii) Fencing. Amusement park sites are to be enclosed by a six (6) foot high fence.

(b) Outdoor Athletic Facilities. The standards of this subsection apply to commercial, public or membership participant athletic facilities operated as a principal use. These standards do not affect swimming pools, tennis courts or similar facilities when accessory to an individual residence or group of residences and not open to the public or when accessory to a school.

(1) Setbacks. The following setbacks apply to all athletic facilities approved under this section:

	Minimum Setback From All Property Lines (in feet)	
Facility	**Unlit**	**With Night Lighting**
Baseball diamond	**50**	**100**
Basketball court	**50**	**100**
Game courts for less than 10 participants (e.g., horseshoes)	**25**	**50**
Golf course fairways	**25**	**50**
Golf course greens	**25**	**50**
Handball courts	**50**	**100**
Picnic areas:		
Unimproved	**25**	**50**
Tables and cooking	**50**	**100**
Swimming pools	**50**	**100**
Tennis courts	**50**	**100**
Volleyball courts	**50**	**100**

(2) Specific Use Standards.

(i) Swim and Racquet Clubs. May include spectator facilities if authorized by approval.

(ii) Swimming Pools. Public or membership use swimming pools are to be enclosed with security fencing. (Ord. 68 § 9-6.123, 1983)

9-6.124 Rural sports and group facilities.

(a) Camping. Organizational group camps sponsored by a church, youth group, corporation or other organization, or camping which is seasonal and incidental to an agricultural use are subject to the following provisions. Commercial campgrounds as principal uses are subject to Section 9-6.180:

(1) Setbacks. All camping facilities and activities are to occur no closer than three hundred (300) feet from any property line or public road.

(2) Parking. No improved parking is required for incidental camping and organizational camps provided that sufficient usable area is available to accommodate all user vehicles entirely onsite.

(3) Access. All-weather access is to be provided to the site.

(4) Allowed Facilities. Camps established pursuant to this section may include the following facilities in addition to tent camping areas, based on the type of camp:

(i) Organizational Camps. Cabins, meeting hall, swimming pool, permanent restroom facilities, accessory and storage buildings;

(ii) Incidental Camping. Water supply and portable restrooms only. Incidental camping uses may also include spaces for a maximum of ten (10) self-contained recreational vehicles, without utility hookup facilities.

(5) Sanitation. Restroom facilities are to be provided as required by the Health Department.

(6) Required Findings—Incidental Camping. A conditional use permit for incidental camping is to be approved only where the Planning Commission first finds that:

(i) The proposed use will not affect the continuing use of the site as a productive agricultural unit providing food or fibre; and

(ii) The proposed use will result in no effect upon the continuance or establishment of agricultural uses on surrounding properties.

(b) Equestrian Facilities. Establishments engaged in the boarding of horses, riding schools and academies, and related uses including stables and exhibition facilities are subject to the following:

(1) Permit Requirements. Conditional use permit approval required when any equestrian establishment is proposed to include permanent spectator facilities which would require a building permit, for horse shows or other competitive events.

(2) Minimum Site Area. Ten (10) acres in the A Zone, five (5) acres in the RS Zone, two and one-half (2½) acres in the L and LS Zone.

(3) Setbacks. To be as set forth in Section 9-6.109.

(4) Parking Requirements. No improved parking is required, provided that sufficient usable area is made available to accommodate all employee and user vehicles entirely on-site, unless other requirements are set through conditional use permit approval. (Ord. 68 § 9-6.124, 1983)

9-6.125 Schools and preschools.

The provisions of this section apply to preschools and public and private schools providing instruction for preschool through twelfth grade children; business and vocational schools; and to preschools and other facilities including individual homes where day-care services are provided to more than six (6) children.

(a) Elementary and High Schools.

(1) Location. No closer than one thousand (1,000) feet to CS, CPK, IP and I Zones or five hundred (500) feet from a CR Zone.

(2) Parking. Off-street parking is to be provided at a ratio of two (2) spaces for each classroom, and one space for one hundred (100) square feet of administrative or clerical office space. Except that where Section 9-4.114 would require more spaces for an on-site auditorium, stadium, gymnasium or other public or sports assembly facility, the larger number of spaces is to be provided.

(b) Business and Vocational Schools.

(1) Limitation on Use. Business and vocational schools are allowed in the IP Zones only when the curriculum offered is primarily in subjects relating to industry and/or manufacturing.

(2) Parking. Off-street parking is to be provided at a ratio of one (1) space per seat in the largest classroom or instructional area, in addition to spaces required for any proposed auditorium by Section 9-4.114.

(c) Preschools and Child Day Care. The following standards apply in addition to the state licensing requirements in Title 22 of the California Administrative Code.

(1) Minimum Site Area. Six thousand (6,000) square feet where a facility is to accommodate seven (7) or more children.

(2) Site Design Standards.

(i) Fencing. All outdoor play areas are to be enclosed with fencing a minimum of four (4) feet high: provided that such fencing is to be solid and a minimum of six (6) feet in height on any property line abutting a residential use on an adjoining lot.

(ii) Parking and Loading Requirement. For facilities with six (6) or less children, no requirement other than that normally required for a residence; for facilities with seven (7) to twelve (12) children, an off-street drop-off area is to be provided with the capability to accommodate at least two (2) cars, in addition to the parking normally required for the residence; to be established through conditional use permit approval for facilities with more than ten (10) children. (Ord. 68 § 9-6.125, 1983)

9-6.126 Industrial uses.

Industrial uses or activities are subject to the provisions of the following sections:

9-6.128 Food and kindred products.
9-6.129 Fuel dealers.
9-6.130 Collection stations.
9-6.131 Storage, recycling and dismantling of vehicles and materials.
9-6.132 Recycling centers.
(Ord. 68 § 9-6.126, 1983)

9-6.128 Food and kindred products.

The following standards apply to food and kindred product uses:

(a) Limitation on Use.

(1) A Zone. Food and kindred products uses allowable in the A Zone are limited to the processing of raw materials grown on the site of the processing facility or on adjacent parcels.

(2) Commercial Zones. Food and kindred products uses allowable in the CR or CS Zones are limited to bakeries, ice cream and candy shops. (Ord. 68 § 9-6.128, 1983)

9-6.129 Fuel dealers.

(a) Parking Requirement. One (1) space per one thousand (1,000) square feet of use area.

(b) Fuel Dealer Standards.

(1) Location. For aboveground fuel tank storage, no closer than five hundred (500) feet to a residential zone. No location limitation for establishments using underground storage only.

(2) Site Design. Where storage yards or outdoor activity areas are proposed, they are subject to the provisions of Section 9-6.140.

(3) Setbacks. All aboveground fuel storage facilities are to be no closer than fifty (50) feet to any property line. (Ord. 68 § 9-6.129, 1983)

9-6.130 Collection stations.

(a) Site Access. Access to a collection station is to be from a collector or arterial.

(b) Setbacks. None required, provided that no collection station is to be located within one hundred (100) feet of an intersection.

(c) Parking Requirement.

(1) Outside Urban Services Line. A collection station shall be located to allow a user vehicle to pull entirely off the street pavement while using the facility, and sufficient area shall be provided to accommodate two (2) automobiles at the same time.

(2) Inside Urban Services Line. No parking is required, unless on-street parking is unavailable at the site, in which case at least two (2) off-street spaces are to be provided.

(d) Design Standards. A collection station is to be designed as follows:

(1) Containers. Portable containers are to be used, placed within a stationary wood framework, solid fence or bin to prevent the containers from being overturned.

(2) Container Enclosure. To be equipped with a lid to prevent access to stored materials by animals or vermin, and to preclude stored paper from being scattered by wind.

(3) Maximum Area. A collection station is to be no larger than two hundred (200) square feet.

(4) Signing. All collection stations are to be provided instructional signing indicating how materials are to be separated, and stating any limitations on the types of materials accepted for recycling.

(e) Maintenance. All collection stations are to be maintained in a clean and sanitary condition, with no material stored or discarded outside the container enclosure. All collection stations are to be emptied at

intervals sufficient to preclude containers from being filled, but in no case are containers to be emptied less than once every seven (7) days. (Ord. 68 § 9-6.130, 1983)

9-6.131 Storage, recycling and dismantling of vehicles and materials.

(a) Location. At least five hundred (500) feet from any school, church, hospital, public building, commercial, or residential zone.

(b) Minimum Site Area. One (1) acre.

(c) Parking Requirement. Two (2) spaces, plus one (1) space for each five thousand (5,000) square feet of use area.

(d) Site Design and Operation. All outdoor and indoor recycling facilities, wrecking yards, and impound lots are subject to all provisions of Section 9-6.140. (Ord. 552 § 2, 2010; Ord. 68 § 9-6.131, 1983)

9-6.132 Recycling centers.

(a) Minimum Site Area. One-half (1/2) acre.

(b) Parking Requirement. Two (2) spaces, plus one (1) space for each five thousand (5,000) square feet of use area.

(c) Site Design and Operation. Recycling centers are subject to all provisions of Section 9-6.140 (Storage Yards). (Ord. 237 § (C), 1992)

9-6.133 Medical and social care facilities.

Personal care services are subject to the provisions of the following sections:

9-6.134 Skilled nursing and personal care.

9-6.135 Residential care facilities.

(Ord. 68 § 9-6.133, 1983)

9-6.134 Skilled nursing and personal care.

Board and care homes for residents, where no medical care is provided, are subject to all applicable standards for multiple-family dwellings.

(a) Minimum Site Area. Twenty thousand (20,000) square feet.

(b) Parking Requirement. One (1) space per four (4) beds. Off-street parking and access is to be provided as required for rooming houses in Section 9-4.114. (Ord. 68 § 9-6.134, 1983)

9-6.135 Residential care facilities.

(a) Minimum Site Area. Twenty thousand (20,000) square feet is the minimum site area for more than six (6) boarders.

(b) Fencing. Any play areas for children are to be fenced to prevent uncontrolled access to and from the site.

(c) Parking. For facilities with more than six (6) boarders, parking is to be provided as set forth in Section 9-6.134(b). (Ord. 68 § 9-6.135, 1983)

9-6.137 Outdoor commercial uses.

Sales and storage activities that are primarily of an outdoor nature are subject to the provisions of the following sections:

9-4.139 Sales lots and swap meets.

9-6.140 Storage yards.

(Ord. 68 § 9-6.137, 1983)

9-6.139 Sales lots and swap meets.

Outdoor sales lots and swap meets are subject to the provisions of this section. Wrecking yards are subject to Section 9-6.131 (Recycling and scrap).

(a) Sales Lots. May be conducted as a principal use (as in the case of a recreational vehicle lot), or as an accessory use (such as a sales yard in conjunction with a building materials store), subject to the following:

(1) Site Design Standards.

(i) Displays. To be limited to street frontages only. All other property lines are to be screened as set forth in subsection (a)(1)(iii) of this section.

(ii) Landscaping. A ten (10) foot wide landscaping strip is to be provided adjacent to all street property lines, consisting of ground covering vegetation, which may be maintained at a height less than three (3) feet, and trees. This is in addition to any landscaping required by Section 9-4.124 (Landscaping).

(iii) Screening. All interior property lines are to be screened with a six (6) foot high solid wall or fence that provides similar screening effect.

(iv) Office Facilities. When no buildings exist or are proposed on a sales yard site, one (1) commercial coach may be utilized for an office, provided that such vehicle is equipped with skirting and landscaping, and installed pursuant to the permit requirements of Title 8 of this Code (the building and construction ordinance).

(v) Site Surfacing. A sales lot is to be surfaced with concrete or A.C. paving in the CS zone. In the CPK, IP and I zones crushed rock, or other materials maintained in a dust-free condition may be allowed. All vehicle drive areas and customer parking areas are to be paved with concrete, asphalt or crushed rock.

(vi) Minimum Lot Size. The minimum lot size for sales lots for any type of vehicle shall be one (1) acre. Smaller lots may be allowed by the Planning Commission for other outdoor sales lot uses.

(vii) Street Frontage Fencing. Fencing along street frontages shall be limited to decorative wrought iron or wood rail fencing not to exceed three (3) feet in height and located three (3) feet behind the sidewalk in the landscape planter. Chain link fencing not permitted.

(b) Swap Meets. May be conducted only as a temporary use on the site of another use established pursuant to this title provided that such site is also in conformity with the standards of this section. Swap meets are distinguished from temporary or seasonal sales since they occur on a regular and periodic basis, generally at least one time a month or more frequently.

(1) Location. On an arterial, or on a collector which extends between two (2) other collectors or arterials, provided that a swap meet is not to be located on a site that abuts a residential zone.

(2) Limitation on Use. The sale of vehicles is not permitted. Any sales of food items are subject to Health Department approval.

(3) Site Design Standards.

(i) Parking Requirement. As determined by the Planning Commission.

(ii) Restrooms. Public restrooms are to be provided at a swap meet as required by the Health Department.

(iii) Site Surfacing. Portions of a swap meet site used for sales activities, or pedestrian circulation are to be surfaced with concrete, asphalt, or planted with maintained lawn. Vehicle access and parking areas are to be surfaced in accordance with Section 9-4.114. All site areas not otherwise used for buildings or vehicle circulation are to be landscaped.

(4) Operation. Swap meets are to be held during the daylight hours, on no more than two (2) days out of every seven (7) days. This standard may be modified by the Planning Commission through conditional use permit approval where it is found that the proposed site will be provided with adequate permanent parking and restroom facilities and that the surrounding area can sustain traffic volumes generated by a swap meet without adverse effects in the area. (Ord. 364 § 2, Exh. C, 1999; Ord. 68 § 9-6.139, 1983)

9-6.140 Storage yards.

Outdoor storage yards, excluding the storage of vehicles in a day use parking lot or garage, are subject to the provisions of this section. The storage of vehicles in a public or commercial parking lot or garage is subject to Section 9-4.114; the storage of wrecked, abandoned or vehicles being dismantled, is subject to Section 9-6.131, in addition to this section.

(a) Site Design Standards.

(1) Access. There shall be only one (1) access point to a storage yard for each three hundred (300) feet of street frontage. Such access point is to be a maximum width of twenty (20) feet and shall be provided with a solid gate or door.

(2) Screening. A storage yard, except a temporary offsite construction yard, is to be screened from public view on all sides by solid wood, painted metal or masonry fencing, with a minimum height of six (6) feet. All required screening shall be continuously maintained in good condition to assure that its intended purpose is accomplished. This requirement may be waived through administrative use permit approval (Section 9-1.112), when:

(i) The side of a storage yard abuts a railroad right-of-way; or

(ii) The surrounding terrain, existing vegetation intended to remain or other conditions would make fencing ineffective or unnecessary for the purpose of screening the storage yard from the view of public roads.

(3) Parking Requirement. None, provided that sufficient usable area is available to accommodate all employee and user parking needs entirely on site.

(4) Site Surfacing. A storage yard shall be surfaced with concrete, asphalt paving, crushed rock, or other all weather surfaces as approved by the City and be maintained in a dust-free condition.

(b) Operation. Except for vehicles or freestanding equipment, materials within a storage yard are not to be stacked or stored higher than six (6) feet, unless screening requirements have been waived or modified pursuant to subsection (a)(2)(ii) of this section, or unless a higher wall or fence is constructed at the required setback line under an approved building permit. (Ord. 635 § 5, 2020; Ord. 614 § 4, 2017; Ord. 552 § 2, 2010; Ord. 68 § 9-6.140, 1983)

9-6.141 Residential uses.

Special residential uses are subject to the standards in the following sections:

9-6.142 Individual mobilehomes.

9-6.143 Mobilehome parks.

(Ord. 68 § 9-6.141, 1983)

9-6.142 Manufactured homes.

When used for permanent residential occupancy, manufactured homes are subject to the standards of this section, in addition to Title 8 of this code (Building). Manufactured homes used as temporary offices or dwellings are subject to Section 9-6.172 et seq. Manufactured homes in sales lots are subject to Section 9-6.139.

(a) Location. A manufactured home is to be located as follows:

(1) Within an approved mobilehome park or subdivision;

(2) On any single-family residential parcel subject to the manufactured home standards specified in subsection (b) of this section.

(b) Manufactured Home Standards.

(1) If a manufactured home is considered a mobilehome, the structure shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974.

(2) The manufactured home shall be placed on an approved permanent foundation system. An approved foundation system shall include any foundation system approved by the State Department of Housing and Community Development or any foundation designed by an engineer or architect in compliance with applicable provisions of the adopted Building Code.

(3) At the time of permit application, the Planning Director shall review the architectural features and treatment of the proposed manufactured home with similar features on existing dwelling within the area. The decision of the Planning Director may be appealed to the Planning Commission and the decision of the Planning Commission may be appealed to the City Council, as set forth in Section 9-1.111.

(4) Manufactured homes shall have a minimum width of fifteen (15) feet. Manufactured homes with widths less than fifteen (15) feet may be permitted with approval by the Design Review Committee.

(5) Utility connections including water, sewer, gas and electric shall be made permanent in the same manner as conventional housing. Utility shutoff valves shall be accessible and shall not be located under or behind siding or skirting of a manufactured home.

(6) No additions or other structural modifications shall be made to the structure without prior approval from the State Department of Housing and the City.

(7) An application shall include all information necessary to comply with State of California regulations, as well as other permit information and fees established by the City for its processing of an application.

(c) Storage. Unoccupied manufactured homes that are not fixed to a foundation or a prepared permanent site are to be stored only in a sales lot, a storage yard, or in a mobilehome park. (Ord. 552 § 2, 2010; Ord. 68 § 9-6.142, 1983)

9-6.143 Mobilehome parks.

Mobilehome parks are subject to the regulations of Title 25 of the California Administrative Code, in addition to this section and other applicable standards of this title.

(a) Minimum Site Area and Density. A site proposed for a mobilehome park shall be a minimum of one (1) acre. Mobilehome park density shall be the same density as is allowable for other residential dwellings in the particular zoning district.

(b) Access. A collector, arterial or freeway frontage road, except that a mobilehome park with less than forty (40) units may be located on a local road not more than five hundred (500) feet from a collector or arterial.

(c) Site Design Standards.

(1) Required Yards.

(i) Individual Mobilehome Sites. To be provided with a ten (10) foot front yard between the mobilehome and the edge of an internal park street, measured from the center point of the mobilehome wall to the edge of the interior park street; and five (5) foot side and rear setbacks, except that a carport or unenclosed patio may extend to one (1) foot of the side lot line. “Zero” lot line side standards may be allowed provided the overall setback between units is no less than ten (10) feet.

(ii) Separation Between Structures. No mobilehome may be located closer than ten (10) feet to another mobilehome or structure.

(iii) Park Boundary Yards. Mobilehomes are to be set back from property lines as follows:

a. Park entrance street: twenty-five (25) feet;

b. Other street frontage: fifteen (15) feet;

c. Other property lines: ten (10) feet.

(2) Coverage. A maximum of seventy-five (75) percent of the mobilehome park site may be covered by mobilehomes, structures, and paving for vehicle use.

(3) Landscaping. Areas not occupied by mobilehomes, other structures, or paving, or unpaved fenced storage areas are to be landscaped.

(4) Parking. The mobilehome park is to be provided with parking spaces as follows:

(i) Individual Mobilehomes. A minimum of two (2) off-street parking spaces are to be located on each mobilehome site. Such spaces may be arranged in tandem and may extend into the required front yard.

(5) Utilities. All on-site utilities are to be installed underground.

(6) Screening Fencing.

(i) Fencing Required. The perimeter of a mobilehome park (with the exception of the park entrance street frontage) and any recreational vehicle storage areas are to be enclosed with solid wood or masonry fencing, or other alternative screening approved by the Planning Commission, a minimum of six (6) feet in height.

(ii) Location of Fencing. Park perimeter fencing is to be located at the setback line on street frontages where required, and on the property line elsewhere.

(iii) Adjustment. An adjustment to this standard may be authorized by the Planning Commission to reduce or eliminate the fencing requirement where topography, existing vegetation intended to remain, or other conditions would make screening unnecessary or ineffective.

(7) Skirting. Each mobilehome is to be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobilehome located on-grade. (Ord. 68 § 9-6.143, 1983)

9-6.147 Resource extraction.

This section sets special standards for resource extraction activities including oil, gas and geothermal wells, surface mining and reclamation, and underground mining. These standards are organized as follows:

9-6.148 Resource extraction wells.
9-6.149 Drilling permit requirements.
9-6.150 Development standards for resource extraction wells.
9-6.151 Surface mining and reclamation.
9-6.152 Surface mining practices.
9-6.153 Permit requirements for surface mining.
9-6.154 Reclamation plan.
9-6.155 Guarantee of reclamation required.
9-6.156 Public records.
9-6.157 Periodic review.
9-6.158 Nuisance abatement.
9-6.159 Underground mining.
9-6.160 Permit requirements.
9-6.161 Surface operations.

(Ord. 68 § 9-6.147, 1983)

9-6.148 Resource extraction wells.

A drilling permit shall be obtained to authorize wells for extraction of oil, gas, geothermal steam or any other subterranean resource except water, whether for purposes of exploration or production. Such operations shall be conducted in accordance with the standards in Sections 9-6.149 through 9-6.150. Exploratory wells are those drilled to explore for subterranean resources, including verifying their location, extent, or determining the feasibility of commercial extraction. Production wells are permanent installations for the extraction and preparation for transportation of a proven resource. (Note: The extraction of petroleum from oil sands or shales by any method other than wells is subject to the standards of Sections 9-6.151 through 9-6.158 for surface mining operations.) (Ord. 68 § 9-6.148, 1983)

9-6.149 Drilling permit requirements.

(a) Application Content. In addition to the information required for applications by Chapter 9-2, drilling permit applications shall also describe:

(1) Location and dimensions of wells, well pads and earthen sumps, location of roads and associated improvements (including housing), locations of any pipelines or storage tanks and pump facilities.

(2) Identification of the type of drilling equipment (e.g., portable or fixed) intended to be used in the drilling activities.

(3) When landscaping plans are required by Chapter 9-2, they are to include measures proposed for screening producing wells and permanent equipment from the view of public roads or residential uses, revegetation of all cut and fill banks, and restoration of disturbed areas of the site not directly related to oil and gas production.

(4) Proposed erosion control measures. (Ord. 68 § 9-6.149, 1983)

9-4.150 Development standards for resource extraction wells.

(a) Bonding. Following approval of a drilling permit and prior to any work on the proposed drilling site, the applicant shall post a surety bond in the sum of five hundred dollars ($500) per well, in favor of the City, conditioned on conformance with all applicable conditions, restrictions, and requirements of this title and any conditions required by the Planning Commission. Such guarantee is in addition to any bond required by the State.

(b) Site Development.

(1) Roads and Access. Roadwork and grading for drill site preparation shall be limited to that necessary for site access. Roads shall be maintained in a dust-free condition by periodic watering or by compacted surfacing. A grading permit may be required for drill site access roads and site preparation, as determined by Section 9-4.138.

(2) Well Locations. A well hole, derrick or tank shall not be placed closer than one hundred (100) feet of any residence or closer than twenty-five (25) feet from any public road, street or highway.

(3) Operational Standards.

(i) Portable Rig Required. Drilling operations shall utilize portable drilling apparatus only, which shall be removed from the site within five (5) calendar days from completion of drilling.

(ii) Hours of Operation. Drilling operations may continue uninterrupted once started. Delivery of materials, equipment, tools or pipe shall occur only between the hours of 7:00 p.m., or such other hours as the Planning Commission may establish, except in case of emergency.

(4) Sumps and Waste Disposal. All waste substances such as drilling muds, oil, brine, or acids produced or used in connection with oil drilling operations or oil production shall be retained in watertight

receptors, from which they can be piped or hauled for terminal disposal by the Regional Water Quality Control Board. The use of unprotected earthen sumps is prohibited except during drilling operations. Any allowed sump located within view of any public street or within one thousand (1,000) feet of any residence is to be enclosed with a fence no less than five (5) nor more than ten (10) feet in height, mounted on steel posts with not less than three (3) strands of barbed wire around the top, except when an earthen sump is under continuous supervision and use during drilling operations. Fencing shall be constructed of woven wire fencing or equivalent of not greater than six (6) inch mesh.

(5) Fire Protection. Fire fighting apparatus and supplies, approved by the City Fire Department, shall be maintained on the site at all times during drilling and production operations.

(6) Completion of Drilling. Within thirty (30) days after completion or abandonment of an exploratory or production well, all derricks, other drilling apparatus and equipment, including any earthen sumps, shall be removed from the site and the sumps filled, except as provided in subdivision (3) of this subsection. After completion of drilling, any unnecessary servicing or maintenance of wells may utilize portable derricks, if needed.

(c) Well Operation and Site Maintenance.

(1) Landscaping. Within thirty (30) days after the completion of the drilling of a producing well within view of any public street or any residence, production equipment shall be screened, and the entire extraction site including disturbed areas not directly related to the extraction shall be revegetated and thereafter maintained as shown on the approved landscaping plan.

(2) Site Maintenance. The drill site, permanent equipment and approaches to the site shall be kept in a clean, neat appearing condition free from debris, other than necessary and incidental drilling equipment and supplies. The site shall be maintained so as to prevent any accumulation of oil, oil products, or oil-coated boards, materials or equipment which might cause fumes or odors detrimental to adjoining property.

(3) Storage Tanks. Oil storage tanks erected or maintained on the premises shall be removed no later than one hundred eighty (180) days after the first well on the site is completed. Oil produced thereafter shall be transported from the drilling site by means of an underground pipeline connected directly with the producing pump without venting to the atmosphere at the drilling site.

(4) Parking and Loading. All parking and loading activities related to well drilling or production shall occur on-site.

(5) Signing. Only directional, instructional and warning signs and signs required for identification of a well may be placed on the premises.

(6) Operating Wells. Pumping wells shall be operated by electric motors or muffled internal combustion engines. Pumping units shall be installed within pits or abovegrade structures which screen all mechanical equipment from the view of public roads or adjoining properties and which reduce noise generated by pumping equipment to within the limits specified by Section 9-4.163.

(d) Well Abandonment. The well site and surroundings affected by drilling operations shall be restored and revegetated to achieve a natural appearing condition which will approximate their original vegetative and topographic state. (Ord. 68 § 9-6.150, 1983)

9-6.151 Surface mining and reclamation.

Surface mining operations include the processes of removing overburden and mining directly from mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. In addition, surface mining operations include, but are not limited to: In place of distillation, retorting or leaching; the production and disposal of mining waste; prospecting and exploratory activities; and extractions of natural materials for building construction.

(a) Purpose and Intent. These sections are adopted as required by the California Surface Mining and Reclamation Act of 1975 (Section 2710 et seq., of the Public Resources Code). The purpose of these sections is the regulation of surface mining and related mineral extraction operations within the City. The intent is to provide for reclamation of mine lands, prevent or minimize adverse environmental effects and safety hazards, and provide for the protection and subsequent beneficial use of mined and reclaimed lands. Because surface mining occurs in areas diverse in environmental and social conditions, reclamation operations and specifications may vary accordingly.

(b) Surface Mining Operations—Reclamation Plan Required. No person shall conduct surface mining operations unless a reclamation plan has first been approved by the City for such operations, except as otherwise provided in this chapter.

(c) Exceptions. The provisions of these sections regarding surface mining operations are not applicable to:

(1) Excavations or grading conducted for farming or on-site construction, or to restore land following a flood or natural disaster when the excavation is conducted only on the land directly affected by disaster.

(2) Prospecting and exploration for minerals of commercial value where less than five hundred (500) cubic yards of overburden is removed in any one (1) location of one (1) acre or less, provided each such location shall be restored to a natural appearing or otherwise usable condition to the approval of the Planning Director upon completion of exploration.

(3) Any surface mining operation that does not involve either the removal of a total of more than five hundred (500) cubic yards of minerals, ores, and overburden, or cover more than one acre in any one location.

(4) Other mining operations categorically identified by the State Board pursuant to Sections 2714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975. (Ord. 68 § 9-6.151, 1983)

9-6.152 Surface mining practices.

The State guidelines for surface mining and reclamation practices contained in the California Administrative Code are incorporated into these sections as though they were set fully forth and are the minimum acceptable practices to be followed in surface mining operations. (Ord. 68 § 9-6.152, 1983)

9-6.153 Permit requirements for surface mining.

(a) New Surface Mining Operations. Approvals required in the particular zoning district shall be obtained before starting any surface mining operations except as provided in subsection (b) of this section.

(b) Existing Surface Mining Operations. A person who has obtained a vested right to conduct a surface mining operation before January 1, 1976, need not secure a permit as required by subsection (a) of this section as long as the vested right continues; provided, however, that approval is also required if an existing mine is changed by increasing the on-site processing capabilities of the operation or by changing the method of mining (i.e., from mechanical to hydraulic technology), or if the mine is expanded beyond the external boundaries of the surface mining site.

(c) Vested Right Defined. For the purposes of surface mining operations only, a person is deemed to have a vested right if, prior to January 1, 1976, he or she has in good faith and in reliance upon a permit or other authorization, if a permit or other authorization was required, diligently commenced surface mining operations and incurred substantial costs for work and materials necessary therefor. Expenses incurred in obtaining required approvals or the issuance of a permit to establish or expand a mine are not deemed costs for work or materials.

(d) Surface Mining Permit Review Procedure. The Planning Department will review the permit application and the reclamation plan for accuracy and completeness and coordinate review of the application and plan with other agencies. A public hearing will be scheduled after the filing of both the permit application and the reclamation plan. The hearing will be held pursuant to Section 9-1.110. The purpose of the hearing will be to consider the applicant's request and to approve, conditionally approve or disapprove the issuance of a permit and reclamation plan for the proposed surface mining operation. Approval or conditional approval may be granted only upon making the findings that the application and reclamation plan or amendments to reclamation plan and reports submitted:

(1) Adequately describe the proposed operation in sufficient detail;

(2) Incorporate adequate measures to mitigate the probable significant adverse environmental effects and operational visual effects of the proposed operation;

(3) Incorporate adequate measures to restore the site to a natural appearing or otherwise usable condition compatible with adjacent areas;

(4) Show proposed uses which are consistent with the General Plan; and

(5) Demonstrate that the uses proposed are not likely to cause public health or safety problems.

In addition, when any significant environmental impact has been identified, the findings mandated by the Public Resources Code shall be made. (Ord. 68 § 9-6.153, 1983)

9-6.154 Reclamation plan.

(a) When Required.

(1) Proposed Surface Mining Operations. Approval of a reclamation plan shall be obtained before starting any proposed surface mining operation for which a permit is required by Section 9-6.153.

(2) Active Surface Mining Operations.

(i) No later than January 1, 1983, any person who is presently conducting surface mining operation under a vested right obtained before January 1, 1976, shall file with the Planning Department a reclamation plan for all operations conducted and planned after January 1, 1976; provided, however, that a reclamation plan need not be filed if:

a. A reclamation plan was approved by the County before January 1, 1976, and the person submitting that plan has accepted responsibility for reclaiming the mined lands in accordance with that plan; or

b. The owner/operator files a letter with the Planning Department stating that the mine is being temporarily deactivated, and agreeing to file a reclamation plan as set forth in subdivision (3) of this subsection before resuming operations; or

c. Surface mining operations were completed before January 1, 1976.

(3) Temporarily Deactivated Surface Mining Operations. The owner/operator of a surface mining operation for which a vested right was obtained before January 1, 1976, and which is temporarily deactivated on the effective date of this title shall, prior to reactivation, receive approval of a reclamation plan for operations to be conducted after January 1, 1976. Failure to receive approval of a reclamation plan before reactivating a temporarily deactivated operation shall create a presumption of termination of the vested right and surface mining operations shall be prohibited unless a new surface mining permit is approved.

(b) Reclamation Plan Filing and Content. The filing and content of all reclamation plans shall be in accordance with the provisions of this chapter and as further provided in Section 2700 et seq., of the Public Resources Code. All applications for reclamation plan shall be made on forms provided by the City Planning Department, and as called for by the Public Resources Code.

(c) Notification of State Geologist. The State Geologist will be notified of the filing of all permit applications and reclamation plans.

(d) Reclamation Plan Review Procedure. The Planning Department will review the reclamation plan for accuracy and completeness, and coordinate review of the plan by other agencies. It may approve, conditionally approve, or disapprove the reclamation plan. The Planning Director may refer the reclamation plan directly to the Planning Commission, in which case the entire procedure described in Section 9-1.108 will be followed. A reclamation plan will be accepted for review only when the Planning Director has determined that the surface mining operation was established in accordance with legal requirements applicable at the time of its establishment. Such determination shall be based upon information submitted by the applicant, or relevant City or County records. Approval or conditional approval of a reclamation plan may be granted only upon making the finding that the reclamation plan or amendments thereto:

(1) Adequately describes the proposed operation in sufficient detail;

(2) Incorporates adequate measures to mitigate the probable significant adverse environmental effects of the proposed operation;

(3) Incorporates adequate measures to restore the site to a natural appearing or otherwise usable condition compatible with adjacent areas, and to a use consistent with the General Plan. Where a significant environmental impact has been identified, and all findings mandated by the Public Resources Code shall be made.

(e) Amendments. Amendments to an approved reclamation plan can be submitted to the City at any time, detailing proposed changes from the original plan. Such amendments are to be filed with, and approved by the City using the same procedure required for approval of a reclamation plan by subsection (d) of this section. (Ord. 68 § 9-6.154, 1983)

9-6.155 Guarantee of reclamation required.

Appropriate security or guarantees shall be provided by the applicant to ensure proper implementation of the reclamation plan as required by the Public Resources Code, as a condition of issuance of a permit and/or approval of a reclamation plan. The form and manner of posting of the guarantee shall be determined by the Planning Director pursuant to Section 9-2.121. The guarantee may be in the form of a lien to be placed on property being mined in the event that the approved reclamation plan has not been fulfilled instead of the guarantees specified in Section 9-2.121. (Ord. 68 § 9-6.155, 1983)

9-6.156 Public records.

Reclamation plans, reports, applications, and other documents submitted pursuant to this title are public records unless the applicant states in writing that such information, or part thereof, would reveal production, reserves, or rates of depletion which are entitled to protection as proprietary information. The City shall identify and file such proprietary information as a separate part of each application. Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine operator and by the mine owner (see Section 2778 of the Public Resources Code). (Ord. 68 § 9-6.156, 1983)

9-6.157 Periodic review.

A schedule for periodic inspections of the site will be established through conditions of approval to evaluate continuing compliance with the permit and reclamation plan. A fee for such inspections may be established by the City fee resolution. Any surface mine subject to this inspection requirement for which the

inspection fee remains unpaid thirty (30) days or more from the time it becomes due constitutes grounds for revocation of such permit or plan. (Ord. 68 § 9-6.157, 1983)

9-6.158 Nuisance abatement.

Any surface mining operation existing after January 1, 1976, which is not conducted in accordance with the provisions of this title, constitutes a nuisance and shall be abated pursuant to Chapter 9-8. Any surface mining operation for which a vested right exists but which is deactivated as of the effective date of this title constitutes a nuisance to be abated if surface mining operations are again started without compliance with the applicable provisions of this title. (Ord. 68 § 9-6.158, 1983)

9-6.159 Underground mining.

The mining and extraction of subterranean mineral deposits by means of a shaft or tunnel is subject to the standards set out in Sections 9-6.160 and 9-6.161. (Ord. 68 § 9-6.159, 1983)

9-6.160 Permit requirement.

(a) Approval as specified in the particular zoning district is required:

(1) To authorize the commercial production of ore;

(2) When the total volume of tailings produced exceeds five hundred (500) cubic yards;

(3) When any on-site processing of ore is proposed.

(b) No entitlement is required for prospecting and exploration activities for which the volume of tailings produced is less than one thousand (1,000) cubic yards, except when a grading permit is required or any authorizations are required by the State Division of Mines and Geology, the Federal Mine Safety Administration, and California Regional Water Quality Control Board. (Ord. 68 § 9-6.160, 1983)

9-6.161 Surface operations.

All surface operations in conjunction with an underground mine are subject to the standards for surface mining operations (Sections 9-6.151 through 9-6.158). (Ord. 68 § 9-6.161, 1983)

9-6.162 Retail trade.

The following standards apply to the following retail trade uses: auto and vehicle dealerships, automobile service stations, and building material sales.

9-6.163 Auto and vehicle dealerships.

9-6.164 Automobile service stations.

9-6.165 Building materials sales.

(Ord. 68 § 9-6.162, 1983)

9-6.163 Auto and vehicle dealerships.

Vehicle dealerships are subject to the following standards. Auto parts stores are not subject to these standards when conducted entirely within a building.

(a) Limitations on Use. Vehicle dealerships are limited to new and used automobiles, light trucks, and motorcycles (including mopeds). Such new vehicle dealerships are allowed provided all vehicles for sale are stored, displayed and serviced entirely on the site.

(b) Access. From a collector, arterial or freeway frontage road.

(c) Setbacks. A minimum ten (10) foot landscaped setback with trees, low shrubs and groundcover shall be required from all street frontage property lines.

(d) Outdoor Use. The outdoor display or storage shall be limited to new and used automobiles in operable condition.

(e) Minimum Lot Size. The minimum lot size for auto and vehicle dealerships shall be one (1) acre (net). Smaller lots may be approved by the Planning Commission for motorcycle or moped dealers or indoor auto and vehicle display/sales dealerships only.

(f) Site Surfacing. Auto dealer display lots shall be surfaced with concrete or A.C. paving. All vehicle drive areas, service areas and customer parking areas are to be paved with concrete, asphalt or masonry paving units, including vertically-oriented concrete block with the block cells planted with grass. Crushed rock will be allowed for vehicle storage areas on the rear half of the lot that are not accessible to the general public.

(g) Landscaping and Screening. Paved areas of display lots shall provide landscape planters with trees on at least five percent (5%) of the lot area. Along U.S. Highway 101 a ten (10) foot landscape treatment with decorative fencing shall be provided as a buffer between the highway and sales lot. All service and storage areas shall be screened from public views.

(h) Street Frontage Fencing. Fencing along street frontages shall be limited to decorative wrought iron, wood rail or other alternative fencing subject to staff review not to exceed three (3) feet in height and located three (3) feet behind the sidewalk in the landscape planter. Chain link fencing not permitted. (Ord. 452 § 3, 2004; Ord. 364 § 2, Exh. C, 1999; Ord. 68 § 9-6.163, 1983)

9-6.164 Automobile service stations.

Establishments defined as service stations are subject to the following standards:

(a) Location Criteria. The location of service stations shall be as follows:

(1) No new station shall be located adjacent to a lot in the RS, LSF or RSF Zone.

(2) Street Characteristics. An automobile service station shall be approved only at locations which meet the following standards for street access:

(i) At any intersection where at least one (1) intersecting street is a collector or arterial;

(ii) Between intersections on an arterial; or

(iii) Within a shopping center or industrial park, when vehicle access to the service station is only from within the shopping center or industrial park and not directly from a public street, except as provided by subdivisions (2)(i) and (2)(ii) of this subsection.

(b) Minimum Site Area. Fifteen thousand (15,000) square feet, with minimum dimensions of one hundred twenty-five (125) feet on all street frontages.

(c) Site Design Criteria. In addition to the other applicable standards of this title, the following are applicable to service stations:

(1) Setbacks.

(i) Pump Islands. Eighteen (18) feet from any street right-of-way.

(ii) Buildings. Ten (10) feet from any street right-of-way.

(iii) Adjacent to RMF Zone. A ten (10) foot landscaped setback shall be provided along the total length of any property line abutting a multifamily residential zone.

(2) Access Driveways. Driveways providing access to service station sites shall be a minimum width of thirty (30) feet, and shall be no closer than twenty (20) feet from the nearest curb line of any intersecting street.

(3) Parking Requirement. Two (2) spaces, plus two (2) spaces per service bay.

(4) Landscaping. A landscaping strip with a minimum width of five (5) feet shall be located adjacent to all street frontages, exclusive of driveway areas. The total area of landscaping shall be a minimum of twenty (20) percent of the total site area.

(5) Signing. Service station signing is allowed as provided by Section 9-4.130 except for the following additional special signing:

(i) Price Signs. One price sign is allowed for each site frontage, not to exceed twelve (12) square feet.

(ii) Service Signs. Signs indicating whether pump islands are "Full Service" or "Self Service" are permitted provided that there are not to be more than two (2) such signs for each pump island, they do not project beyond the edge of the pump island curb, and they do not exceed four (4) square feet in area.

(d) Repair Activities. All areas set aside for repair activities in conjunction with a service station shall be entirely within a building or enclosed area. (Ord. 68 § 9-6.164, 1983)

9-6.165 Building materials sale.

Such establishments in commercial and industrial zones are subject to the following standards:

(a) Enclosed Required. All building materials sales activities and storage shall be enclosed within a building or enclosed area. (Ord. 68 § 9-6.165, 1983)

9-6.168 Automobile repair or services.

This section applies to all auto repair and service activities defined as allowable in the commercial and industrial zones.

(a) Repair and Services Other Than Self-service Washing.

(1) Enclosure Required. All repair and service activities and the temporary storage of vehicles while waiting for repair, service or bodywork shall be conducted within a building, or within a yard enclosed by a six (6) foot high solid fence, such that storage or repair activities are not visible from the public street.

(b) Self-service Car Washes. The standards of this subsection are applicable to self-serve car washes where the vehicle remains stationary during washing.

(1) Location. On a collector or arterial, provided that a car wash is not to be located adjacent to RS, LSF, or RSF zones.

(2) Access Lanes. Separate on-site access and egress lanes are to be provided, and identified with directional signing. Site access and egress may be from a single driveway, provided that one-way traffic flow is maintained on-site.

(3) Setbacks. Structures are to be set back from site property lines at distances sufficient to provide the following features:

(i) Waiting Area. An area ten (10) by twenty (20) feet is to be provided adjacent to the entrance of each washing bay for a vehicle waiting to use the bay.

(ii) On-site Circulation. The car wash structure, and waiting area described in subdivision (3)(i) of this subsection shall be encircled by a one-way driving lane with a minimum width of twenty-four (24) feet along the washing bays, and twelve (12) feet adjacent to the building ends.

(iii) Drying Area. An area shall be provided for the drying of vehicles after washing, consisting of separate spaces which are a minimum size of twelve (12) by twenty (20) feet. Drying spaces are to be provided at a ratio of two (2) per washing bay.

(iv) Adjacent to RMF Zone. A ten (10) foot landscaped setback is to be provided along the total length of any property line abutting the RMF Zone.

(5) Landscaping. A ten (10) foot landscaping strip is to be provided across any street frontage of the site, exclusive of driveways.

(6) Fencing. The interior lot lines of a car wash site are to be screened with solid wood or masonry fencing, six (6) feet in height, except within ten (10) feet of the street right-of-way, where no fencing is required. (Ord. 68 § 9-6.168, 1983)

9-6.172 Temporary uses.

Land uses and activities of a temporary nature are included under seasonal or temporary sales, temporary dwellings, temporary events and temporary offices. When designated allowable, such uses are subject to the provisions of the following sections:

9-6.174 Seasonal or temporary sales.

9-6.175 Temporary off-site construction yards.

9-6.176 Temporary dwellings or offices.

9-6.177 Temporary events.

(Ord. 68 § 9-6.172, 1983)

9-6.174 Seasonal or temporary sales.

Seasonal sales include the retail sale of seasonal products such as produce and Christmas trees. Temporary sales include retail trade activities of short duration which involve the sale of other products. Both types of sales occur outdoors or in locations not otherwise designated by this title as being appropriate for permanent retail trade facilities. Such activities are subject to the provisions of this section.

(a) Licensing Requirement. Business license clearance is required for all seasonal or temporary sales, except sidewalk sales when conducted by merchants with previously approved annual business licenses; and

(b) Temporary Sales Generally. Temporary sales of items other than seasonal agricultural products are allowed only in conjunction with temporary events (Section 9-6.177), except:

(1) The temporary sale of handcrafted items and artwork, produced by an authorized home occupation are allowable as set forth in Section 9-6.105.

(2) Sidewalk or Temporary sales are allowed when:

(i) Authorized by a City permit (if using the public sidewalk or are a mobile vendor in the right-of-way).

(3) The temporary sales of products by nonprofit organizations are allowed for periods of limited duration with the approval of the property owner.

(c) Seasonal Sales. The seasonal sales of agricultural products is allowed as set forth in this subsection.

(1) Time Limit. The length of time during which seasonal sales may occur is as follows:

(i) Seasonal Products Grown On-site. When the seasonal agricultural products sold are produced on-site, no time limit applies, provided that such sales are conducted in accordance with Section 9-6.117.

(ii) Seasonal Products Grown Off-Site. The seasonal sale of agricultural products, except for Christmas trees, grown in a location separate from sales is not allowed, except when conducted in conjunction with a farmers' market. A farmers' market consists of multiple sellers which are organized for the purpose of selling agricultural products.

(2) Location. Seasonal sales are to be conducted only in a zone authorized for such use by this title which are in the following locations:

(i) On the site where seasonal agricultural products were grown;

(ii) Outside of any public road right-of-way, in a vacant lot, or shopping center parking lot where no more than twenty (20) percent of the parking spaces are to be occupied by seasonal sales activities. Written permission of the owner shall be submitted with any required application.

(3) Parking Requirements. None, provided sufficient open area is available to accommodate all employee and customer parking needs entirely on-site.

(4) Guarantee of Site Restoration. A bond or cash deposit is required for approval of a seasonal sales activity to guarantee site restoration after use and operation in accordance with the standards of this section, except when sales of agricultural seasonal products occur on the site where they are grown. When required, the guarantee is to be in the form established by Section 9-2.121, and shall be in the amount of fifty dollars ($50.00) for each five thousand (5,000) square feet of gross use area.

(5) Hours of Operation. The conduct of seasonal sales may occur daily. The hours of operation are to be between 7:00 a.m. and 10:00 p.m. (Ord. 620 § 4, 2019; Ord. 104 § 2, 1985; Ord. 68 § 9-6.174, 1983)

9-6.175 Temporary off-site construction yards.

A storage yard for construction supplies, materials or equipment for temporary use during a construction project is allowable on a site not adjacent to the construction site subject to the provisions of this section. The temporary storage of construction materials on or adjacent to a construction site is subject to Section 9-6.103(a).

(a) Site Restoration Required. The site of a temporary construction yard shall be restored to its original vegetative and topographic condition within a period of time determined by the Planning Director with guarantees as set forth in Section 9-2.121. (Ord. 68 § 9-6.175, 1983)

9-6.176 Temporary dwellings or offices.

A mobilehome, recreational vehicle or portable modular building in conformity with the Uniform Building Code may be used as a temporary dwelling or office pursuant to the provisions of this section (standards for permanent caretaker dwellings are in Section 9-6.104). When a vehicle or temporary or relocatable building is proposed for use as an office for a sales lot, including mobilehome sales, such use is subject to the standards of Section 9-6.139.

(a) General Requirements.

(1) Sanitation. A restroom within the temporary dwelling or office or a portable restroom approved by the Health Department shall be provided. Sewage disposal shall be by means of temporary hookup to community sewer facilities or the on-site septic tank; sewage disposal from portable restrooms shall be as authorized by the Health Department.

(2) Parking Requirements. None for a temporary dwelling or construction office; as required by Section 9-4.114 for other temporary offices.

(3) Time Limit. A temporary dwelling or office is allowed only while an approved building permit is in effect for the permanent use, except as follows:

(i) Temporary Financial Offices. A temporary office for a financial service (e.g., a bank) may be used for a maximum of eighteen (18) months from its entitlement before issuance of a construction permit for a permanent facility.

(ii) Temporary Real Estate Offices. A temporary real estate office may be established on the site of an approved subdivision under construction for a maximum of two (2) years from approval of a tentative subdivision map, unless a longer period is authorized by the Planning Commission through approval of a conditional use permit.

(4) Temporary Dwellings. A temporary dwelling may be established on the same site as the construction of a permanent residence or on the site of another construction project, provided that for any project other than a residence the temporary dwelling occupant is to be an individual employed on the site for security.

(c) Temporary Construction Offices. A temporary construction office may be established on the site of any subdivision or construction project pursuant to the provisions of this section. (Ord. 68 § 9-6.176, 1983)

9-6.177 Temporary events.

Where allowed, temporary events are subject to the standards of this section; except when such events occur in theaters, convention centers, meeting halls, or other public assembly facilities. Swap meets are subject to the standards of Section 9-6.139.

(a) General Requirements.

(1) Public Events. No entitlement is required for admission for free events held at a public park or on other land in public ownership when conducted under the management of a public agency, or organization, school or church provided that the event is conducted in accordance with all applicable provisions of this title.

(2) Commercial Entertainment. Commercial outdoor entertainment activities are subject to the regulations governing business licenses.

(3) Parades. Parades and other temporary events within the public right-of-way are not subject to these requirements, provided that all requirements of the City Engineer and Police Department are met.

(b) Time Limit. A temporary event is to be held in a single location for a period no longer than twelve (12) consecutive days, or four (4) successive weekends.

(c) Site Design Standards.

(1) Access. Outdoor temporary events shall be provided with a minimum of two (2) unobstructed access points, each a minimum of eighteen (18) feet wide, from the event site to a publicly maintained road.

(2) Parking. Off-street parking is to be provided for private events as follows, with such parking consisting at minimum of an open area at a ratio of four hundred (400) square feet per car, on a lot free of flammable material.

(i) Seated Spectator Events. One parking space for each twelve (12) square feet of seating area.

(ii) Exhibit Event. One parking space for each seventy-five (75) square feet of exhibit area.

(d) Guarantee of Site Restoration. A bond or cash deposit is required for approval of a temporary event to guarantee site restoration after use, and operation in accordance with the standards of this title. The guarantee shall cover both operation and restoration and is subject to the provisions of Section 9-2.121. (Ord. 68 § 9-6.177, 1983)

9-6.180 Recreational vehicle (RV) parks.

This section applies to all recreational vehicle parks and commercial campgrounds including any separately designated section of a mobilehome park. These standards apply in addition to all applicable provisions of Title 25 of the California Administrative Code.

(a) Location Criteria. Approval of a conditional use permit application by the Planning Commission shall include a finding that the recreational vehicle park will not be excessively visible from a public road or residential zone or that such visibility will be acceptably mitigated.

(b) Minimum Site Area.

(1) RV Park Site. Ten (10) acres when located outside the urban services line and five (5) acres when located within the urban services line.

(2) Individual RV spaces.

(i) Pull-In or Back-In Spaces. Twenty (20) foot width; seven hundred fifty (750) square foot area.

(ii) Pull-Thru Spaces. Twenty (20) foot width, one thousand one hundred (1,100) square foot area.

(c) Density. The maximum density shall be twenty (20) units per gross acre, not including any exterior public street right-of-way.

(d) Site Design Standards.

(1) Setbacks. No part of a recreational vehicle shall be located closer than twenty-five (25) feet to any street property line, and no closer than fifteen (15) feet to any interior property line. No RV or tent shall be located closer than ten (10) feet to any other RV or tent.

(2) Internal Streets. The width and improvement of roads and driveways within an RV park shall be as follows:

(i) One-Way. Eighteen (18) feet wide if road serves sixty (60) spaces or more; fifteen (15) feet if road serves less than sixty (60) spaces; twelve (12) feet for a one-way internal road between campsite clusters which does not provide access to individual spaces.

(ii) Two-Way Divided. Fifteen (15) feet wide on each side of divider.

(iii) Two-Way. Twenty-four (24) feet wide.

(iv) Parking. Parking along internal roadways shall be allowed only when a paved parking lane, eight (8) feet wide is provided in addition to the roadway.

(v) Road Improvement Standard. Two (2) inches of A.C. plant mix over six (6) inches of Class II aggregate base or equivalent structural section based on a Traffic Index of 4. Alternative hard-surface paving materials are allowable subject to approval by the City Engineer.

(3) Utilities.

(i) Water. All recreational vehicle spaces shall be provided water supply hookups. Tent camping spaces shall have water service for each ten (10) spaces, but not located within twenty (20) feet of a designated tent site. When common water supply facilities are provided in the form of hose bibs, they shall be over a drain-equipped concrete pad, rock bed or other construction to prevent the creation of mud as a result of water supply use.

(ii) Sewer Hookups. To be provided for all recreational vehicle spaces. None required for tent spaces.

(iii) Holding Tank Dump. All recreational vehicle parks shall be provided with one holding tank dumping facility for each one hundred (100) RV spaces or fraction thereof to be located near park exits.

(iv) Restrooms. No space or campsite shall be located closer than twenty-five (25) feet, nor further than four hundred (400) feet from a public restroom facility.

(v) Electricity. All pull-through spaces and fifty (50) percent of pull-in or back-in spaces, except tent spaces, shall be provided an electricity hookup.

(4) Fencing and Screening. A solid wood or masonry six (6) foot solid fence, screen or hedge will be required along all property lines and front yard setbacks. In addition, recreational vehicle spaces should be generally screened from adjacent properties and public roads by means of natural landscaping, terrain variations and distance. Where a proposed park will be visible from a major highway or freeway, additional screening landscaping will be required. The Planning Commission may waive or adjust fencing and screening standards where terrain, natural vegetation or area character would make screening unnecessary or ineffective. (Ord. 554 § 2, 2011; Ord. 68 § 9-6.180, 1983)

9-6.183 Vehicle storage.

This section applies to commercial parking lots, garage and other establishments engaged in the storage of vehicles for a fee or without fee as a principal use, whether owned and operated publicly or privately. The storage of vehicles for sale is subject to Section 9-6.139. The storage of vehicles in commercial and industrial zones is subject to Section 9-6.140.

(a) Limitation on Use. Vehicle storage establishments in the commercial zones are to be limited to the temporary parking of automobiles, buses and self-propelled recreational vehicles. (Ord. 68 § 9-6.183, 1983)

9-6.184 Single room occupancy units (SRO).

This section applies to a single room occupancy (SRO) unit, which is 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.

(a) Development Standards. Each single room occupancy facility shall comply with all applicable development standards in the zoning district where it is located. In addition, the following use-specific standards shall apply:

(1) Parking Requirements. One (1) space per four (4) units, one (1) space per employee and additional one-half (1/2) space for every two (2) units for visitor parking. Parking requirements may be modified by the Planning Commission.

(2) Unit Size. Minimum size of a unit shall be two hundred (200) square feet with the maximum size no greater than four hundred (400) square feet. Room calculation shall include bathroom and/or kitchen facilities.

(3) Common Area. A minimum of ten (10) square feet for each unit or two hundred fifty (250) square feet, whichever is greater, shall be provided for a common area. All common area shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the Community Development Director may be considered common areas. Shared bathrooms and kitchens shall not be considered as common areas.

(4) Occupancy Limitations. No more than two (2) persons shall occupy a single room occupancy unit. Occupancies shall be determined by the Planning Commission as a conditional use permit condition.

(5) On-Site Management. A twenty-four (24) hour resident manager shall be provided for any single room occupancy facility with eight (8) or more tenants.

(6) Facilities. The following are facility standards for SRO developments:

(i) Kitchen. Each unit shall be provided at minimum, a kitchen sink serviced with hot and cold water, a garbage disposal and a counter top measuring a minimum of eighteen (18) inches wide by twenty-four (24) inches deep. A complete kitchen facility available for residents shall be provided on each floor of the structure, if each individual unit is not provided with a minimum of a refrigerator and a microwave oven.

(ii) Bathroom. Each unit shall private toilet in an enclosed compartment with a door. This compartment shall be a minimum of fifteen (15) square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided at a ratio of one (1) for every seven (7) units or fraction thereof. The shared shower or bathtub facility shall be on the same floor as the units it is intended to serve and shall be accessible from a common area or hallway. Each shared shower or bathtub facility shall be provided with an interior lockable door. Common area bathroom facilities shall comply with adopted California Building Permit Standards at the time of permit issuance.

(iii) Closet. A closet shall be provided for each unit and shall be a minimum of six (6) square feet.

(b) Notwithstanding the provisions of Section 9-7.108, existing nonconforming structures currently in use for single room occupancy in zoning districts where the use is permitted may be altered to comply with the following single room occupancy residential development standards without obtaining a conditional use permit. (Ord. 572 § 1, 2013)

Chapter 7

NONCONFORMING USES

Sections:

9-7.101 Purpose.
9-7.102 Nonconforming use defined.
9-7.103 Right to continue a nonconforming use.
9-7.104 Issued building permit.
9-7.105 Nonconformity due to lack of entitlement.
9-7.106 Nonconforming uses of land.
9-7.107 Nonconforming use of a conforming building.
9-7.108 Nonconforming structures.
9-7.110 Destroyed structures and signs.
9-7.111 Nonconforming parking.
9-7.112 Substitution of use.
9-7.113 Nonconforming lot defined.
9-7.114 Use of nonconforming lots.
9-7.115 Reduction in size of nonconforming lots.
9-7.116 Procedures for lot line adjustments.

9-7.101 Purpose.

The purpose of these regulations is to control, improve or terminate uses which do not conform to this title. (Ord. 68 § 9-7.101, 1983)

9-7.102 Nonconforming use defined.

Nonconforming use includes any of the following which were lawfully established before the effective date, or before any subsequent amendment, or this title:

(a) A building, structure (including signs), land use, or activity which was established or is conducted in a manner which does not conform with one or more standards or permit requirements of this title.

(b) A use of land established in a location where such use is not identified as allowable by this title. (Ord. 68 § 9-7.102, 1983)

9-7.103 Right to continue a nonconforming use.

A nonconforming use established prior to the effective date of this title, or prior to any subsequent amendment which creates such nonconformity, may be continued and maintained, except as otherwise provided by this chapter. Continuation of a nonconforming use may include a change of ownership, tenancy or management where the building, structure (including signs), land use or activity is substantially unchanged. (Ord. 68 § 9-7.103, 1983)

9-7.104 Issued building permit.

Nothing contained in this title shall be deemed to require any change in the plans, construction, or designated use of any building for which a building permit has been issued prior to the effective date of this title, provided that said permit does not lapse (Section 9-2.118). (Ord. 68 § 9-7.104, 1983)

9-7.105 Nonconformity due to lack of entitlement.

Any nonconforming use which is nonconforming only because of the absence of an entitlement shall not be enlarged, altered or extended to occupy a greater land area without first securing approval of the required entitlement. The use shall be deemed a conforming use upon securing the approval of such entitlement. (Ord. 68 § 9-7.105, 1983)

9-7.106 Nonconforming uses of land.

Any nonconforming use of land (Section 9-7.102(b)) may be continued as follows:

(a) Expansion. The use may not be enlarged, increased, or extended to occupy a greater area of land than that occupied on the effective date of this title, except for a detached single-family residence as provided in subsection (c) of this section.

The Planning Commission may, by conditional use permit, allow a lot occupied by a nonconforming use to be further developed by the addition of conforming uses and structures.

(b) Discontinued Use. If the nonconforming use of land is discontinued for a period of six (6) months or more, any following use shall conform with all applicable requirements of this title.

(c) Single-family Residential Use. A detached single-family residence existing as a principal use in commercial or industrial zoning districts may be continued as a residential use, subject to subsection (b) of this section, and may be altered, provided that no increase in the number of dwelling units or increase greater than fifty (50) percent in the usable floor area, as it existed on the effective date of this title, occurs. Any expansion pursuant to this standard shall conform with all applicable provisions of Chapters 9-4 and 9-6. (Ord. 203 § 2, Exh. A, 1990; Ord. 68 § 9-7.106, 1983)

9-7.107 Nonconforming use of a conforming building.

The use of a building which is in conformity with the provisions of this title but which is occupied by a nonconforming use may be continued as follows:

(a) Extension of Use. The use may be extended throughout the building provided no structural alterations to the building are made except those required by law.

(b) Discontinued Use. If the nonconforming use of the building is discontinued for a period of six (6) months or more, any subsequent use of the structure shall conform with all applicable requirements of this title. (Ord. 68 § 9-7.107, 1983)

9-7.108 Nonconforming structures.

Any structure that does not conform to the setback, height, or coverage requirements specified in this title, or the requirements of the building and construction ordinance, may continue to be used provided the structure was established and has been maintained in a lawful manner and condition and is not altered or expanded, except:

(a) Proposed alterations or expansions consistent with the provisions of this title, when accompanied by any additional alterations necessary to bring the structure into conformity with all applicable provisions of Title 8 of this code, shall be allowed.

(b) Minor alterations necessary to improve or maintain the health and/or safety of the occupants, or required by law, shall be allowed.

(c) Restoration of destroyed or partially destroyed nonconforming structures is subject to Section 9-7.110. (Ord. 68 § 9-7.108, 1983)

9-7.110 Destroyed structures and signs.

If a nonconforming structure, a structure that constitutes a nonconforming land use (Section 9-7.106) or a nonconforming sign is destroyed or partially destroyed to the extent of seventy-five percent (75%) or more of the replacement cost of the total structure before destruction by fire, explosion or act of God, the destroyed use, structure or sign may be replaced or reconstructed; provided, the use, structure or sign and the land on which it was located are in conformity, or are brought into conformity with all applicable requirements of this title with the exception of the following:

(a) A ground floor health care or office use within the DC zoning district may be reconstructed within the same building footprint, if destroyed by more than seventy-five percent (75%), providing that the use, business ownership and floor area of the business all remain unchanged.

If a nonconforming use, structure or sign is partially destroyed by fire, explosion or act of God, to less than seventy-five percent (75%) of the replacement cost of the total structure before destruction, it may be restored to its former nonconforming status. (Ord. 615 § 4, 2018; Ord. 68 § 9-7.110, 1983)

9-7.111 Nonconforming parking.

A use may be established in a structure which is nonconforming only as to off-street parking (Section 9-4.114) only:

(a) After the requirements for off-street parking have been met for the existing structure, as well as for any expansion; or

(b) As allowed by Section 9-7.112. (Ord. 68 § 9-7.111, 1983)

9-7.112 Substitution of use.

A nonconforming use may be replaced with another use even though the building or site does not meet the standards of this title. However, such substitution shall occur only when the new use is determined to be similar to the prior nonconforming use or is allowed by Chapter 9-3 and only where:

(a) Any modifications or alterations to the structure occur as provided by Section 9-7.108(a); and

(b) A building or site does not conform with the parking standards of Section 9-4.114, in which case substitution shall not occur unless:

(1) The new use is required by Section 9-4.114 to provide the same number of parking spaces as the existing use, in which case no additional parking is required; or

(2) Where a new use is required (Section 9-4.114) to have a greater number of spaces than the existing use, the number of spaces provided shall be the difference between those required for the new use and those required for the existing use. (Ord. 68 § 9-7.112, 1983)

9-7.113 Nonconforming lot defined.

Any lot having an area less than the minimum parcel size required by this title or other ordinances is a legal nonconforming lot if:

(a) The lot is shown on a duly approved and recorded subdivision or parcel map; or

(b) The lot has been issued a certificate of compliance or a conditional certificate of compliance. (Ord. 552 § 2, 2010; Ord. 68 § 9-7.113, 1983)

9-7.114 Use of nonconforming lots.

A legal nonconforming lot may be developed for uses identified as an allowable or conditional use by Title 9, provided the minimum development standards established for a particular use are satisfied. This

includes structures that are partially or completely destroyed that are conforming uses. (Ord. 552 § 2, 2010; Ord. 68 § 9-7.114, 1983)

9-7.115 Reduction in size of nonconforming lots.

Reductions in the size of existing nonconforming lots shall only be allowed with lot line adjustments to correct historical and geographical use problems and to facilitate the relocation of existing utilities, infrastructure or easements. Under no circumstances shall lots conforming to minimum lot sizes be reduced in size to a nonconforming status. (Ord. 134 § 9-7.115, 1986)

9-7.116 Procedures for lot line adjustments.

Application for a lot line adjustment affecting a nonconforming lot(s) shall be in a form approved by the Community Development Director. Procedures for Planning Commission consideration and action on such lot line adjustments shall be as provided for variances in Section 9-1.113 of this title. (Ord. 134 § 9-7.116, 1986)

Chapter 8

ENFORCEMENT

Sections:

9-8.101 Purpose.
9-8.102 Enforcement responsibility.
9-8.103 Citation.
9-8.104 Enforcement hearings.
9-8.105 Revocation of approval and forfeiture of bonds.
9-8.106 Nuisance defined.
9-8.107 Abatement of nuisance.
9-8.108 Interference prohibited.

9-8.101 Purpose.

This chapter establishes procedures for enforcement of the provisions of this title. The enforcement procedures set forth are intended to assure due process of law in the abatement or correction of nuisances and violations of this title. (Ord. 68 § 9-8.101, 1983)

9-8.102 Enforcement responsibility.

The responsibility for the enforcement of the provisions of this title is assigned as follows:

(a) Atascadero Police Department. It is the duty of the Atascadero Police Department and of all officers of the City otherwise charged by law to enforce this title and all its provisions.

(b) Enforcement Officer. The Planning Director, or designee of the Director, shall act as Enforcement Officer to enforce this title and all its provisions. The Enforcement Officer has the following responsibilities and powers in the enforcement of this title:

(1) To review with affected individuals the provisions of this title through initiation of administrative remedies and other methods to achieve voluntary compliance with its provisions;

(2) To issue citations for violations of this title when he or she determines that voluntary compliance cannot be achieved;

(3) To initiate all necessary proceedings to forfeit bond or cash deposits or similar guarantees;

(4) To initiate proceedings to revoke approvals or conditional approvals granted under this title;

(5) To initiate and conduct nuisance abatement proceedings and to carry out additional abatement responsibilities regarding violations of this title. (Ord. 68 § 9-8.102, 1983)

9-8.103 Citation.

The Enforcement Officer may issue a citation to any person who violates any of the provisions of this title. Issuance of a citation shall be pursuant to Chapter 4 of Title 1 of this Code. Penalties for violation are established by Chapter 3 of Title 1 of this Code. (Ord. 68 § 9-8.103, 1983)

9-8.104 Enforcement hearings.

Hearings conducted for the purposes of revocation of approval or conditional approval, nuisance abatements, or appeals on the forfeiture of bonds shall be conducted as follows:

(a) Hearing Body. A revocation hearing or forfeiture hearing shall be held before the Planning Commission; nuisance abatement hearings shall be held before the City Council.

(b) Conduct of Hearing. The appropriate hearing body shall conduct an Enforcement Hearing as follows:

(1) The hearing body shall hear sworn testimony and shall consider other evidence concerning the conditions constituting cause to revoke approval or conditional approval, to forfeit bond, or to abate a nuisance.

(2) Respondents to enforcement actions may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine witnesses.

(3) The hearing need not be conducted according to technical rules relating to evidence and witnesses and may be continued from time to time.

(4) The hearing body shall deliberate upon the evidence and make findings upon such evidence to support any action of the hearing body to revoke approval or conditional approval, abate a nuisance, or deny an appeal on the forfeiture of a bond. Thereafter, the hearing body shall issue its order to the respondent.

(c) Notice of Hearing. Notices required under this chapter shall be given by the Enforcement Officer as follows:

(1) A copy of the notice shall be either served personally or by mail, postage prepaid, certified, return receipt requested, to the owner of the affected premises as shown on the last equalized assessment roll, the permittee or tenant, a minimum of ten (10) days prior to the hearing. If no address can be found or is known to the Enforcement Officer, then the notice shall be mailed to such person at the address of the premises affected by the proceedings. The failure of any person to receive the notice does not affect the validity of any proceedings taken hereunder.

(2) A copy of the notice is to be prominently and conspicuously placed upon the premises affected by the enforcement proceedings.

(d) Content of Notice. Notices to revoke approvals or conditional approvals, abate nuisances, or forfeit bonds shall contain the following:

(1) A heading reading “Notice of Revocation Hearing,” “Notice of Forfeiture Hearing,” or “Notice of Nuisance Abatement Hearing”;

(2) A description of the violation which is causing the enforcement action to be taken;

(3) The date, time and place of the hearing. (Ord. 68 § 9-8.104, 1983)

9-8.105 Revocation of approval and forfeiture of bonds.

The Enforcement Officer may initiate proceedings to revoke the approval of any entitlement issued pursuant to this title in any case where a use of land has been established or conducted in a manner which violates or fails to observe the provisions of this title or to continuously comply with a condition, or conditions of approval. The Enforcement Officer may initiate procedures to forfeit all or a portion of a bond or cash deposit (Section 9-2.121).

(a) Notification. The Enforcement Officer is to notify the property owner, permittee or tenant as provided by Section 9-8.104.

(b) Action to Revoke. If after the revocation hearing the Planning Commission finds that grounds for revocation have been established, the Planning Commission may:

(1) Allow additional time to correct the violation or noncompliance;

(2) Modify conditions of approval on the basis of evidence presented at the hearing; or

(3) Revoke the approval or conditional approval.

(c) Action to Forfeit Bond. If after the forfeiture hearing, the Planning Commission finds that grounds for forfeiture have been established, the Planning Commission may:

(1) Allow additional time to correct the violation or noncompliance; or

(2) Modify the conditions requiring the performance guarantee; or

(3) Declare that the bond shall be forfeited.

(d) Appeal. The decision of the Planning Commission may be appealed pursuant to Section 9-1.111(b). Upon appeal, revocation or forfeiture does not take effect until affirmed by the City Council. In the absence of any appeal, a revocation or forfeiture is to take effect fourteen (14) days after the decision of the Planning Commission.

(e) Use After Revocation. When any approval or conditional approval has been revoked, no further development or use of the property authorized by the revoked entitlement may be continued, except pursuant to approval of a new application. (Ord. 68 § 9-8.105, 1983)

9-8.106 Nuisance defined.

A nuisance is any of the following:

(a) Any condition declared by a statute of the State or ordinance by the City to be a nuisance.

(b) Any public nuisance known at common law or equity.

(c) Any condition dangerous to human life, unsafe, or detrimental to the public health or safety.

(d) Any use of land, buildings, or premises established, operated, or maintained contrary to the provisions of this title. (Ord. 68 § 9-8.106, 1983)

9-8.107 Abatement of nuisance.

The Enforcement Officer may initiate proceedings to abate nuisances (see Section 9-8.106) as follows:

(a) First Notice of Nuisance. Upon the determination by the Enforcement Officer that a nuisance exists, a Notice of Nuisance shall be prepared with copies thereof to be served either personally or by mail, postage prepaid, certified, return receipt requested, to the owner of said affected premises as shown on the last equalized assessment role, or the tenant. If no address can be found or is known to the Enforcement Officer, then the notice shall be mailed to such person at the address of the premises affected by the proceedings. The failure of any person to receive the notice does not affect the validity of any proceedings taken hereunder. A copy of the Notice of Nuisance shall be prominently and conspicuously placed upon the premises affected by the nuisance proceedings. Where the Enforcement Officer has determined that the condition causing the nuisance is imminently dangerous to human life or limb, or to public health or safety, the Enforcement Officer may include in the first notice an order that the property, building or structure affected be vacated pending correction or abatement of the conditions causing the nuisance.

(1) Content of First Notice of Nuisance.

(i) A legal description and street address, assessor’s parcel number, or other description sufficient to identify the premises affected.

(ii) A description of the condition causing the nuisance. Where the Enforcement Officer has determined that the condition causing the nuisance can be corrected or abated by repair or corrective action, the notice shall state the repairs or corrective actions that will be required and the time limit within which the nuisance must be corrected.

(iii) An order to complete abatement of the nuisance within thirty (30) days.

(iv) A statement that if the nuisance is not corrected as specified, a hearing will be held before the Atascadero City Council to consider whether to order abatement of the nuisance and levy a special assessment, which may be collected at the same time and in the same manner as is provided for the collection of ordinary taxes pursuant to Section 25845 of the Government Code. Special assessments shall be subject to the same penalties, interest and procedures of foreclosure and sale in the case of delinquency as is provided for ordinary taxes.

(b) Notice of Nuisance Abatement. If, upon the expiration of the period specified in the First Notice of Nuisance, action to abate the nuisance has not been commenced, or, if it has been commenced, it has not been pursued with due diligence nor completed within the time specified, the Enforcement Officer shall prepare a Notice of Nuisance Abatement and serve such notice. The hearing shall be scheduled before the City Council at a stated time and place not less than fifteen (15) nor more than thirty (30) days after service of the notice to show cause why stated conditions should not be found to be a nuisance and why the nuisance should not be abated by the Enforcement Officer.

(1) Content of Abatement Notice. The Notice of Nuisance Abatement shall contain the following:

(i) The information specified in Sections 9-8.104(d)(1) and (3).

(ii) The information specified in subsections (a)(1)(i), (iii) and (iv) of this section.

(c) Abatement Action. A decision to abate a nuisance shall be reached through a hearing (Section 9-8.104). Upon the conclusion of the hearing, the Council may terminate the abatement proceedings or it may order the owner or other affected person to abate the nuisance prescribing a reasonable time (not less than thirty (30) days) for completion of abatement. The order may further provide that, in the event abatement is not commenced, conducted and completed in accordance with the terms set by the City Council, the Enforcement Officer is empowered and authorized to abate the nuisance. The order of the City Council shall be served by mail, postage prepaid, certified, return receipt requested to the owner of said affected premises as shown on the last equalized assessment roll. The time limits set by the City Council are to begin upon service of the notice.

(d) Abatement Penalties and Costs. Upon expiration of the time limits established as set forth in subsection (c) of this section, the Enforcement Officer shall acquire jurisdiction to abate the nuisance and carry out the following as appropriate.

(1) Disposal of Materials. Any materials in or constituting any nuisance abated by the Enforcement Officer may be disposed of or, if directed by the Council, sold in the same manner as surplus City personal property is sold.

(e) Account of Costs and Receipts and Notice of Assessment. The Enforcement Officer will keep an itemized account of the costs of enforcing the provisions of this title and of the proceeds of the sale of any materials connected therewith. Upon completion of abatement, the Enforcement Officer shall prepare a notice to be served by mail, postage prepaid, certified, return receipt requested, to the owner as shown on the last equalized assessment roll specifying:

(1) The work done;

(2) An itemized account of the costs and receipts of performing the work;

(3) An address, legal description, or other description sufficient to identify the premises;

(4) The amount of the assessment proposed to be levied against the premises, or the amount to be refunded, if any, due to excess proceeds over expenses;

(5) The time and place where the Enforcement Officer will submit the account to the Council for confirmation. The time and place specified shall be not less than fifteen (15) days after service of the notice;

(6) A statement that the Council will hear and consider objections and protests to said account and proposed assessment or refund.

(f) Hearing on Account and Proposed Lien. At the time and place fixed in the notice, the Council will hear and consider the account and proposed assessment, together with objections and protests thereto (Section 9-8.104). At the conclusion of the hearing, the City Council may make such modifications and revisions of the proposed account and lien as it deems just and may order the account and proposed lien confirmed or denied, in whole or in part, or as modified and revised. The determination of the City Council as to all matters contained therein is final and conclusive. The City Manager must give notice of the City

Council's decision on the assessment of the costs of abatement by certified mail to the property owner and to any responsible person.

(g) Notice of Lien. Upon confirmation of an assessment by the Council, the Enforcement Officer is to prepare and have recorded in the office of the County Recorder of San Luis Obispo County a notice of lien. The notice is to contain:

(1) A legal description, address and/or other description sufficient to identify the premises;

(2) A description of the proceeding under which the special assessment was made, including the order of the Council confirming the assessment;

(3) The amount of the assessment;

(4) A claim of lien upon the described premises.

(h) Lien. Upon the recordation of a notice of lien, the amount claimed shall constitute a lien upon the described premises, pursuant to Section 25845 of the Government Code. Such lien is to be at a parity with the liens of State and County taxes.

(i) Collection with Ordinary Taxes. After recordation, the Notice of Lien is to be delivered to the County Auditor, who will enter the amount of the lien on the assessment roll as a special assessment. Thereafter, the amount set forth is to be collected at the same time and in the same manner as ordinary County taxes and is subject to the same penalties and interest and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary County taxes; all laws applicable to the levy, collection and enforcement of County taxes are made applicable to such assessment.

(j) Summary Abatement Procedure. Notwithstanding any other provision of this Code, whenever the Enforcement Officer determines that a public nuisance exists within the City and that nuisance constitutes an imminent hazard or danger to public health or safety, the Enforcement Officer, without observing the provisions of this chapter with regard to abatement procedures, may take the following steps to abate the nuisance: (1) give the property owner written notice by U.S. mail, and if reasonable under the circumstances, serve personal notice upon the property owner, of the public nuisance, the City's proposed timing and method of the abatement, and the City's intent to collect the abatement costs as lien against the property subject to collection as property taxes; (2) following notice to the property owner, take all necessary and reasonable steps to cause the abatement of such nuisance in such manner as the Enforcement Officer determines is reasonably required; (3) promptly report any such emergency abatement action to the City Council; and (4) cause to be maintained an itemized account of the costs incurred by the City in abating the imminently dangerous condition. Such costs may be recovered by the City in the same manner that abatement costs are recovered pursuant to subsections (e) through (i) of this section. (Ord. 537 § 1, 2008; Ord. 535 § 2, 2008; Ord. 68 § 9-8.107, 1983)

9-8.108 Interference prohibited.

No person shall hinder, interfere with or impede the Enforcement Officer in the performance of duties assigned by this title or other titles of this code. (Ord. 68 § 9-8.108, 1983)

Chapter 9

GENERAL DEFINITIONS

Sections:

9-9.101 Purpose.
9-9.102 General definitions.

9-9.101 Purpose.

This chapter defines the terms and phrases of this title that are technical or specialized or that may not reflect common usage. This chapter defines specific land uses only when definitions more detailed than those provided in Chapter 9-3 are needed to determine the applicability of standards. Where any of these definitions conflict with other titles of this code, this chapter prevails for the purposes of this title. (Ord. 572 § 1, 2013; Ord. 571 § 1, 2013; Ord. 570 § 1, 2013; Ord. 68 § 9-9.101, 1983)

9-9.102 General definitions.

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

Abutting/Adjoining. Contiguous to; having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, or street).

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

Adjacent. The condition of being near to or close to but not necessarily having a common dividing line. Two properties that are separated by an alley, public or private right-of-way, street (other than a principal arterial), public access easement, or creek, river, stream, or other natural or artificial waterway shall be considered as adjoining one another. See also "Abutting/Adjoining."

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).

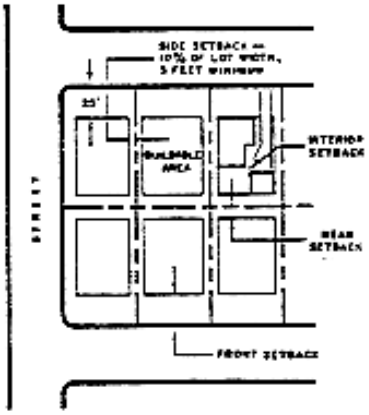

FIGURE 9-A: BUILDABLE AREA

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 mobilehomes.

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

Building and construction ordinance. Title 8 of this Code.

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

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

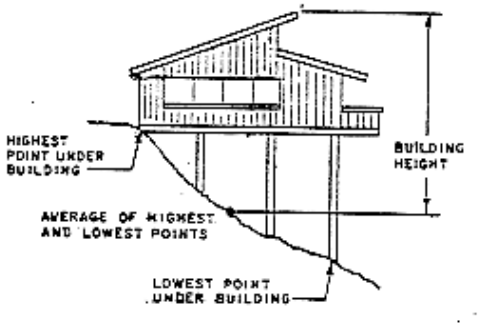

FIGURE 9-B: BUILDING HEIGHT

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 nonflood 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 mobilehome or recreational vehicle, designed and equipped for human occupancy.

Commission. The Planning Commission of the City.

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

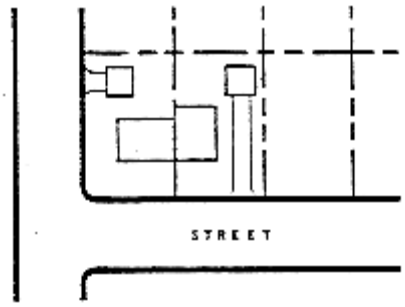

FIGURE 9-C: COMMON WALL DEVELOPMENT

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. Primary frontage is indicated by the street for which the property is given a street number. Secondary frontage includes all other frontages.

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

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

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

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.

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.

Landscaping. Areas that provide vegetation, including groundcover, shrubs, and trees, and decorative hardscape in the form of pavers or stamped and stained concrete. May include vertical planters or climbers.

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.

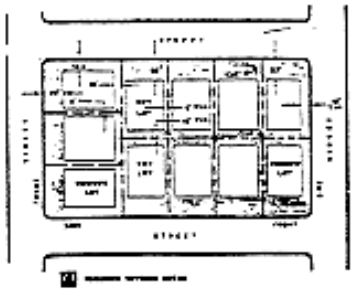

FIGURE 9-D: CORNER LOT AND KEY LOT

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 abut a street (see Figure 9-E).

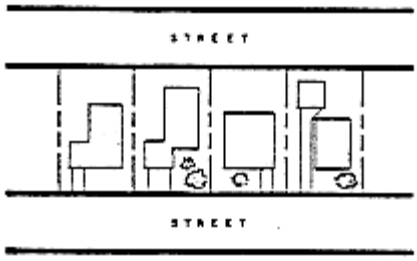

FIGURE 9-E: DOUBLE FRONTAGE LOT

Lot, flag. A lot which lies substantially behind another lot and is served by an accessway or access easement (refer to Figure 9-F).

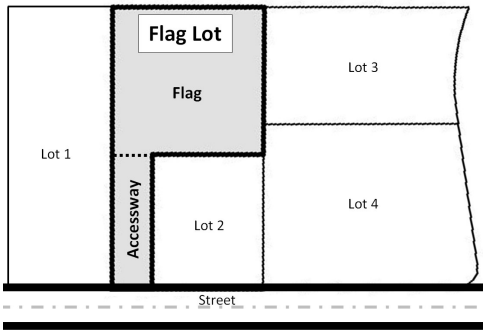

FIGURE 9-F: FLAG LOT

Lot, key. The lot located immediately adjacent to a corner lot, oriented so the narrowest dimension of one of the corner lot side yards is adjacent to the narrowest dimension of the front yard of the key lot (see Figure 9-D).

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

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."

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.

Open space, usable. Areas designed and intended to support residents' passive or active use and located on the same parcel as the dwelling units for which it is required. Usable open space shall not include any portion of parking areas, streets, driveways, sidewalks, or turnaround areas.

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, copartnership, corporation, company, association, joint stock association, City, County, State or district; and includes any trustee, receiver, assignee, or other similar representatives thereof.

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

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

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

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

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

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

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

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

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

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

Recycling facility. Any lot or portion of a lot used for the purpose of outdoor storage, sorting, handling, processing, dismantling, wrecking, keeping or sale of inoperative, discarded, wrecked, or abandoned appliances, vehicles, boats, building materials, machinery, equipment, or parts thereof, including

but not limited to scrap materials, wood, lumber, plastic, fiber, or other tangible materials that cannot, without further reconditioning, be used for their original purposes. Includes wrecking yards for vehicles.

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

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

Rest home. See "Residential care facility."

Revegation. 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).

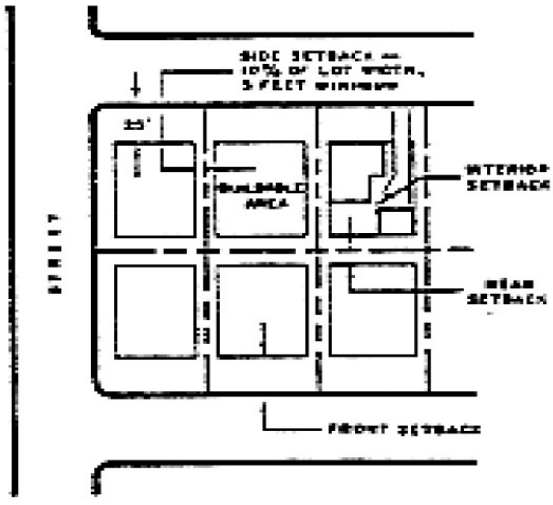

FIGURE 9-F: SETBACKS AND BUILDABLE AREA

Setback, front. An open area without structures, extending across the front of a lot between the side property lines. The front of a lot is the most narrow dimension of the lot parallel to a street and adjacent to

that street, except as provided for flag lots with both fee title and easement access strips where applicant may determine that portion of the flag to constitute the front yard.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign, identification. Any sign identifying an occupant, apartment, residence, school, church, or certain business uses and not advertising any product or service.

Sign, interior-illuminated. A sign with any portion of the sign face or outline illuminated by an interior light source.

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

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

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

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

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

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

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

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

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

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

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:

$$S = \frac{(2.29 \times 10 - 3)\, I\, L}{A}$$

Where S = Average slope of parcel in percent
A = Total number of acres in the parcel (or section of parcel)
L = Length of contour lines in scaled feet
I = Vertical distance of contour interval in feet

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

FIGURE 9-G: ZERO LOT LINE DEVELOPMENT

Zoning approval. Same as entitlement. (Ord. 646 § 11, 2021; Ord. 635 § 5, 2020; Ord. 614 § 4, 2017; Ord. 572 § 1, 2013; Ord. 571 § 1, 2013; Ord. 570 § 1, 2013; Ord. 554 § 2, 2011; Ord. 237 § 1(B), 1992; Ord. 82 § 9-9.102, 1984; Ord. 75 § 2(1), 1984; Ord. 68 § 9-9.102, 1983)

Chapter 10

LOT MERGER

Sections:

9-10.101 Purpose.
9-10.102 Application.
9-10.103 Procedures for lot merger.

9-10.101 Purpose.

This chapter is intended to enable the merger of contiguous parcels under common ownership where the Community Development Director and City Engineer have determined that requirements for on-site and off-site improvements have been satisfied or will be imposed as a condition of a future entitlement for use of the subject parcel(s). (Ord. 120 § 2, 1986)

9-10.102 Application.

Application for lot merger shall be made in a form prescribed by the Community Development Director. (Ord. 120 § 2, 1986)

9-10.103 Procedures for lot merger.

(a) Upon a determination by the Community Development Director and City Engineer that the lots proposed for merger are legal lots, that the subject lots are under common ownership, and that all public improvements normally required for parcel map approval have either been installed and accepted or will be required as part of a future entitlement for use or development of the subject lot(s), a certificate of lot merger shall be prepared. Said certificate shall describe the new exterior boundary of the lot after merger and shall be recorded in the Office of the County Recorder.

(b) Action of the Community Development Department may be appealed to the Planning Commission. Appeals must be filed in writing, with the Community Development Director, within fourteen (14) calendar days of the action being appealed. (Ord. 120 § 2, 1986)

Chapter 11

NATIVE TREE REGULATIONS

Sections:

9-11.101 Purpose and intent.
9-11.102 Applicability.
9-11.103 Adoption of standards and guidelines.
9-11.104 Definitions.
9-11.105 Tree removal.
9-11.106 Tree protection plans.
9-11.107 Tree replacement and regeneration.
9-11.108 Tree abatement: nuisances, pests and disease.
9-11.109 Tree management plans.
9-11.110 Procedures for public projects.
9-11.111 Heritage trees.
9-11.112 Street trees.
9-11.113 Repeat applications.
9-11.114 Enforcement.

9-11.101 Purpose and intent.

Preservation of natural flora and fauna is a basic community goal of the Atascadero General Plan and native trees are valued community assets. The purpose of this chapter is to establish regulations for the installation, maintenance, planting, preservation, protection and selected removal of native trees within the City limits. In establishing these regulations, it is the City's intent to encourage the preservation, maintenance and regeneration of a healthy urban forest. This enhances other values that Atascadero holds for its community including clean air and water, soil conservation, aesthetics, property values and an ecological diversity that will ensure that Atascadero will continue to be a healthy and desirable place to live. (Ord. 350 § 2, 1998)

9-11.102 Applicability.

(a) The provisions of this chapter shall apply to all native trees, as defined by this chapter, two (2) inches dbh or greater for deciduous native oaks, California sycamore (Plantanus racemosa Nutt) and madrones (Arbutus Menziesii) and four (4) inches dbh or greater for all other protected native trees, as defined in this chapter. It shall be illegal to intentionally harm, damage and/or cause the death or decline of a native tree or remove a native tree without a City-issued tree removal permit, where such a permit is required by this chapter.

(b) The provisions of this chapter shall apply to all public and private property and protected native trees within the City of Atascadero, and to any person, firm, corporation and public or private utility company doing work within the City limits. (Ord. 350 § 2, 1998)

9-11.103 Adoption of standards and guidelines.

The "Tree Standards and Guidelines" (the "Guidelines") set forth the procedures, guidelines and standards that shall be used to implement this chapter. They shall be used to provide details about

preservation, maintenance, installation, protection, regeneration and selected removal of trees. They shall be adopted and amended by resolution of the City Council and have the force of law. (Ord. 350 § 2, 1998)

9-11.104 Definitions.

"Arborist" means a person certified by the International Society of Arboriculture or other recognized professional organization of arborists that provides professional advice and licensed professionals to do physical work on trees in the City.

"Damage" means any intentional action or gross negligence, which causes injury, death or disfigurement of a tree. Actions include, but are not limited to, cutting, girdling, poisoning, overwatering, soil compaction, unauthorized relocation or transportation of a tree or trenching, excavating, altering the grade or paving within the dripline of a tree.

"Dbh" means "diameter at breast height," specifically four (4) feet six (6) inches above natural grade.

"Dripline" means the outermost line of the tree's canopy projected straight down to the ground surface.

"Hazardous" means presenting an immediate danger to people or existing structures.

"Removal" means the physical destruction, displacement or removal of a tree, or portions of a tree caused by poisoning, cutting, burning, relocation for transplanting, bulldozing or other mechanical, chemical or physical means.

"Native tree" means a tree species as listed below:

Arbutus menziesii Pursh.	Madrone
Heteromeles arbutifolia Lindl.	Toyon, California Holly
Juglans hindsii Jeps.	California Black Walnut
Platanus racemosa Nutt.	California Sycamore
Quercus agrifolia Eastw.	Coast Live Oak
Quercus alvordiana Nee	Blue Oak/Desert Oak
Quercus dumosa Jeps.	Scrub Oak
Quercus durata Jeps.	Leather Oak
Quercus douglasii H&A	Blue Oak
Quercus lobata Nee	Valley
Quercus turbinella	Desert Oak
Umbellularia californica Nutt.	California Bay Laurel

"Native Tree Association" refers to the Atascadero Land Preservation Society or other successor organization recognized by the City Council to cooperate with the City in educational programs and provide advice to the City on matters related to native trees.

"Site planner" means licensed professionals, such as architects, engineers, who are hired by applicants to prepare site plans including tree protection plans.

"Tree protection plan" means a plan prepared to the specification of a certified arborist that shows how specific trees shall be protected during development and related work, including any required mitigation measures to ensure viability of tree after construction, and includes a tree status and impact chart for all applicable trees. The project arborist shall certify that the tree protection plan is accurate if prepared by a civil engineer or other design professional.

"Tree pruning" means the cutting, detachment or separation of any limb branch or roots from a native tree. (Ord. 616 § 5, 2018; Ord. 350 § 2, 1998)

9-11.105 Tree removal.

(a) Permit Required. Except as set forth in subsection (b), a tree removal permit shall be required for the removal of any deciduous native tree two (2) inches dbh or greater and four (4) inches dbh or greater for all other protected native trees, and for pruning of more than twenty-five percent (25%) of the live canopy in native trees. Any private or public entity doing regular maintenance in the City may seek a blanket pruning permit that may be renewed on a yearly basis.

(b) Exemptions. The following are exempt from the permit requirements of this chapter:

(1) Emergency situations which cause hazardous or dangerous conditions that have serious potential to cause immediate damage to persons or improvements on real property. Such situations must be reported to the City within forty-eight (48) hours;

(2) Trees planted, grown and maintained as part of a licensed nursery or tree farm business;

(3) Tree pruning that affects less than twenty-five percent (25%) of a tree's live canopy within one (1) years' time. The pruning shall be done according to current tree pruning standards as adopted by the International Society of Arboriculture;

(4) Trees removed as part of an approved "tree management plan";

(5) Single-family residences in single-family zoning districts where a permanent dwelling exists and building or grading permits are not being sought;

(6) Emergency septic system repair and/or replacement in a single-family zoning district, where a septic system has failed as determined by the City Engineer and is considered a hazard to the health, safety, and welfare of the homeowner and adjacent property owners.

(c) Application for Tree Removal.

(1) Early Consultation. All applicants are encouraged to consult with the Community Development Department before site development that may involve any tree removal. Early consultation shall be a factor used in determining whether proposed improvements can be reasonably designed to avoid the need for tree removal.

(2) Content. The content of the tree removal application and permit shall be in a form as established by the Community Development Director. The applicant must provide the factual data to make the required finding(s) as required in this chapter.

(3) Fees. Application fees shall be established by resolution of the City Council.

(4) Arborist Report. An arborist report shall be provided when determined necessary by the Community Development Director or designee.

(5) Posting. All native trees proposed for removal shall be identified by the applicant for field inspection as set forth in the Guidelines. When a tree removal permit is sought, the lot shall also be posted at a visible location along the project frontage for a minimum of fifteen (15) calendar days prior to approval. The notice shall be in a form approved by the City.

(d) Review and Approval.

(1) Authority. The City Council shall make decisions regarding all tree removal application requests involving designated heritage trees. All other tree removal application decisions will be made by the Community Development Department. Any Community Development Department decision may be appealed to the Planning Commission in accordance with AMC Section 9-1.111.

(2) Required Findings. At least one (1) of the following findings must be made in order to approve a tree removal application:

(i) The tree is dead, diseased or injured beyond reclamation, as certified by a tree condition report from an arborist;

(ii) The tree is crowded by other healthier native trees; thinning (removal) would promote healthier growth in the trees to remain, as certified by a tree condition report from an arborist;

(iii) The tree is interfering with existing utilities and/or structures, as certified by a report from the site planner;

(iv) The tree is inhibiting sunlight needed for existing and/or proposed active or passive solar heating or cooling, as certified by a report from the site planner;

(v) The tree is obstructing proposed improvements that cannot be reasonably designed to avoid the need for tree removal, as certified by a report from the site planner and determined by the Community Development Department based on the following factors:

a. Early consultation with the City,

b. Consideration of practical design alternatives,

c. Provision of cost comparisons (from applicant) for practical design alternatives,

d. If saving tree eliminates all reasonable use of the property, or

e. If saving the tree requires the removal of more desirable trees.

(3) Evaluative Criteria for Tree Removal. The following criteria will be considered when evaluating each tree removal application:

(i) The potential effect that tree removal could have on topography, knowing that hilltops, ravines, streambeds and other natural watercourses are more environmentally sensitive than flat or gentle sloping lands;

(ii) The potential effect that tree removal could have on soil retention and erosion from increased flow of surface waters;

(iii) The potential effect that tree removal could have on the ambient and future noise level;

(iv) The potential effect that tree removal could have on the ability of existing vegetation to reduce air movement and wind velocity;

(v) The potential effect that tree removal could have on significantly reducing available wildlife habitat or result in the displacement of desirable species;

(vi) Aesthetics;

(vii) The number, size, species, condition and location of trees to be removed;

(viii) The special need to protect existing blue and valley oaks because of regeneration problems;

(ix) The cumulative environmental effects of tree removal.

(4) Conditions of Approval. Tree removal permits shall be conditioned by one (1) or more of the following methods:

(i) Depending on the characteristics of the site the applicant may plant replacement trees on site. This method shall include payment in advance for three (3) site inspections during a four (4) year establishment period;

(ii) Payment of fee to the tree replacement fund;

(iii) Establishment of conservation easements, which will restrict removal of any tree within a designated area of the property. (Ord. 616 § 5, 2018; Ord. 578 § 1, 2013; Ord. 350 § 2, 1998)

9-11.106 Tree protection plans.

(a) Plan Required. Tree protection plans shall be required if any listed activity occurs within twenty (20) feet of the dripline of any native tree. Activities include, but are not limited to, the following: remodeling or new construction, grading, road building, utility trenching, etc. A tree protection plan shall be included as part of the submittal for a road plan, plot plan, precise plan, building permit and/or conditional use permit.

(b) A tree protection plan shall be prepared to the specification of a certified arborist. The project arborist shall certify that the tree protection plan is accurate if prepared by a civil engineer or other design professional.

(c) Consultation. Early consultation with the Community Development staff is strongly encouraged prior to the submittal of plans.

(d) Review and Approval. The protection plan shall be in place and verified before an applicant receives any City permits to begin work, with the exception of tree protection measures proposed during construction. Plans shall be reviewed and approved by the Community Development Department concurrent with the review of any construction or building permit.

(e) Surety Requirements. In large projects involving valuable trees, the City may require a surety prior to issuance of entitlement. Determination for use of the surety will be based on the complexity of the project and number of trees being impacted. The type of surety must be approved in writing by the City Attorney.

(f) Tree Protection Plans for Private/Public Utilities. Utility companies doing regular maintenance and construction are not required to submit tree protection plans for each individual project, but shall meet the tree protection requirements set forth in this chapter and the Guidelines through conditions placed in a revocable pruning, trenching and encroachment permit that may be issued on a yearly basis. (Ord. 616 § 5, 2018; Ord. 350 § 2, 1998)

9-11.107 Tree replacement and regeneration.

For each residential building permit issued, the planting of one (1) five (5) gallon native tree shall be required, based on the rate of one (1) native tree per residential dwelling unit in a single-family or medium density residential zoning district; or one (1) native tree for every five (5) residential dwelling units in the high density residential zoning district. Mixed Use Residential developments in the Downtown Commercial zoning district shall be exempt from tree replacement requirements. (Ord. 616 § 5, 2018; Ord. 350 § 2, 1998)

9-11.108 Tree abatement: nuisances, pests and disease.

(Reserved).

9-11.109 Tree management plans.

(a) Tree Management Plans. Tree management plans allow for the management of trees as a resource for the benefit of both the landowner and the community. Tree management plans will allow for comprehensive woodlot management practices as an alternative to the submission of individual tree removal applications. Tree management plans may be permitted on the following types of property.

(1) Minimum area of site of five (5) acres or larger in single, contiguous ownership; and

(2) Parcels where the existing zoning is single-family residential or agriculture; and

(3) Canopy cover of site is equal to or greater than fifty percent (50%); and

(4) The woodlot will be managed for personal use only.

(b) Standards for Tree Removal. The standards for tree removal and contents of the tree management plan shall be set forth in the Guidelines. (Ord. 350 § 2, 1998)

9-11.110 Procedures for public projects.

(a) Definition. Public projects are any construction project that may impact native trees initiated by any department of the City.

(b) Binding City to Tree Ordinance. Public initiated projects will comply with the Tree Ordinance unless explicitly exempted by City Council. The City shall consult with an arborist during the planning and inspection of all construction projects impacting native trees.

(c) Exemptions. Applicant from the City shall submit a written statement to City Council describing project and reason that an exemption should be granted. (Ord. 350 § 2, 1998)

9-11.111 Heritage trees.

(a) Defined. Heritage tree means any native or non-native tree recognized by City Council resolution for its age, size, location, historical, and/or cultural significance.

(b) Heritage Tree Protection. Any tree (native or non-native) may receive protection by City Council resolution for its age, size, location, historical, and/or cultural significance. Heritage trees receive the same protection and are subject to all conditions set forth in this chapter regarding native trees. They may not be removed without City Council approval. Removal applications and approvals shall be consistent with the procedures and findings set forth in Section 9-11.105(c) and (d). The heritage tree list shall be established by resolution and shall be published in the City's Tree Guidelines.

(c) Sidewalks. Sidewalks may be allowed around designated heritage trees on Morrow Way and Atascadero Ave. (Ord. 616 § 5, 2018; Ord. 350 § 2, 1998)

9-11.112 Street trees.

(Reserved).

9-11.113 Repeat applications.

When any application made pursuant to Title 9 or Title 11 has been denied, no new application that is substantially the same shall be filed within one (1) year of the date of the previous denial unless the physical facts upon which the decisionmaking body based the denial have changed. The Community Development Director shall determine whether physical facts have changed or when an application is substantially the same as the previous application. (Ord. 350 § 2, 1998)

9-11.114 Enforcement.

(a) Authority. It shall be the responsibility of the Community Development Director, or individuals designated by the Director, for the implementation and enforcement of all provisions of this chapter. For the purposes of this chapter, the Director may consult with and employ an arborist, certified by the International Society of Arboricultural or other recognized professional organization of arborists, on technical matters related to the implementation of this chapter, including, but not limited to, the review and approval of tree removal applications, tree protection plans. It shall be the role of the Community Development Department, in conjunction with the Native Tree Association, to develop educational materials and provide information to all applicants requesting permits from the Department, including, but not limited to, building permits, land use permits and other permits issued by the Department.

(b) Penalties. Violations of this chapter are specifically declared misdemeanors, and upon conviction may be punished as set forth in Chapter 3 of Title 1 of this Code.

(c) Restitution. In addition to any penalties provided by subsection (b) of this section, any person who damages a tree in violation of the terms of this chapter is responsible for proper restitution and/or conditions as described in Section 9-11.105. The City may bring a civil action for restitution to enforce this section.

(d) Stop Work. In cases of nonconformance with this chapter, the inspecting official shall immediately issue a stop work order until all requirements have been met. Should unauthorized work or nonconformance lead to tree removal or damage (as defined), the inspecting official shall also issue a stop work order.

(e) Conditions and Signed Agreements. Should unauthorized work or nonconformance lead to tree removal or damage (as defined), the Community Development Director may also require additional conditions as penalty and as described in this chapter. (Ord. 350 § 2, 1998)

Chapter 12

CONDOMINIUM DEVELOPMENT AND CONDOMINIUM CONVERSIONS

Sections:

Article 1. General Provisions

9-12.101 Purpose and intent.
9-12.102 Definitions.

Article 2. Review Procedures

9-12.103 Applicability.
9-12.104 Required approvals.
9-12.105 Special application requirements for condominium projects and condominium conversions.
9-12.106 Application requirements for residential condominium conversions.
9-12.107 Special noticing requirements for residential condominium conversions.

Article 3. Property Requirements

9-12.108 Conditions of approval.
9-12.109 Special conditions of approval for condominium conversions.
9-12.110 Exceptions to property improvement standards for condominium conversions.
9-12.111 Special findings required for approval of condominium conversions.

Article 4. Tenant and Buyer Protections for Residential Condominium Conversions

9-12.112 Tenants' rights.
9-12.113 Reports to be furnished to prospective buyers.

Article 1. General Provisions

9-12.101 Purpose and intent.

The purpose of this chapter is to:

(a) Provide design and property improvement standards for condominium and condominium conversion projects;

(b) Ensure that a homeowners' association for residential projects or a property owners' association for commercial/industrial projects is established that is adequately funded and organized to repair and maintain all common areas, infrastructure and structures;

(c) Ensure that all condominium projects, including condominium conversion projects, provide necessary and useable easements to, and for, open space, ingress, egress, and utility and structure repair and maintenance;

(d) Ensure that all condominium projects, including conversion projects, provide inclusionary housing units under the City's Inclusionary Housing Policy;

(e) Ensure that the City maintains an adequate supply of rental multiple dwelling units affordable to lower- and moderate-income persons and a diversity of housing types, in compliance with the land use element and housing element of the City's General Plan;

(f) Reduce the impact of condominium conversions on residents of rental housing who may be required to relocate;

(g) Ensure that housing converted to condominiums is constructed at a standard that is consistent with current building codes;

(h) Ensure that all common areas are readily useable and accessible to all residents. (Ord. 523 § 2, 2007)

9-12.102 Definitions.

The following definitions are applicable to this chapter:

Affordable Ownership Cost. A reasonable down payment and an average monthly housing cost during the first calendar year of occupancy, including mortgage loan principal and interest, mortgage insurance, property taxes and property assessments, homeowners insurance, homeowners association dues, if any, and all other dues and fees assessed as a condition of property ownership, which does not exceed: (a) one-twelfth (1/12) of thirty percent (30%) of fifty percent (50%) of area median income for very low-income households; (b) one-twelfth (1/12) of thirty percent (30%) of eighty percent (80%) of area median income for lower-income households; or (c) one-twelfth (1/12) of thirty percent (30%) of one hundred twenty percent (120%) of area median income for moderate-income households. However, within redevelopment project areas, monthly housing costs shall not exceed: (a) one-twelfth (1/12) of thirty percent (30%) of fifty percent (50%) of area median income for very low-income households; (b) one-twelfth (1/12) of thirty percent (30%) of seventy percent (70%) of area median income for lower-income households; or (c) one-twelfth (1/12) of thirty-five percent (35%) of one hundred ten percent (110%) of area median income for moderate-income households. In calculating the affordable ownership cost of a unit, area median income shall be adjusted for assumed household size based on unit size.

Affordable Rent. Monthly rent, including a reasonable utility allowance and all mandatory fees charged for use of the property, which does not exceed: (a) one-twelfth (1/12) of thirty percent (30%) of fifty percent (50%) of area median income for very low-income households; (b) one-twelfth (1/12) of thirty percent (30%) of sixty percent (60%) of area median income for lower-income households; and (c) one-twelfth (1/12) of thirty percent (30%) of one hundred ten percent (110%) of area median income for moderate-income households. In calculating affordable rent for a unit, area median income shall be adjusted for assumed household size based on unit size.

Area Median Income. The annual median income for San Luis Obispo County, adjusted for household size, as published periodically in the California Code of Regulations, Title 25, Section 6932, or its successor provision, or as established by the City of Atascadero in the event that such median income figures are no longer published periodically in the California Code of Regulations.

Assumed Household Size. One (1) person in a studio unit, two (2) persons in a one (1) bedroom unit, three (3) persons in a two (2) bedroom unit, four (4) persons in a three (3) bedroom unit, and one (1) additional person for each additional bedroom.

Condominium Project. Any common interest development as defined in Civil Code Section 1351, whether designed for residential, commercial or industrial use, including, but not limited to, a condominium, planned development, stock cooperative or community apartment project.

Condominium Conversion. The conversion of existing dwelling units that have been approved for occupancy and cannot be sold individually into a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project) or into any other ownership type in which the dwelling units may be sold individually; or

the conversion of existing nonresidential space into a common interest development as defined in Civil Code Section 1351.

Disabled Person. A person who has a physical or mental impairment that limits one (1) or more major life activities, anyone who is regarded as having such an impairment, or anyone who has a record of such an impairment, as defined in the Federal Fair Housing Act or Americans with Disabilities Act.

Lower-Income Household. A household whose income does not exceed the lower-income limits applicable to San Luis Obispo County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

Moderate-Income Household. A household whose income does not exceed the moderate-income limits applicable to San Luis Obispo County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

Residential Development. All dwelling units located on one (1) parcel or on contiguous parcels and owned, operated, or managed by one (1) entity, or which were constructed as part of one (1) development project.

Very Low-Income Household. A household whose income does not exceed the lower-income limits applicable to San Luis Obispo County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code. (Ord. 523 § 2, 2007)

Article 2. Review Procedures

9-12.103 Applicability.

The procedures and standards contained in this chapter shall apply to all condominium projects and all condominium conversions, except for condominium conversions for which a complete application was made prior to March 1, 2006.

No residential condominium conversion may be considered to include four (4) units or less unless it is contained within a residential development that contains no more than four (4) dwelling units. (Ord. 523 § 2, 2007)

9-12.104 Required approvals.

No condominium project or condominium conversion shall be permitted unless a conditional use permit is approved pursuant to the provisions of this chapter and Section 9-2.110 of this Code. Condominium projects and condominium conversions shall also require a tentative map or vesting tentative map and a final map or parcel map pursuant to Title 11 of this Code, and shall be subject to all applicable provisions of the Subdivision Map Act, Title 11 of this Code, and all other applicable state and local laws and ordinances. Provisions for notice, hearing, and appeal shall be as specified in Title 9 and Title 11 of this Code for conditional use permits and tentative maps, respectively, except as modified by the provisions of this chapter. (Ord. 620 § 4, 2019; Ord. 523 § 2, 2007)

9-12.105 Special application requirements for condominium projects and condominium conversions.

A conditional use permit application for a condominium project shall be completed and submitted along with an environmental assessment form completed to the satisfaction of the Community Development Director and all other information as described on the checklist attached to the application.

An application for a tentative map or tentative parcel map shall be submitted concurrently with the conditional use permit application. The tentative map or tentative parcel map shall be accompanied by all information described in the checklist attached to the application.

Where the information requirements for a conditional use permit and tentative map conflict, the requirements for the greatest amount of information shall apply.(Ord. 635 § 5, 2020; Ord. 523 § 2, 2007)

9-12.106 Application requirements for residential condominium conversions.

The conditional use permit application for a residential condominium conversion shall be accompanied by an application for a tentative map as required by Title 11 of this Code. The application shall include all information required by Title 11 and by Section 9-2.110 and the following additional information:

(a) Housing Impact Report. A report that describes the number of households that may be displaced; the numbers of persons residing in all households; the age and income levels of all tenants; units occupied by persons who are over sixty-two (62) years of age, disabled, or between five (5) and eighteen (18) years of age; the square footage, number of bedrooms, rental rates, and vacancy rate of all units for the previous three (3) years; and documentation of the community-wide number of rental units with similar rental rates. The housing impact report shall also include the location of the proposed affordable units required by Section 9-12.107(a) and their proposed affordability level, except for condominium conversions of four (4) units or less.

(b) Property Condition Report. A detailed description of the physical condition of the property, including:

(1) Property and structural compliance with the current building and zoning codes, including foundations, ventilation, utilities, walls, roofs, windows, mechanical and electrical equipment, appliances which will be sold with the units, common areas, roads, paved and parking areas, utilities and infrastructure. The report shall state, to the best knowledge of the applicant, and for each element: the date of construction, the condition, the expected useful life, the cost of replacement, and any variation from current building and zoning codes. The report shall identify all defective or unsafe elements or those which may impair use and enjoyment of the property; corrective measures required to meet current code standards; modifications needed to meet current sound attenuation and energy conservation standards; estimated costs of needed repairs and annual maintenance costs, including a sinking fund; and the estimated annual amount of homeowners' association fees. The report shall be prepared by a registered civil or structural engineer or architect;

(2) A report from a licensed pest-control operator describing in detail the presence and effects of any wood-destroying organisms; corrective measures; and estimated repair costs;

(3) A report of any known soil or geological problems, prepared by a licensed geotechnical engineer; required and recommended corrective measures; and estimated repair costs. Reference shall be made to any previous soils or geotechnical reports prepared for the site;

(4) A report by the Building Official, Fire Marshal, and Planning Services, or designee, regarding the building's and site's compliance with current building and zoning codes and listing any code violations found.

(c) Site Plan. A site plan which shall include at least the following:

(1) The location, number of stories, number of dwellings, and proposed use of each structure to remain and of any proposed new structure;

(2) The location, use, and type of surfacing for all open storage areas;

(3) The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, and curb cuts;

(4) The location and number of all covered and uncovered parking spaces;

(5) The location of all existing and proposed utility lines and meters;

(6) The location, height and type of materials for walls and fences;

(7) The location of all landscaped areas, the type of landscaping, method of irrigation, exterior lighting, and a statement specifying private or common maintenance;

(8) The location and description of all recreational facilities;

(9) The location, size, and number of parking spaces to be used in conjunction with each unit;

(10) The location, type, and size of all drainage pipes, structures, and basins;

(11) Existing contours, building pad elevations, and percent slope for all driveways and parking areas.

(d) Tenant Information Package. A tenant information package that includes at least the following:

(1) The name and address of developer and/or property owner;

(2) A copy of the housing impact report and property condition report that are submitted in compliance with subsections (a) and (b) of this section;

(3) The approximate sales price of each unit;

(4) Provisions for affordable housing in compliance with Section 9-12.108(a), except for condominium conversions of four (4) units or less; and

(5) A copy of the Notice of Intent to Convert required by Section 9-12.107(a).

The Tenant Information Package shall be delivered to each tenant within five (5) working days after the Community Development Director has approved the Tenant Information Package.

(e) Evidence of Delivery of Required Notices.

(1) Signed copies from each tenant acknowledging receipt of the Notice of Intent to Convert; or, for each tenant for whom a signed acknowledgment is not submitted. Satisfactory evidence that the Notice of Intent to Convert was sent to each tenant in compliance with the legal requirements for service by mail and was sent by U.S. certified mail, return receipt requested.

(2) Evidence to the satisfaction of the Community Development Director that all tenants of the proposed condominium conversion have been, or will be, given all written notices required by this chapter and by the Subdivision Map Act, and that such notices have, or will, comply with the legal requirements for service by mail. The applicant shall provide the City with copies of all affidavits prepared in compliance with Code of Civil Procedure Section 1013a.

(f) Other Information. Any other information which in the opinion of the Community Development Director will assist in determining whether the findings required by Sections 9-2.110 and 9-12.111 of this Code can be made. The applicant shall submit to the City a copy of each application for a public report made to the California Department of Real Estate, including a copy of the supplemental questionnaire for apartments converted to condominiums. (Ord. 523 § 2, 2007)

9-12.107 Special noticing requirements for residential condominium conversions.

In addition to the notices of public hearing required by Sections 9-1.110 and 11-4.06 of this Code, the following additional notices shall be given. Notice shall comply with the legal requirements for service by mail contained in Code of Civil Procedure Sections 1012, 1013, and 1013a or as otherwise required by law, or shall be made by personal delivery to each tenant or other person entitled to receive notice, confirmed by

written acknowledgement of receipt of the notice. In addition, the Notice of Intent to Convert, Right to Purchase and Intention to Convert Notice, and copies of City staff reports shall be delivered to each occupied dwelling unit included in the proposed conversion. If a rental agreement was negotiated in Spanish, Chinese, Tagalog, Vietnamese or Korean, all required notices to that tenant shall be issued in that language. The applicant shall also provide any additional notice required by the Subdivision Map Act or other state or federal law. It is the City's intent that the provisions of this section apply to all residential condominium conversions, including condominium conversions of four (4) units or less.

(a) Notice of Intent to Convert. The applicant shall give a written Notice of Intent to Convert to each tenant at least sixty (60) days prior to submittal of the conditional use permit and tentative map application for the condominium conversion. The notice shall be in the form prescribed by the Subdivision Map Act and in addition shall include the following:

(1) Name and address of current owner;

(2) Name and address of subdivider;

(3) Approximate date on which the unit is to be vacated by nonpurchasing tenants if the conditional use permit and tentative map are approved;

(4) The tenant's right to continue to rent the unit for at least one hundred eighty (180) days after the date of any approval of the conditional use permit and tentative map, or for up to one (1) year beyond the one hundred eighty (180) day termination period if any resident of the unit is over sixty-two (62) years of age, disabled, lower income, or has school-age children. The Notice of Intent to Convert shall describe how the tenant may establish that a resident of the unit is over sixty-two (62) years of age, disabled, or has school-age children, or that the household qualifies as a lower-income household;

(5) The tenant's exclusive right to purchase the unit upon the same terms that the unit will initially be offered to the general public, or on more favorable terms, for a period of at least ninety (90) days after a subdivision public report has been issued by the California Department of Real Estate or after commencement of sales, whichever is later;

(6) Except for condominium conversions of four (4) units or less, provisions for affordable housing as required by Section 9-12.108(a);

(7) A general description of the relocation assistance to be provided pursuant to Section 9-12.109(a)(1);

(8) The tenant's right to terminate any lease or rental agreement for the unit as provided by Section 9-12.112(a);

(9) Protection from unjust eviction as required by Section 9-12.112(b);

(10) Limitations on rent increases as required by Section 9-12.112(c);

(11) City contact information (telephone, street address, and e-mail address).

(b) Notice to Prospective Tenants. Commencing not less than sixty (60) days prior to submittal of the conditional use permit and tentative map application for the condominium conversion, the applicant shall, before accepting any rent or deposit from any prospective tenant, provide the prospective tenant with the notice required by Government Code Section 66452.8, a copy of the Notice of Intent to Convert, and a copy of the Tenant Information Package, if it has been approved by the Community Development Director.

(c) Tenant Information Package. The applicant shall provide all tenants with a copy of the Tenant Information Package specified in Section 9-12.106(d) within five (5) working days of its approval by the Community Development Director.

(d) Public Report Submittal Notice. The applicant shall provide a Public Report Submittal Notice to each tenant within ten (10) days of the submittal of an application for a public report to the California Department of Real Estate, in the form prescribed by the Subdivision Map Act. The notice shall indicate that

the public report will be available to the tenant upon request and that the tenant's exclusive right to purchase commences no earlier than the date of issuance of the final public report.

(e) Issuance of Public Report Notice. The applicant shall provide an Issuance of Public Report Notice to each tenant within five (5) days after the date that the applicant receives the public report from the California Department of Real Estate, in the form prescribed by the Subdivision Map Act.

(f) Approval Notice. The applicant shall provide an Approval Notice to each tenant within ten (10) days of any approval of the final map for the condominium conversion, in the form prescribed by the Subdivision Map Act.

(g) Exclusive Right to Purchase Notice. The applicant shall provide each tenant with an Exclusive Right to Purchase Notice at the beginning of the tenant's exclusive right for a period of ninety (90) days to contract for the purchase of the unit upon the same terms that the unit will initially be offered to the general public, or on more favorable terms. The Right to Purchase Notice shall state the date that the ninety (90) day period will commence, describe the terms on which the unit is being offered, comply with the requirements of the Subdivision Map Act, and include the information for buyers specified in Section 9-12.113 and the subdivision public report.

(h) Continued Right of Occupancy and Intention to Convert Notice. After City approval of the conditional use permit and tentative map, the applicant shall provide each tenant with a Continued Right of Occupancy and Intention to Convert Notice stating that each tenant will be given a minimum period of one hundred eighty (180) days to vacate the unit, unless the period is extended pursuant to Section 9-12.109(a)(2). This Continued Right of Occupancy Notice is not a notice to terminate the tenancy as required by Civil Code Section 1946.1. The Notice shall be consistent with the form prescribed by the Subdivision Map Act.

(i) Notices of Public Hearing and Copies of City Staff Reports. As required by the Subdivision Map Act, the applicant shall provide each tenant with a copy of any hearing notice and any staff report on the condominium conversion at least three (3) days prior to any public hearing on the proposed condominium conversion. (Ord. 523 § 2, 2007)

Article 3. Property Requirements

9-12.108 Conditions of approval.

All residential condominium projects and all residential condominium conversions shall comply with the following provisions prior to recordation of the final map.

(a) Affordable Housing. Except for residential condominium projects and residential condominium conversions of four (4) units or less, the applicant shall agree to rent or sell twenty percent (20%) of the total number of residential units or units to be converted to very low-, lower-, and moderate-income households, as follows:

(1) Four percent (4%) of the total number of units to be converted shall be rented or sold at an affordable ownership cost or affordable rent to very low-income households;

(2) Seven-and-one-half percent (7.5%) of the total number of units to be converted shall be rented or sold at an affordable ownership cost or affordable rent to lower-income households;

(3) Eight-and-one-half percent (8.5%) of the total number of units to be converted shall be rented or sold at an affordable ownership cost or affordable rent to moderate income households.

The units shall remain affordable for thirty (30) years, except that, if the condominium project or condominium conversion is located within a redevelopment project area, the units shall remain affordable for forty-five (45) years, if sold to qualifying households, or for fifty-five (55) years, if rented to qualifying

households. The affordable units shall be distributed throughout the project and not concentrated in one (1) location. Fractions of units of 0.5 or greater shall be rounded up to the next highest whole number. For fractions of less than 0.5, the applicant may provide an additional affordable unit or pay in-lieu fees established by the City prior to final map approval. Tenants of the condominium conversion project who are income-qualified shall be given priority to acquire the affordable units, and a lottery shall be used if necessary to determine unit possession. The affordable units required by this section shall be provided in addition to any existing deed restricted affordable units in the project. If the project is subject to the affordable housing requirements of other ordinances or agencies, then the most restrictive requirements shall apply. Prior to approval of the final map, an affordable housing agreement between the applicant and the City shall be recorded to ensure continued affordability of the required affordable units.

(b) Association Documents. The declaration of covenants, conditions and restrictions, articles of incorporation, bylaws, and contracts for the maintenance, management, or operation of any part of the condominium conversion project shall be submitted to the City for review and approval prior to approval of the final map, to ensure that the documents comply with all required conditions of approval. In addition to the requirements of Civil Code Section 1355 and any requirements which might be imposed by the City consistent with these regulations, the organizational documents shall include provisions concerning the conveyance of units; the assignment of parking; an agreement for common area maintenance, including facilities, utilities and landscaping; a proposed annual operating budget containing a reserve fund to pay major anticipated maintenance, repair, or replacement expenses; and an estimate of initial annual homeowner's dues. The declaration of covenants, conditions, and restrictions shall also contain the following specific provisions:

(1) No trailers, boats, or recreational vehicles may be parked on the site;

(2) Vehicles may only be parked in designated parking areas;

(3) A provision establishing the obligation and duty of the governing body of the homeowners association to continually maintain the common areas in a manner which, at a minimum, ensures compliance with this Code, any conditions of approval, and all other applicable laws, regulations, and standards;

(4) A provision for annual assessments for maintenance and for capital improvements;

(5) CC&R provisions required to comply with the City's conditions of approval may not be modified without the City's consent. (Ord. 523 § 2, 2007)

9-12.109 Special conditions of approval for condominium conversions.

(a) The following conditions are applicable to residential condominium conversions:

(1) Relocation Assistance. Following approval of the conditional use permit and tentative map, the applicant shall enter into an agreement with the City to provide each tenant household that vacates a unit with a relocation payment equal to three (3) months rent for the unit currently occupied by that household. The relocation payment shall be paid at least thirty (30) days before the household vacates its unit. The applicant shall also provide active assistance in securing comparable replacement housing for each tenant who will be displaced.

(2) Extension of Lease or Rental Agreement for Certain Tenants. For tenant households that include a person over sixty-two (62) years of age or a disabled person, or if the household is a lower-income household, the applicant shall extend the household's rental agreement or lease for one (1) year beyond the one hundred eighty (180) day termination period specified in Section 9-12.107(h). For tenant households that include a dependent person attending kindergarten through Grade 12, if the one hundred eighty (180) day termination period ends in the middle of a school year, then the applicant shall extend the household's rental agreement or lease until thirty (30) days after the end of the school year.

(3) Warranty. The applicant shall provide a warranty for a period of one (1) year from the date of the sale of the last individual unit free of charge to the homeowners' association for all project components that are owned or maintained by the association. The warranty shall guarantee the condition of the common area items, including, but not limited to, roads, paving, drainage systems, landscaping and recreational facilities. The warranty shall also guarantee the condition of all residential and/or common area structures, roofing, foundations, plumbing, electrical system, heating and ventilation, mechanical systems, and utilities. The City shall review and approve the form of the warranty prior to approval of the final map.

(4) Right to Purchase. In conformance with the Subdivision Map Act, the applicant shall provide each tenant with an exclusive right for a period of ninety (90) days to contract for the purchase of the tenant's unit upon the same terms that the unit will initially be offered to the general public, or on more favorable terms, as further described in Section 9-12.107(g).

(5) Building and Zoning Regulations. To the extent feasible, the residential condominium conversion shall substantially comply with the City's building and housing codes and zoning regulations in effect on the date the application for conversion is accepted as complete. All modifications needed to meet current sound attenuation and energy conservation standards shall be completed.

(6) Fire Safety. Each living unit shall be provided with approved smoke detectors as required by the Building Code.

(7) Storage. The project shall provide at least one hundred (100) cubic feet of enclosed, weatherproof, and lockable private storage space for each unit, exclusive of standard cabinets and standard closets within the unit and the space normally required for parking a vehicle in a garage. This space shall be for the sole use of the unit owner. The minimum opening shall be two and one-half (2.5) feet by four (4) feet and the minimum height shall be four (4) feet.

(8) Laundry Facilities. A laundry area, including space and utility connections for a washer and dryer, shall be provided in each unit, or laundry facilities shall be provided in common laundry space. Common facilities shall consist of at least one (1) washer and dryer for each ten (10) units or fraction thereof.

(9) Private Open Space. Each unit shall have a minimum of one hundred (100) square feet of qualifying private open space. To qualify, open space must be private and directly accessible from the unit it serves, and must have a minimum dimension in every direction of ten (10) feet for open space provided at ground level or six (6) feet for open space provided on a balcony or elevated deck, and must be located outside the required front yard setback.

(b) The following conditions are applicable to all condominium conversions:

(1) Fire Protection Systems. All fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protection appliances shall be retained in operable condition at all times and shall comply with the fire code requirements in place at the time the building was constructed. Any conversion involving an addition or major renovations of the structure shall substantially comply with the fire codes in effect on the date the application for conversion is accepted as complete;

(2) Utility Metering. The consumption of gas, electricity, and water within each unit shall be separately metered, and there shall be separate circuit breakers and shutoff valves for each unit;

(3) Parking. The number of parking spaces, including the provision of covered spaces and spaces for the disabled, shall meet current standards for the number of parking spaces, as provided in Chapter 4 of Title 9 of this Code. Spaces for the exclusive use of each unit shall be so marked. Visitor parking and special loading zones, if any, shall also be marked;

(4) Refurbishing and Restoration. All structures, common areas, sidewalks, driveways, landscaped areas, and facilities, if defective or in poor condition, shall be refurbished and restored to a safe and usable

condition, and as otherwise required by the Planning Commission pursuant to the findings in the Property Condition Report;

(5) Lighting. Energy-efficient lighting providing adequate light levels as acceptable to the Police Department shall be installed in all parking areas and adjacent to exterior walkways. All lighting fixtures shall be selected, installed, and oriented to prevent glare. (Ord. 523 § 2, 2007)

9-12.110 Exceptions to property improvement standards for condominium conversions.

Upon request by an applicant, the Planning Commission may approve exceptions to the property improvement standards included in Section 9-12.109(a)(5) through (9) and Section 9-12.109(b) of this Code. The nature of the exception requested shall be described in public notices for Commission hearings on the condominium conversion. The Commission may approve exceptions to property development standards only after a public hearing and if the Commission can make the findings required by Section 11-9.02 of this Code. (Ord. 523 § 2, 2007)

9-12.111 Special findings required for approval of condominium conversions.

A conditional use permit for a condominium conversion may be approved only if the Planning Commission finds that the condominium conversion conforms to all provisions of this chapter, including all conditions of approval required by Sections 9-12.108 and 9-12.109.

The following additional findings shall be made for residential condominium conversions:

(a) Prior to approval of the final map, the applicant has provided, or has made adequate provisions to provide, all notices required by this chapter and by the Subdivision Map Act.

(b) The proposed conversion will not displace a significant number of lower-income or moderate-income households or senior citizens, unless the same number of rental units, of the same size and number of bedrooms, at the same rents, and in the same physical condition are offered for rent in the City.

(c) The total number of residential rental units to be converted to condominiums in any calendar year does not exceed twenty-five percent (25%) of the number of newly constructed rental multiple dwelling units that were approved for occupancy in the City in the previous calendar year. For purposes of this finding, "rental multiple dwelling units" include only those dwelling units located in a multifamily structure which cannot be sold individually. This finding need not be made for residential condominium conversions of four (4) units or less. (Ord. 523 § 2, 2007)

Article 4. Tenant and Buyer Protections for Residential Condominium Conversions

9-12.112 Tenants' rights.

After the date of issuance of the Notice of Intent to Convert, each tenant in a proposed residential condominium conversion shall have the following rights with respect to the tenant's unit:

(a) Right to Terminate Lease or Rental Agreement. The tenant may terminate a lease or rental agreement, without penalty, upon thirty (30) days' notice to the owner;

(b) No Unjust Eviction. Tenants who comply with the terms of their rental or lease agreements and with the written regulations of the rental property may not be evicted until the expiration of either the one hundred eighty (180) day period specified in Section 9-12.107(h) or the extension described in Section 9-12.109(a)(2), whichever is later;

(c) Limitations on Rent Increases. After the applicant has issued the Notice of Intent to Convert, the rent for any dwelling unit shall not be increased for a one hundred eighty (180) day period. After the expiration of the one hundred eighty (180) day period, the rent for any tenant may not be increased more than once

annually, and such increase shall not exceed the rate of increase in the consumer price index for the same period. (Ord. 523 § 2, 2007)

9-12.113 Reports to be furnished to prospective buyers.

In addition to those reports required by state law and any other provisions of this Code, the applicant shall furnish each prospective purchaser of a dwelling unit with the following documents:

(a) Property condition report;

(b) Approved conditional use permit, including all conditions of approval. (Ord. 523 § 2, 2007)

Chapter 13

REASONABLE ACCOMMODATIONS

Sections:

9-13.101 Purpose.
9-13.102 Applicability.
9-13.103 Application requirements.
9-13.104 Review authority.
9-13.105 Review procedures.
9-13.106 Findings and decision.
9-13.107 Rescission of approval of reasonable accommodation.
9-13.108 Post decision procedures.

9-13.101 Purpose.

(a) Enabling Legislation. This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (hereafter the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

(b) Adjustment to Physical Design Standards. A reasonable accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident. (Ord. 570 § 1, 2013)

9-13.102 Applicability.

(a) Eligible Applicants.

(1) A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law (i.e., development standard) or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.

(2) A person with a disability is a person who has physical or mental impairment that limits or substantially limits one (1) or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.

(3) This chapter is intended to apply to those persons who are defined as disabled under the Acts.

(b) Eligible Requests.

(1) A request for reasonable accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

(2) A request for reasonable accommodation shall comply with Section 9-13.103 (Application requirements). (Ord. 570 § 1, 2013)

9-13.103 Application requirements.

(a) Filing. An application for a reasonable accommodation shall be filed and processed in compliance with Chapter 9-2 (Applications: Content, Processing and Time Limits).

(b) Required Data. The application shall include the following information and materials as a supplement to the required application:

(1) Applicant's name, address, and telephone number;

(2) Address of the property for which the request is being made;

(3) Assessor parcel number (APN);

(4) The current use of the property;

(5) The code section(s), regulation(s), policy, or procedure for accommodation requested;

(6) A statement describing why the requested accommodation is necessary to make the specific housing available to the applicant, including information establishing that the applicant is disabled under the Acts; and

(7) Other relevant and permissible information as requested by the Community Development Director or designee.

(c) Filing With Other Land Use Applications. If the project involves both a request for reasonable accommodation and some other discretionary approval (e.g., conditional use permit, variance, etc.), the applicant shall file the information required by subsections (a) and (b), together with the materials required for the other discretionary approval.

(d) Responsibility of the Applicant. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 9-13.106 (Findings and decision). (Ord. 570 § 1, 2013)

9-13.104 Review authority.

(a) Community Development Director. Requests for reasonable accommodation shall be reviewed, and a decision shall be made, by the Community Development Director if no approval is sought other than the request for reasonable accommodation. The Community Development Director may defer a decision to the Design Review Committee at their discretion.

(b) Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application (e.g., conditional use permit) shall be reviewed (and approved or denied) by the authority reviewing that application. (Ord. 570 § 1, 2013)

9-13.105 Review procedures.

(a) Community Development Director's Review. The Community Development Director shall make a written decision and either approve, approve with modifications, or deny a request for reasonable accommodation.

(b) Other Review Authority. When reviewed concurrently with another type of discretionary review, the written decision on whether to approve or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the other discretionary review in compliance with the applicable review procedures.

(c) The decision to approve or deny the request for reasonable accommodation shall be made in compliance with Section 9-13.106 (Findings and decision). (Ord. 570 § 1, 2013)

9-13.106 Findings and decision.

(a) Findings. The written decision to approve a request for reasonable accommodation shall be based on the following findings:

(1) The housing that is the subject of the request will be used by a person defined as disabled under the Acts;

(2) The request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;

(3) The requested reasonable accommodation would not impose an undue financial or administrative burden on the City;

(4) The requested accommodation would not require a fundamental alteration in the nature of the housing program of the City; and

(5) The establishment, maintenance or operation of the reasonable accommodation activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed activity.

(b) Conditions of approval. In approving a request for reasonable accommodation, the review authority may impose conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation will comply with the findings required by subsection (a) Findings. (Ord. 570 § 1, 2013)

9-13.107 Rescission of approval of reasonable accommodation.

(a) Rescission.

(1) An approval or conditional approval of an application made in compliance with this chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site, etc.), unless allowed to remain in compliance with subsection (b) Discontinuance;

(2) If rescinded or subject to automatic expiration, the improvement made in compliance with the originally approved reasonable accommodation shall be removed from the subject property in compliance with subsection (b)(2).

(b) Discontinuance.

(1) A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for at least three hundred sixty-five (365) consecutive days.

(2) If the person(s) initially occupying a residence vacates, the reasonable accommodation shall remain in effect only if the review authority first determines that:

(i) The modification is physically integrated into the residential structure and cannot be easily removed or altered to comply with this title; or

(ii) The modification is to be used by another qualifying individual with a disability.

(3) The review authority may request that the applicant or the successor(s)-in-interest provide documentation that subsequent occupants are qualifying persons with disabilities.

(4) Failure to provide the documentation within thirty (30) days of the date of a request by the review authority shall constitute grounds for discontinuance by the City of a previously approved reasonable accommodation.

(5) Discontinuance shall require that the improvement made in compliance with the originally approved reasonable accommodation shall be removed from the subject property. (Ord. 570 § 1, 2013)

9-13.108 Post decision procedures.

The procedures and requirements of this title in Chapter 2 (Applications: Content, Processing and Time Limits), and those related to appeals in Chapter 1 (Enactment, Administration and Amendment), shall apply following the decision on a reasonable accommodation application. (Ord. 570 § 1, 2013)

Chapter 14

NOISE

Sections:

9-14.01 Purpose and intent.
9-14.02 Definitions.
9-14.03 Noise source exemptions.
9-14.04 Noise measurement criteria.
9-14.05 Exterior noise level standards.
9-14.06 Interior noise level standards.
9-14.07 Air conditioning and refrigeration.
9-14.08 Waste and garbage collection equipment.
9-14.09 Electrical substations.
9-14.10 Nuisance by neighborhood petition.
9-14.11 Exceptions.
9-14.12 Violation: Enforcement.
9-14.13 Amplified sound.
9-14.14 Cost recovery for responses to disturbances.

9-14.01 Purpose and intent.

(a) This chapter establishes standards for acceptable exterior and interior noise levels and describes how noise is to be measured. These standards are intended to protect persons from excessive noise levels, which are detrimental to the public health, welfare and safety and contrary to the public interest because they can:

(1) Interfere with sleep, communication, relaxation, and the full enjoyment of one's property;

(2) Contribute to hearing impairment and a wide range of adverse physiological stress conditions; and

(3) Adversely affect the value of real property.

(b) It is the intent of this chapter to protect persons from excessive levels of noise within or near various residential development and other specified noise-sensitive land uses. (Ord. 245 § 2, (Exh. A) 1992)

9-14.02 Definitions.

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

(a) "Agricultural property" means land uses for or devoted to the production of crops and livestock.

(b) "Ambient noise levels" means the composite of noise from all sources excluding the alleged offensive noise. In this context it represents the normal or existing level of environmental noise at a given location for a specified time of the day or night.

(c) "A-weighted sound level" means the sound level in decibels as measured with a sound level meter using the A-weighted network (scale) at slow meter response. The unit of measurement is referred to herein as dB.

(d) "Compliance official" means the City Community Development Director or duly authorized deputy.

(e) "Construction" means construction, erection, enlargement, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

(f) “Decibel” means a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm, to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

(g) “Dwelling unit” means a unit intended for permanent human habitation and does not include accessory structures, such as garages, guesthouses, etc.

(h) “Emergency work” means the use of any machinery, equipment, vehicle, manpower or other activity in a short time effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

(i) “Equivalent sound level (Leq)” means the sound level containing the same total energy as a time varying signal over a given sample period. Leq is typically computed over one (1), eight (8) and twenty-four (24) hour sample periods.

(j) “Hospital” means any building or portion thereof used for the accommodation and medical care of the sick, injured or infirm persons and includes rest homes and nursing homes.

(k) “Impulsive noise” means a short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

(l) “Intruding noise level” means the sound level created, caused, maintained, or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation.

(m) “Noise disturbance” means any sound which violates the quantitative standards set forth in this chapter.

(n) “Residential property” means a parcel of real property which is developed and used either in whole or in part for residential purposes.

(o) “School” means public or private institutions conducting regular academic instruction at pre-school, kindergarten, elementary, secondary or collegiate levels.

(p) “Simple tone noise” means any noise which is distinctly audible as a single pitch (frequency) or set of pitches determined by the Compliance Official.

(q) “Sound level meter” means an instrument meeting American National Standard Institute’s Standard S1.4-1971 for Type 1 of Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data. (Ord. 245 § 2, (Exh. A) 1992)

9-14.03 Noise source exemptions.

The following activities shall be exempt from the provisions of this chapter:

(a) City or school sanctioned activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events;

(b) Any mechanical device, apparatus or equipment used related to or connected with emergency activities or emergency work;

(c) Noise sources associated with construction, provided such activities do not take place before seven a.m. or after nine p.m.;

(1) An exception for special construction activities may be granted, in advance, at the discretion of the Community Development Director when heat and/or other weather factors justify an exception. Any exception granted may specify conditions and limits. It shall be unlawful to violate any such conditions or limits imposed as part of a grant of exemption.

(d) Noise sources associated with the maintenance of residential property provided such activities take place between the hours of seven a.m. and nine p.m.;

(e) Noise sources associated with agricultural activities on agricultural property;

(f) Noise sources associated with a lawful commercial or industrial activity caused by mechanical devices or equipment, including air conditioning or refrigeration systems, installed prior to the effective date of the ordinance codified in this chapter; provided that this exemption shall expire one (1) year after the effective date of the ordinance codified in this chapter; after which time notice and nuisance abatement proceedings shall be initiated,

(g) Noise sources associated with work performed by private or public utilities in the maintenance or modification of its facilities;

(h) Noise sources associated with the collection of waste or garbage from property devoted to commercial or industrial uses;

(i) Any activity to the extent regulation thereof has been preempted by state or federal law;

(j) Safety signals, warning devices, and emergency pressure relief valves;

(k) Moving sources such as tractors, automobiles, trucks, airplanes, railroads, and boats, except where such moving sources are operated as part of sporting or entertainment events;

(l) Agricultural equipment including but not limited to, wind machines, water well pumps and pest repelling devices;

(m) Incidental commercial parking lot noise generated by customers. (Ord. 448 § 1, 2004; Ord. 245 § 2, (Exh. A) 1992)

9-14.04 Noise measurement criteria.

(a) Any noise measurement made pursuant to the provisions of this ordinance shall be made with a sound level meter using the A-weighted network (scale) at slow meter response. Fast meter response shall be used for impulsive type sounds. Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.

(b) Exterior Noise Levels. Exterior noise levels shall be measured at the property line of the affected noise-sensitive land use. Where practical, the microphone shall be positioned three (3) to five (5) feet above the ground and away from reflective surfaces.

(c) Interior Noise Levels. The interior noise levels shall be measured within the affected dwelling unit, at points at least four (4) feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. The reported interior noise level shall be determined by taking the arithmetic average of the readings taken at the various microphone locations. (Ord. 245 § 2, (Exh. A) 1992)

9-14.05 Exterior noise level standards.

(a) It is unlawful for any person at any location within the incorporated area of the City to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any affected single or multiple-family residence, school, hospital, church or public library situated in the City to exceed the noise level standards as set forth in the following table:

EXTERIOR NOISE LEVEL STANDARDS		
	Daytime	**Nighttime**
	(7 a.m. to 9 p.m.)	**(9 p.m. to 7 a.m.)**
Hourly Equivalent Sound Level (Leq, dB)	50	45
Maximum, dB	70	65

(b) In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted so as to equal the ambient noise level.

(c) Each of the noise level standards specified above shall be reduced by five (5) dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

(d) If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards. (Ord. 245 § 2, (Exh. A) 1992)

9-14.06 Interior noise level standards.

(a) It is unlawful for any person at any location within the incorporated area of the City to operate or cause to be operated within a dwelling unit (intended for permanent human habitation) a source of noise or allow the creation of any noise which causes the noise level when measured inside a receiving dwelling unit situated in the incorporated area to exceed the noise level standards set forth in the following table:

INTERIOR NOISE LEVEL STANDARDS		
	Daytime	**Nighttime**
	(7 a.m. to 9 p.m.)	**(9 p.m. to 7 a.m.)**
Hourly Equivalent Sound Level (Leq, dB)	40	35
Maximum Level	60	55

(b) In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level includes the noise generated by the receiving dwelling unit.

(c) Each of the noise level standards specified above shall be reduced by five (5) dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

(d) If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards. (Ord. 245 § 2, (Exh. A) 1992)

9-14.07 Air conditioning and refrigeration.

Notwithstanding the provisions of Section 9-14.02, the intruding noise source when measured as provided in Section 9-14.04 is an air conditioning or refrigeration system or associated equipment installed prior to the effective date of the ordinance codified in this chapter, the exterior noise level shall not exceed fifty-five (55) dB, except where such equipment is exempt from the provisions of this chapter. The exterior noise level shall not exceed fifty (50) dB for such equipment installed or in use one (1) year after the effective date of the ordinance codified in this chapter. (Ord. 245 § 2, (Exh. A) 1992)

9-14.08 Waste and garbage collection equipment.

Notwithstanding the provisions of Section 9-14.02, noise sources associated with the collection of waste or garbage from residential property by persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before six a.m. or after

seven p.m., and the noise level created by such activities when measured at a distance of fifty (50) feet in an open area shall not exceed the following standards:

(a) Eighty-five (85) dB for equipment in use, purchased or leased within six (6) months from the effective date of the ordinance codified in this chapter.

(b) Eighty (80) dB for that equipment set forth in subsection 9-14.08 (a) above after five (5) years from the effective date of the ordinance codified in this chapter.

(c) Eighty (80) dB for new equipment purchased or leased after six (6) months from the effective date of the ordinance codified in this chapter.

(d) Seventy-five (75) dB for new equipment purchased or leased after thirty-six (36) months from the effective date of the ordinance codified in this chapter. (Ord. 245 § 2, (Exh. A) 1992)

9-14.09 Electrical substations.

Notwithstanding the provisions of Section 9-14.02, noise sources associated with the operation of electrical substations shall not exceed fifty (50) dB when measured as provided in Section 9-14.04. (Ord. 245 § 2, (Exh. A) 1992)

9-14.10 Nuisance by neighborhood petition.

Whenever it shall be affirmed in writing by three (3) or more persons living in separate dwellings in a neighborhood that noise is causing a nuisance or undue annoyance, the Compliance Official, if he or she finds such a public nuisance to exist, shall serve notice upon the property owner that the public nuisance shall be abated. (Ord. 245 § 2, (Exh. A) 1992)

9-14.11 Exceptions.

(a) The owner or operator of a noise source which the Compliance Official has determined violates any of the provisions of this chapter may file an application with the Compliance Official for an exception from strict compliance with any particular provisions of this chapter where such an exception will not result in a hazardous condition or a nuisance and strict compliance would be unreasonable in view of all circumstances. The owner or operator shall set forth all actions taken to comply with such provisions, and the reasons why immediate compliance cannot be achieved. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership or fixed sources under common ownership on a single property may be combined into one application.

(b) Upon receipt of the application and within thirty (30) days, the Compliance Official shall either (1) approve such request in whole or in part, (2) deny the request, or (3) refer the request directly to the Planning Commission for action thereon in accordance with the provisions of this chapter. In the event the exception is approved, reasonable conditions may be imposed which may include restrictions on noise level, noise duration and operating hours, an approved method of achieving compliance and a time schedule for its implementation. The decision of the Compliance Official is subject to appeal to the Planning Commission for a hearing de novo by filing a written appeal with the Compliance Official not later than fifteen (15) days following the mailing of the Compliance Official's decision to the applicant.

(c) Factors which the Compliance Official or Planning Commission must consider shall include but not be limited to the following:

(1) Uses of property within the area affected by noise;

(2) Factors related to initiating and completing all remedial work;

(3) Age and useful life of the existing noise sources;

(4) The general public interest, welfare and safety.

(d) The Planning Commission may grant exceptions from provisions of this chapter subject to such terms, conditions and requirements as may be deemed reasonable to achieve compliance with the provisions of this chapter.

(e) Within fourteen (14) days following the decision of the Planning Commission on an application for an exception, the applicant may appeal the decision to the City Council for a hearing de novo by filing a notice of appeal with the City Clerk. The City Council shall either affirm, modify or reverse the decision of the Planning Commission. Such decisions shall be final and shall be based upon the considerations set forth in this section. (Ord. 245 § 2, (Exh. A) 1992)

9-14.12 Violation: Enforcement.

The violation of any of the provisions of this chapter shall be a misdemeanor, citable at the discretion of the City Attorney as an infraction. Violation of these provisions is deemed a public nuisance and punishable as provided in Chapter 3 of Title 1 of this Code. The provisions of this chapter may also be enforced by an injunction issued out of the superior court upon suit of the City.

The City Community Development Director or designee shall enforce the provisions of this chapter. Enforcement procedures are set in Chapter 8 of Title 9 and are intended to assure due process by establishing proper notice and abatement proceedings. (Ord. 245 § 2, (Exh. A) 1992)

9-14.13 Amplified sound.

(a) It shall be unlawful for any person other than authorized personnel of law enforcement or government agencies, to install, use, or operate within the City any voice amplification device or sound amplifying equipment, including but not limited to those attached to or housed within any vehicle, boat or aircraft, including sound trucks for the purposes of giving instructions, directions, addresses, lectures or transmitting music to any persons or assemblies in or upon any street, alley, sidewalk, park or public property or any open space generally available to the public, without prior approval through an administrative use permit granted by the City.

(b) Under such a permit, the commercial and noncommercial use of sound amplifying equipment shall be subject to the following limitations:

(1) Only music, human speech or a combination of the same shall be permitted.

(2) The operation of sound amplifying equipment, including outdoor paging systems, for commercial purposes shall be limited to no greater than the hours of eight a.m. to seven p.m. on weekdays, nine a.m. to six p.m. on Saturdays and ten a.m. to four p.m. on Sundays and holidays.

(3) Sound amplifying equipment shall not be operated within two hundred (200) feet of any church, school, or hospital while any of these facilities are in operation.

(4) In all events, the volume of sound and the hours of operation shall be so controlled that the sound will not be unreasonably loud, raucous, jarring, disturbing or a nuisance as defined by the Atascadero Municipal Code.

(5) Such conditions as are imposed on time of usage, level of volume, and quantity of equipment in the permit approval because of location of the usage. (Ord. 448 § 3, 2004)

9-14.14 Cost recovery for responses to disturbances.

(a) Definition. The definitions in this section apply to the following terms as used in this part:

(1) “Disturbance” shall include conduct creating any disturbing or loud noise, including but not limited to violations of Section 9-6.106 of the Atascadero Municipal Code.

(2) “Response” shall mean the arrival of a police officer at the scene of a disturbance to render whatever service is reasonably required in order to stop a disturbance.

(3) “Responsible party” is any person who owns, leases or is lawfully in charge of the property where the disturbance takes place, or any person who organizes, controls or participates in a disturbance. If the responsible person is a minor, then the parent or guardian who has physical custody of the child at the time of the disturbance shall be the responsible person who is liable.

(b) Responses to disturbances.

(1) No responsible party shall cause, permit or tolerate a disturbance.

(2) Whenever a police officer at the scene warns any responsible party present to discontinue the disturbance, the responsible party shall be liable for the actual cost of each subsequent response required for a disturbance within seventy-two (72) hours of the first response.

(3) At the first response, the responding police officer shall give an oral and/or written warning to one (1) or more of the responsible parties present that the disturbance must cease immediately, and that if a second or subsequent response to the disturbance is required within seventy-two (72) hours following such notice, a response fee shall be charged to any responsible party for all responses after the first response.

(4) All responsible parties shall be jointly and severally liable for the response charge regardless of whether or not a responsible party received an oral or written warning pursuant to subsections (b) and (c) of this section.

(c) Charging for responses.

(1) The response charge shall be the actual cost of police services including, but not limited to, personnel and equipment, incurred for each subsequent response within the seventy-two (72) hour period following the first response.

(2) The bill or charges shall be served by the Chief of Police upon the responsible party within thirty (30) days after the last response to a disturbance.

(3) The total amount of the response charge shall be deemed to be a civil debt to the City and the Director of Finance may take such action to recover the costs as the City is authorized to do by law for the recovery of a civil debt. The bill of charges shall state the response fee.

(4) The bill of charges and any other notices required by this part shall be served upon the responsible party in accordance with Section 12-1.06 of the Atascadero Municipal Code. If the responsible party has no last known business or residence address, then the scene of the disturbance shall be deemed to be the proper address for service of notice.

(5) The bill of charges shall include a notice of the right of the person being charged to request a hearing before the appeals hearing board within ten (10) days of service of the bill to dispute the imposition of a response charge or the amount of the charge. (Ord. 496 § 2, 2006; Ord. 448 § 4, 2004)

Chapter 15

SIGNS

Sections:

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9-15.001 Title.

This chapter shall be known and cited as the Sign Ordinance of the City of Atascadero. This chapter is based on the City's responsibility to protect the general public's health, safety and welfare. The spirit of this chapter is based on the City's desire to protect the economy and aesthetics of the community. The City finds that it is in the interest of both aesthetics and traffic safety that sign information be kept to a minimum. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.002 Intent.

The purpose of this chapter is to establish sign regulations that are intended to:

(a) Maintain and improve the aesthetic environment and overall community appearance to foster the City's ability to attract sources of economic development and growth;

(b) Encourage the effective use of signs as a means of communication in the City and reduce possible traffic and safety hazards from confusing or distracting signs;

(c) Implement quality sign design standards that are consistent with the City's General Plan, Zoning Ordinance and Appearance Review Guidelines;

(d) Enable fair and consistent enforcement of these sign regulations;

(e) Minimize possible adverse impacts of signs on private and public property in order to maintain property values and to maintain a positive City image;

(f) Enhance traffic safety by ensuring that signage does not distract, obstruct or otherwise impede traffic circulation and to safeguard and preserve the health, property, and public welfare of Atascadero

residents, businesses, and visitors through prohibiting, regulating, and controlling the density, location, and maintenance of signs.

(g) Generally limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public.

(h) Limit the size and number of signs to levels that reasonably allow for the identification of a residential, public or commercial location and the nature of any such commercial business.

(i) Regulate signs in a manner so as not to physically interfere with or obstruct the vision of pedestrian or vehicular traffic.

(j) Avoid unnecessary and time consuming approval requirements for certain minor or temporary signs that do not require review for compliance with the city's building and electrical codes, while limiting the size and number of such signs so as to minimize visual clutter.

(k) Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational and other non-communicative aspects of signs, generally for the public health, safety, welfare and specifically to serve the public interests in community aesthetics and traffic and pedestrian safety.

(l) Enable the fair, consistent and efficient enforcement of the sign regulations of the City.

(m) Regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs. All administrative interpretations and discretion are to be exercised in light of this policy and consistent with the purposes and intent stated in this section. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.003 Applicability.

(a) The provisions of this chapter are applicable to all signs constructed or altered after the effective date of the ordinance codifying this chapter.

(b) Nonconforming signs shall be revised to conform to the provisions of this chapter where an entitlement for construction other than minor additions or interior alterations is occurring or where a change of use occurs.

(c) All signs that are not specifically exempted from this chapter are subject to the appearance review guidelines and an approved sign permit.

(d) The sign design standards herein are intended to be the maximum standards allowable without an administrative use permit or conditional use permit. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.004 Exempt signs.

Types of Exempt Signage. The following sign types are exempt from the requirement of a building permit provided that the sign is consistent with the standards of this chapter. The size and placement standards set forth below and in subsequent sections must be adhered to in order for such sign to qualify as exempt.

(a) Signs on Properties Under Construction. With an aggregate area of forty (40) square feet, attached to a fence or construction related structure, not exceeding eight (8) feet in height, and made of a lightweight material such as vinyl. One (1) sign per street frontage.

(b) Directory Signs. Wall mounted for pedestrian use, with an aggregate area of twenty (20) square feet, placed lower than five (5) feet on the wall surface.

(c) Non-Illuminated Decorations. Special event decorations may be in place up to sixty (60) days, except for signage listed in Section 9-15.006.

(d) Hazard Signs. As long as a hazard exists.

(e) Residential Signs and Home Occupations. With an aggregate area of two (2) square feet.

(f) Window Signs and Lettering. Limited to lettering, graphics and perforated window film. Maximum area per Table 15.1 and Table 15.2. Posting of signs related to the operation of the business not to exceed four (4) square feet (hours, restaurant ratings, etc.) are excluded from aggregate sign calculations.

(g) Official Government Flags. Signs, flags and notices.

(h) Landscaped Signs. Consistent with Section 9-4.127.

(i) Official Safety and Directional Signs. Safety and directional signage that is consistent with the Manual on Uniform Traffic Control Devices, California edition (MUTCD).

(j) Temporary signage in accordance with Table 15.1 and Table 15.2.

(k) Vehicle Signs. Painted signs, magnetic signs, decals, or logo wrap adhered to a vehicle, unless parked for the primary purpose of displaying the sign, refer to Section 9-15.006(g). (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.005 Sign permits required.

(a) Except as hereinafter provided, no permanent sign shall be constructed, displayed or altered without an approved building permit. Signs are permitted under the various use classifications or locations specified in this chapter.

(b) Where noted in this code, additional approvals may be required for signage that does not conform to the specified sign regulations or when noted as required based on signage type or location.

(1) When signs are proposed for a project subject to entitlement approval, a separate entitlement is not required. The application for entitlement shall include complete information per this section, and any other information determined to be necessary for community development department review.

(c) Application. Applications for a building permit for the establishment, alteration or relocation of a sign shall be made to the City, and shall include the following items for processing:

(1) Application Form.

(2) Site Plan. Showing location of all existing structures on site, and location of proposed sign(s) with all distances to structures and property lines noted. Show any grading required for monument signs.

(3) Elevations. Provide drawings of all building elevations, specifying all dimensions of signs, including lettering, length, height, width and depth of projecting letters if applicable. Provide building elevations showing location of existing and proposed signs on walls, including dimensions to building structural features such as roof, windows, doors and finished grade. For a monument sign, show plan and side views of proposed sign.

(4) Colors and Materials. Provide samples of proposed colors and materials, and/or a color rendering for all signs including rendering of full building elevations for sign program applications.

(5) Structural Calculations. When applicable, provide all structural specifications and calculations as required by the Chief Building Official or designee. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.006 Prohibited signs.

The following sign types are prohibited within the City of Atascadero.

(a) Off-site signs, except as approved through agreement with the Redevelopment Agency, or its successor agency and except as noted below for off-site subdivision signage.

(b) Abandoned signs.

(c) Signs that simulate in color or design any traffic sign or signal, or which makes use of words, symbols, or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.

(d) Digital display/LED messaging signs including animated, moving, flashing, blinking, reflecting, glaring, or revolving, or any other similar sign, except electronic message boards displaying time, temperature, or required prices of gasoline or similar fuels, or the display of noncommercial notices or messages.

(e) Roof signs.

(f) Snipe signs or any other sign attached to a tree, utility pole, fence post, etc.

(g) Mobile signs.

(h) Inflatable signs.

(i) Wall-mounted cabinet signage where the frame or external structure is a box, either in rectangular, square, or similar box like appearance, and the sign face is flat and/or the background is light colored and non-decorative in nature, with little or no articulation and comprised of plastic, or other similar type of material.

(j) Feather flag signs.

(k) Signs, including non-commercial signs that are placed or encroach into the right-of-way without a valid encroachment permit or prior approval of the City Engineer or the Engineer's designee.

(l) Signs emitting audible sounds, odors or particulate matter. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.007 Allowed signs by zone.

(a) Permitted Signs by Zones. The following are the signs types that are permitted by zone as shown in Table 15.1.

Table 15.1 – Allowed Sign Types Based On Zone

Sign Type	P Permitted Sign** AUP Administrative Use Permit Required** ☐ (blank) Not Permitted **building permit requirements per Sections 9-15.005 and 9-15.007**				
	Total Aggregate Sign Area (square feet) (may be divided by using one or more sign types)				
	Based on Sign Type		**150 sf**	**50 sf**	**100 sf**
	Ag Zone	**Residential Zones**	**Nonresidential Zones (CS, CN, CR, CPK, CT, IP, I)**	**Downtown Zones (DC, DO)**	**Public Zones (P, OS, L, LS)**
1. A-Frame	P		P	P	P
2. Art & Murals	AUP	AUP	AUP	AUP	AUP
3. Awning	P		P	P	P
4. Banner			P	P	P
5. Building Name	P	P	P	P	P
6. Changeable Copy	AUP	AUP	AUP	AUP	AUP
7. Freeway Facing[1]			AUP		
8. Home Occupation	P	P			
9. Information Kiosks	AUP	AUP	AUP	AUP	AUP
10. Private Light Pole	P		P	P	P
11. Ground Monument Sign	P		P	P	P
12. Multi-Tenant Freestanding			P		
13. Projecting			P	P	P
14. Projected Image		P	P	P	P
15. Off-Site Subdivision	AUP	AUP	AUP		
16. Neighborhood Identification		P			
17. Single Tenant Freestanding Sign	P		P	P	P
18. Suspended			P	P	P
19. Temporary For-Sale	P	P	P	P	P
20. Temporary Noncommercial	P	P	P	P	P
21. Tenant Directional	P	P	P	P	P
22. Wall	P		P	P	P
23. Window Lettering			P	P	P

Note:

1 Freeway signs are regulated by Section 9-15.009

(Ord. 614 § 4, 2017; Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.008 Types of signs and standards.

(a) Allowed Signs and Standards. The following signs are permitted within the City of Atascadero as shown in Table 15.2. Additional standards may be applicable as contained in this chapter.

Table 15.2 – Allowed Signage Types

Sign Type	Permit Required	Zones Allowed	Max. Sign Area[1]	Number of Sign(s) Permitted	Max. Height[2]	Special Requirements
1. A-Frame	None	All Zoning Districts except Residential	10 sf	1 per street frontage	5 ft.	(a) Must be located outside of right-of-way on business property, except as allowed by encroachment permit in the East Mall and West Mall parkway area. (b) Minimum height is 3 feet.
2. Art & Mural	Yes	All Zoning Districts	N/A	N/A	N/A	AUP required prior to installation for review limited to size, placement, and duration.
3. Awning	Yes	All Zoning Districts except Residential	50% of awning face	1 per business	Based on building height	(a) Minimum vertical clearance from the ground of 8 feet. (b) May project a maximum of 5 feet into the public right-of-way with approved encroachment permit. (c) Shall be securely attached to the buildings and well maintained. (d) No supports or poles may be located in the public right-of-way. (e) Shall complement the building they are attached to.
4. Banner	No	All Zoning Districts except Ag & Residential	40 sf	1 per public street frontage	N/A	(a) May be in place for a maximum of 30 days. (b) All banners must be down a minimum of 60 days before any new banner may go up. (c) Banners must be secured flat against a building or secure structure placed in the ground. (d) Nonprofit events shall be exempt from size and number of banners (e.g., farmers' market).
5. Building Name	Yes	All Zoning Districts	20 sf	1 per building	Based on building height	(a) Signage used to identify the building not the tenant(s).
6. Changeable	Yes	All Zoning	Based on	1 per business	12 ft.	(a) AUP required.

Sign Type	Permit Required	Zones Allowed	Max. Sign Area[1]	Number of Sign(s) Permitted	Max. Height[2]	Special Requirements
Copy		Districts	AUP			(b) Size of changeable copy to be determined by the AUP.
						(c) Design of changeable copy sign shall be determined by AUP. (d) Sign is nondigital.
7. Freeway Oriented	Yes		*	*	*	*Refer to Section 9-15.010.
8. Home Occupation	No	All Ag & Residential Zoning Districts	2 sf	1 per residential unit	4 ft.	(a) Requires issuance of a valid business license prior to placement. (b) Signage is permitted as a part of a residential occupancy in a mixed-use development.
9. Information Kiosks	Yes	All Zoning Districts	Based on AUP	Based on AUP	Based on AUP	(a) For the permanent and/or temporary display of information. (b) Limited to civic activities, advertising for local events. (c) AUP required.
10. Private Light Pole[3]	Yes	All Zoning Districts except Residential	6 sf for each pole	25% of the total number of light poles	Based on light pole height	(a) A permanent light pole within a parking lot or property may be utilized for temporary banner or signage that does not count towards total aggregate sign area. (b) 8 ft minimum vertical clearance or as required by the California Building Code, whichever is greater. (c) Light pole located on private property. (d) A maximum of 2 signs per pole. (e) Signage on poles shall be placed within decorative frames or brackets.
11. Ground Monument Sign	Yes	All Zoning Districts except Residential	60 sf CN, CP, CR, CS, CT, CPK, IP, I 50 sf L, LS, P, OS 40 sf DC, DO, AG	1 per 200 lineal foot	6 ft.	(a) Minimum base height shall be 1 ft. (b) Maximum base height shall be 4 ft. (c) Base does not count towards sign face area. (d) Base shall have decorative hardscaping and shall be consistent with the architecture of the building(s) it serves. (e) Bases shall be located in a landscape planter.

Sign Type	Permit Required	Zones Allowed	Max. Sign Area[1]	Number of Sign(s) Permitted	Max. Height[2]	Special Requirements
						(f) Cabinet type signs shall be prohibited.
						(g) Monument signs in DO/DC require a building to be set back a min. of 10 ft. from back of walk. (h) Bases shall be located in a landscape planter and set back 3 ft. from the back of sidewalk in the DO/DC zone.
12. Multi-Tenant Freestanding	Yes	Nonresidential Zoning Districts	50 sf + additional 10 sf per tenant Max. 100 sf	1 per property	12 ft.	(a) 2 or more tenants required. (b) Minimum base height shall be 4 ft. (c) Base does not count towards sign face. (d) Base Articulation. Base shall be consistent with architecture of multi-tenant building. (e) Bases shall be located in a landscape planter and set back 5 ft from the back of sidewalk. (f) Cabinet monument type shall be prohibited. (g) A singular pole is prohibited.
13. Projecting	Yes	All Zoning Districts except Ag & Residential	15 sf	1 per business	N/A	(a) Minimum ground clearance must be 8 ft., or as regulated by the California Building Code. (b) May encroach up to 5 ft. within the public right-of-way with issuance of an encroachment permit.
14. Projected Image	No* *Electrical permit may be required.	All Zoning Districts except Ag	N/A	1 per business/ residence	N/A	(a) Laser lights or projected image signs used to project an image, logo, or other graphic in a building, structure, sidewalk or other surface. (b) Projected image signs may be in place a maximum of 30 calendar days and not be utilized for a minimum of 60 days thereafter. (c) Installation of new electrical components shall be consistent with the California Building Code or successor code.

Sign Type	Permit Required	Zones Allowed	Max. Sign Area[1]	Number of Sign(s) Permitted	Max. Height[2]	Special Requirements
						(d) Flashing, distracting lights shall not be utilized.
15. Off-Site Subdivision	Yes	Ag, Residential and Nonresident-ial Zoning Districts	40 sf	3 per subdivision	10 ft.	(a) Subdivision tracts of 5 or more lots may be permitted to install off-site directional advertising signage. (b) Subject to the approval of an AUP. (c) Subdivision shall be located within the City of Atascadero. (d) No flags, banners or other decorations shall be affixed to the sign. (e) The signs shall not be illuminated. (f) All signs shall be located on private property with written permission from the property owner provided to the City. (g) The signs shall be removed prior to final occupancy of the last unit in the tract or after a period of 3 years, whichever is less. (h) The applicant may apply annually for a 1-year time extension for active construction projects.
16. Neighborhood Identification	Yes	Residential Zoning Districts	36 sf	1 per arterial/ collector street frontage	6 ft.	(a) Residential single-family/multifamily developments of 5 units or more. (b) Minimum base height shall be 1 ft. (c) Maximum base height shall be 3 ft. (d) Base does not count towards sign face area. (e) Base shall have decorative hardscaping and shall be consistent with the architecture of the building(s) it serves. (f) Bases shall be located in a landscape planter on private property.

Sign Type	Permit Required	Zones Allowed	Max. Sign Area[1]	Number of Sign(s) Permitted	Max. Height[2]	Special Requirements
						(g) Cabinet type signs shall be prohibited. (h) Signs shall front on either a designated arterial or collector road.

Sign Type	Permit Required	Zones Allowed	Max. Sign Area[1]	Number of Sign(s) Permitted	Max. Height[2]	Special Requirements
17. Single Tenant Freestanding	Yes	All Zoning Districts except Residential	60 sf	1 per property	6 ft.	(a) Sign face shall be elevated, a minimum of 1 ft off the ground. (b) Bases shall be located in a landscape planter and set back a minimum of 2 ft from the back of sidewalk. (c) Cabinet monument type shall be prohibited. (d) A singular pole is prohibited. (e) Freestanding signs in DO/DC require a building to be set back a minimum of 10 ft from back of walk.
18. Suspended	Yes	All Zoning Districts except Ag and Residential	15 sf	1 per public street frontage	N/A	(a) Minimum ground clearance of 8 ft. or as regulated by the California Building Code or successor code.
19. Temporary For-Sale	No	All Zoning Districts	6 sf all other lots 32 sf for lots fronting a highway	1 sign per street frontage; 1 sign per highway frontage	6 ft.	(a) Signs must be removed 14 days after close of sale.
20. Temporary Non-Commercial	No	All Zoning Districts	6 sf for yard sign 32 sf freestanding	1 per property	5 ft.	(a) A maximum of 9 months. (b) Must be removed a minimum of 90 days before any new non-commercial signage may be placed. (c) Prohibited in the public right-of-way.
21. Tenant Directional	No	All Zoning Districts	N/A	N/A	5 ft.	(a) Does not count against total aggregate sign area. (b) Design shall be consistent with the architectural style and features of the building façade.
22. Wall	Yes	All Zoning Districts except Residential	40 sf in P, L, LS zones	1 per building face with a public street frontage or parking lot	Based on building height	(a) May not exceed 1 sf per lineal foot of building frontage. (b) For tenants greater than 10,000 sf in size, an additional 150% more sign area may be permitted.

Sign Type	Permit Required	Zones Allowed	Max. Sign Area[1]	Number of Sign(s) Permitted	Max. Height[2]	Special Requirements
			Based on building frontage for all other non-residential zones			(c) Wall signs shall be located below the top of the parapet or roofline on single story buildings and below the second floor sill on multi-story buildings. (d) Painted signs do not require building permits but required planning review.
23. Window Lettering	No	All Zoning Districts except Ag & Residential	Not to exceed 1/2 of window area in all other zones Not to exceed 1/3 of window area in DC/DO Zone	*	*	*Refer to Section 9-15.004(f).

Notes:

1. Maximum sign area measured in square feet (sf).
2. Maximum height measured in feet (ft.) and from finished grade for all sign types.
3. Additional light pole signage regulations contained in Section 9-15.007(b)(2).

(b) Special Sign Types and Criteria. The following are additional signage types defined by the City and criteria required for their uses.

(1) Gas Station Canopies. In addition to the signs allowed above, a maximum of twenty (20) square feet of signs, logos and or color banding shall be permitted on no more than two (2) sides of a pump island canopy structure. The remainder of the pump canopy fascia shall be of an architectural treatment consistent with site architecture.

(2) Light Pole Signage. The following shall be prohibited to be placed on light poles:

(i) Posting of signage or messages above the height of the light pole structure;

(ii) Digital display message signs;

(iii) Internally illuminated signage;

(iv) Changeable copy signage;

(v) Faded, torn, or otherwise damaged signage. (Ord. 614 § 4, 2017; Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.009 Freeway facing signs.

Freeway facing signs shall adhere to the below standards. Approval of an AUP shall be required for all freeway oriented signage.

(a) Businesses located on freeway frontage of Highway 101, and that are a restaurant, service station, provide lodging, or are a dealer of new automobiles, may have a pole-mounted freeway oriented sign with an area not to exceed one (1) square foot of sign area per lineal foot of freeway oriented building frontage up to one hundred fifty (150) square feet, whichever is less. Pole-mounted signs shall not exceed fifty (50) feet in height or the minimum height necessary for effective visibility (see Section 9-15.011(c)).

(b) Where the principal use is planned shopping, office or industrial complex with five (5) or more tenants, a building-mounted freeway oriented sign may be allowed with a maximum area not to exceed one (1) square foot for each lineal foot of building frontage up to sixty (60) square feet per principal tenant, whichever is less.

(c) Where the building area of a single tenant building exceeds ten thousand (10,000) square feet, a building-mounted freeway oriented sign may be allowed with a maximum area not to exceed one (1) square foot for each lineal foot of building frontage up to sixty (60) square feet, whichever is less.

(d) Where the building area of a single tenant building is less than ten thousand (10,000) square feet, a building-mounted freeway oriented sign may be allowed with a maximum area of forty (40) square feet with a maximum letter height of fourteen (14) inches.

(e) Freeway wall signs shall be constructed of individual three-dimensional letters or logos. Rectangular box or cabinet signs shall not be allowed along the Highway 101 frontage. Signs may be internally illuminated pan channel letters or externally lit individual letters. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.010 Sign materials, design and calculations.

(a) Sign Faces Counted. Where a sign has two (2) faces containing sign copy, which are oriented back to back and separated by not more than twenty-four (24) inches at any point, the area of the sign shall be measured using one (1) sign face only.

(b) Wall Mounted Letters/Logos. Where a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure, the sign area is that of the smallest area within which all letters and words can be enclosed.

(c) Three-Dimensional Signs. Where a sign consists of one (1) or more three-dimensional objects such as balls, cubes, clusters of objects, or sculptural or statute-type trademarks, the sign area shall be measured as the area of the smallest rectangle within which the object(s) can be enclosed, when viewed from a point where the largest area of the object(s) can be seen.

(d) Sign Materials and Design. Signs shall utilize materials, colors, and design motifs that are compatible with the architecture and color of the buildings on-site and adjacent properties. (Refer to Appearance Review Guidelines.)

(e) Sign Messages. Sign messages shall be limited to the identification of the business or the type of activity conducted on the premises.

(f) Sign Programs. A master sign program must be provided for locations with five (5) or more tenants or businesses. Such programs shall be approved by an AUP or concurrently with a CUP for the development. Sign programs may also include wayfinding programs or civic sign programs.

(g) Franchise and Logo Signs. Businesses that are part of a franchise or corporation may not exceed the maximum sign area allowed in their zone including franchise or logo signs.

(h) Illumination. If signs are proposed to be illuminated, signs shall be indirectly lighted by continuous, stationary, shielded light sources, directed solely at the sign, or internal to it. All light sources for signs are to be shielded so as not to be directly visible from off-site.

(i) Freestanding Signs. All freestanding or monument signs displaying either a commercial or non-commercial message shall adhere to the following criteria:

(1) When located in the Corner Clear Zone, the sign shall not exceed thirty (30) inches in height.

(2) Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs, or signals, or otherwise represent a hazard to vehicular or pedestrian traffic.

(3) Signs shall not impede a pedestrian's free use of the sidewalk.

(4) Signs shall be securely affixed to the property on which they are placed.

(5) Signs may not be posted without the permission of the property owner.

(j) Code Standards. All signs established in this City must comply with all current editions of the California Building Code, or successor adopted building code for anchoring, foundations, windloads, illumination, and design standards. Awning signs and projecting signs require structural plans to be done by a licensed architect or civil engineer. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.011 Design exceptions.

The sign area or other limitations of this chapter may be modified, increased or decreased through approval of an administrative use permit. In reviewing an administrative use permit, the following findings shall be made:

(a) The sign is consistent with the purposes set forth in Section 9-15.002;

(b) The opportunity to combine signs for more than one (1) use on a single sign structure has been considered;

(c) For freeway-oriented signs, the sign area and height are the minimum needed to achieve adequate visibility along the freeway due to highway ramp locations and grade differences; and

(d) Conformance with all other applicable codes and ordinances of the City, including, but not limited to, the Zoning Ordinance, General Plan and its several elements, and the appearance review guidelines. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.012 Sign maintenance and abandoned signs.

All signs established in this City are subject to this code regarding safety, maintenance, and repair. All signs are to be properly maintained in a safe and legible condition at all times. Any sign that is fifty percent (50%) or more of the replacement cost of the sign or deteriorated, must be repaired and brought into conformance with this chapter will be presumed to be abandoned as defined in Section 9-15.018. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.013 Legal nonconforming signs

The use of a legal nonconforming sign may continue as follows:

(a) Freestanding and Attached Signs. A legal nonconforming sign shall not be:

(1) Increased in area;

(2) Moved from its location on the effective date of the ordinance codified in this title unless required by law or pursuant to this title;

(3) Be provided with increased or intensified lighting;

(4) Changed to an advertisement for a business not occupying the premises or a product not sold on the premises.

(b) Sign Copy. The advertising copy on a legal nonconforming sign may be changed, except as provided by subsections (a), (c) and (d) of this section.

(c) Discontinued Use. If the use of a building or land associated with a legal nonconforming sign is discontinued for a period of six (6) months or more, any signage shall be removed and conform to the provisions of the chapter.

(d) Public Nuisances. Any legal nonconforming sign which is found to present danger to the public or becomes abandoned due to disrepair or lack of proper maintenance may be declared a public nuisance and abated as set forth in Chapter 9-8 (Enforcement).

(e) Destroyed Signs. If a legal nonconforming sign is destroyed to the extent of fifty percent (50%) or more of its replacement cost prior to its destruction by fire, explosion or act of God, it may be restored only if it is brought into full conformance with the provisions of this chapter. If the sign is damaged to the extent of less than fifty percent (50%) of its replacement cost, it may be restored to its former legal nonconforming status. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.014 Code enforcement.

The provisions of this chapter shall be enforced pursuant to Section 9-8.101 et seq., of Title 9 and Title 12, Code Enforcement, or its successor code. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.015 Signs on City property.

Any sign placed on property owned by the City of Atascadero, or within the right-of-way of a dedicated public street without the permission of the City may be removed by the City without prior notice. This section shall be interpreted consistent with the requirements of the First Amendment to the Constitution of the United States and the free speech clause of Article I of the California Constitution. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.016 Substitution clause.

Notwithstanding any provision of this section to the contrary, the extent that this section allows a sign containing a commercial message, a non-commercial message shall be allowed to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute or be combined with the commercial message. The sign message may be changed from commercial to non-commercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this section. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.017 Severability clause.

If any section, subsection, sentence, clause, or phase of this sign ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council of the City of Atascadero hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phases be declared invalid. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

9-15.018 Appeals.

(a) General Procedure. Any person seeking to appeal a decision granting or denying an application for issuance of a building permit for a sign, revoking a permit or ordering the remediation or removal of a sign, may appeal such action, first to the Planning Commission, if pertaining to a decision of the Planning Director or designee, and if dissatisfied with the decision of the Planning Commission, then to the City Council in the manner provided by this section.

(b) Effective Date of Decision. Decisions of the Director or Planning Commission under this chapter will be final and conclusive on the fourteenth (14th) consecutive calendar day following the date of the Director's or Planning Commission's decision, unless an effective timely and complete appeal is filed as provided in this section.

(c) Form of Appeal. An appeal must:

(1) Be in writing on a form provided by the Department of Community Development;

(2) Identify the Director's or Planning Commission's action to which the appeal relates;

(3) Be filed with the Department prior to the decision to which the appeal relates becomes final; and

(4) Be accompanied by a processing fee in an amount set by the City Council.

(d) Stay of Proceedings. The timely filing of an effective appeal will stay the decision of the Director or Planning Commission to which the appeal relates pending final action by the Planning Commission or City Council on the matter.

(e) Hearing. The Department will expeditiously schedule a hearing before the Planning Commission or City Council, as applicable, not later than thirty (30) days after the notice of appeal is received by the City and give written notice of the time and place of the hearing to the appellant; provided, however, the hearing may be held after such thirty (30) day period upon the request or concurrence of the appellant. Action on the appeal will be taken at the time of the hearing by the Planning Commission or City Council, as applicable, unless the appellant requests a continuance.

(f) Judicial Review. Any person dissatisfied with the final action taken by the City Council may seek prompt judicial review of such decision pursuant to California Code of Civil Procedure Section 1094.8 or successor code. (Ord. 609 § 2, 2017)

9-15.019 Definitions.

For the purposes of this chapter, the following definitions shall apply:

Abandoned Signs. A sign is abandoned when for a period of ninety (90) days or more, there is no sign copy appearing on the sign, or where the establishment with which the sign is associated has ceased operation for a period of ninety (90) days or more, or where it is relatively clear that the sign has been forsaken or deserted. Any sign which is a conforming sign not in use, but which could be re-used in conjunction with the ownership or operation of a new business on a property, shall not fall under the definition of abandoned.

Alteration. Any change of size, shape, illumination, position, location, construction or supporting structure of an existing sign.

Animated Sign. A sign with action or motion, rotating, flashing or color changes, excepting therefrom wind-actuated elements such as flags, banners, streamers, whirligigs or other similar devices, and public service signs such as time and temperature units.

Banner. Any sign of lightweight fabric or similar material that is attached to a building or other structure. Flags, as defined in this section, shall not be considered banners.

Building Complex. A building or group of buildings on one (1) or more lots or building sites containing three (3) or more separate businesses.

Building Face. The outermost surface of any exterior wall of a building, but not including cornices, bay windows, balconies, or other architectural features which extend beyond the general outermost surface of such exterior wall.

Building Frontage. Building face that fronts a public street or shared common parking area within a commercial center, measured in linear feet from the edge of wall to the edge of wall.

Cabinet Sign. Also referred to as "can sign." A sign that contains all the text and/or logo symbols on the display face of an enclosed cabinet

Canopy Sign. Any sign that is part of a projecting awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window or outdoor service area, or otherwise attached to a building face.

Changeable Copy Sign. A sign with changeable copy, regardless of the method of attachment or the materials of construction, that is non-digital.

Commercial Message. Any wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

Commercial Sign. Any sign with wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Construction. A property that has been issued a building permit by the City of Atascadero for activities related to demolition, remodel, or new construction of a property.

Corner Clear Zone. The area at a street corner inscribed by a line drawn between points established by measuring back fifteen (15) feet from the beginning of the curb radius along the curb line, or edge of pavement when there is no curb, and the face of the curb or edge of pavement.

Digital Display. The portion of a sign message made up of internally illuminated components capable of changing a message periodically. Digital displays may include, but are not limited to, LCD, LED, plasma, or high intensity displays (hid).

Dormer. A structure located above the height of a wall projecting from a sloping roof that is enclosed on both sides and top, and does not project above top of the roof structure.

Dwelling Unit. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation.

Enforcement Officer. Any City official or agent designated by the City Manager as having authority to enforce the provisions of this chapter.

Feather Flag. Also known as a blade sign, teardrop sign, or similar type of temporary signage that is constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or portable structure for means of advertising.

Flag. A device, generally made of flexible materials, usually cloth, paper or plastic, usually used as a symbol of a government, school, or religion, and not containing a commercial message.

Freestanding Sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground which are independent from any building or other structure. This definition may include pole signs, ground signs and monument signs.

Freeway Facing Sign. A sign oriented to be viewed primarily from Highway 101.

Ground Sign. Any freestanding sign greater than six (6) feet in height and supported wholly by uprights, braces, or poles in or upon the ground and where any supports or angle irons are enclosed in a wood, plastic, metal or other decorative form, such that the angle irons or supports are not visible. The entire bottom of a ground sign is generally in contact or in close proximity to the ground.

Height. The height of any sign shall be the measurement from the top of the sign cabinet, including all ornamentation and supports, to the existing grade beneath the sign.

Illegal Sign. Any sign placed without all required governmental approval and/or permits at the time such sign was placed or is an existing sign which was not constructed in accordance with the ordinances and other applicable laws in effect on the date of construction, did not receive government approval or permits, or a legal nonconforming sign that has exceeded its authorized amortization period.

Illuminated Sign. Any sign employing the use of lighting sources for the purpose of decorating, outlining, accentuating or brightening the sign area.

Incidental Sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as no parking, entrance, loading only, telephone and other similar directives. A sign that also includes a commercial message is not considered incidental.

Inflatable Signs. Any air or gas filled device located, attached, or tethered to the ground, site, merchandise, building, or roof and used for the purpose of signage, advertising or attention-getting.

Legal Nonconforming Sign. A sign which was legal when first erected, with all necessary permits, but due to a change in the law it became nonconforming.

Light Pole Sign. A temporary banner or sign that is designed to be attached to a permanent light pole and where the temporary sign element can be changed without modifying the structure.

Lot Frontage. Those portions of a lot or building site which abut a public street. For purposes of determining frontage on corner lots and through lots, all sides of a lot abutting a public street (excluding an alley) shall be considered frontage.

Marquee. A permanent roofed structure attached to and supported by the building and projecting beyond the building face.

Mobile sign. The use of a moving trailer, automobile, truck, or any other vehicle to display commercial or noncommercial messages primarily for advertising purposes unrelated to the principal use of such vehicle.

Monument Sign. A freestanding sign which is supported by a base which extends the entire length of the sign area and is an integral part of the design.

Multi-Faced Sign. A sign with two or more sign faces where any two sign faces are oriented such that they have an interior angle of greater than forty-five (45) degrees from each other.

Noncommercial Message. Any wording, logo or other representation that does not directly or indirectly, name, advertise or call attention to a commercial or industrial business, product, good, service or other commercial or industrial activity.

Noncommercial Signage. Any signage which is not determined to be commercial signage, as defined herein.

Nonstructural Trim. The molding, battens, caps, nailing strips, lattice, cutouts, or letters and walkways which are attached to the sign structure.

Obscene Signs. Signage when taken as a whole, which to the average person applying contemporary Statewide standards, appeals to the prurient interest and as a whole depicts or describes in a patently offensive way sexual conduct which lacks serious literary, artistic, political or scientific value.

Off-Site Sign. Signage that is not located on the site of the business, accommodations, services, or commercial activity served by the sign.

On-Site Sign. A sign advertising the business, accommodations, services or commercial activities provided on the site on which the sign is located. For the purposes of this chapter, all signs with noncommercial messages are deemed to be on-site, regardless of location

Permanent Sign. Any legal sign designed or used in excess of forty-five (45) days.

Permitted Sign. Signs permitted pursuant to this chapter.

Pole Signs. A sign wholly supported by one pole and separated from the ground by air.

Portable Sign or A-Frame Sign. Any freestanding, moveable sign.

Prohibited Signs. Signs specified in Section 9-15.007 of this chapter or any sign not specified in Sections 9-15.008 through 9-15.010, nor in compliance with the design criteria for this chapter.

Projected Image Sign. A sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface from a distant electronic device such that the image does not originate from the plan of the wall, structure, sidewalk, or other surface.

Project Entrance Sign. An on-site sign used to identify the name of an apartment housing complex, mobilehome park, condominium subdivision or other residential subdivision.

Projecting Sign. A sign which projects more than twelve (12) inches from the exterior face of a building wall or facade and which uses the building wall as its primary source of support.

Roof Sign. A sign erected upon or above a roof (angled surface) or a parapet of a building or structure, and not contained within a dormer (flat surface).

Setback Area. The setback area shall be that area defined as the required minimum yard as specified by the Zoning Ordinance for each Zoning District, unless a specific setback is designated within this chapter.

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, with the exception of the following:

(1) Such devices not exceeding one (1) square foot in area and bearing only property numbers, post box number, names of occupants or other similar identification on a site;

(2) Flags and other insignia of any government not displaying a commercial message;

(3) Legal notices, identification, informational or directional/traffic controlling devices erected or required by government agencies;

(4) Decorative or architectural features of buildings, except letters, trademarks or moving parts;

(5) Holiday decorations and lights;

(6) Government traffic controlling devices are not considered signs for purposes of this chapter due to their distinct purpose.

Sign Area. The entire area contained within the frame, cabinet or fixture, including all ornamentation or decoration used to attract attention. In the case of pole signs, that area above the supporting column, provided such supporting column is not decorated or displayed with advertising. The area of signs painted on walls, individual letter signs, trough signs, and other directly illuminated signs, shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. The area of any two (2) or more faced signs or type signs having any interior angle of more than forty-five (45) degrees (multi-faces signs) shall be the total area of all faces or panels. If all interior angles are forty-five (45) degrees or less, the greatest sized panel or face shall only be counted as the sign area.

Sign Copy. Any words, letters, numbers, figures, designs or other symbolistic representation incorporated into a sign with the purpose of attracting attention to the subject matter.

Sign Face. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Sign Structure. Any structure that supports or is capable of supporting any sign as defined in this section. A sign structure may be a single pole and may or may not be an integral part of the building.

Site. A lot, or group of contiguous lots, with or without development, in single ownership, or having multiple owners, all of whom join in an application for signage.

Snipe Signs. Signage that is attached to trees, utility poles, in-ground wires or to other objects that has a message appearing on it.

Street. A public or private highway, road or thoroughfare which affords the principal means of access to adjacent lots.

Temporary For Sale Sign. Temporary signage for properties that are for sale or rent.

Utility Pole. An outdoor pole consisting of either wood, metal, or other similar material, installed by an entity operating under the jurisdiction of the California Public Utilities Commission or other similar state or federal agency to support telephone, electric, and other cables.

Yard Sign. A sign no larger than six (6) square feet in size comprised of light weight material such as vinyl, canvas, fabric, or other similar materials that are staked, or framed in the ground. (Ord. 609 § 2, 2017; Ord. 604 § 2, 2016)

Chapter 16

ADULT ORIENTED BUSINESSES*

Sections:

9-16.01 Purpose.
9-16.02 Definitions.
9-16.03 Location requirements.
9-16.04 Amortization of nonconforming adult oriented uses.
9-16.05 Extension of time for termination of nonconforming use.

* Prior ordinance history: Ord. 298.

9-16.01 Purpose.

It is the intent of this chapter to prevent community wide adverse economic impacts, increased crime, decreased property values and the deterioration of neighborhoods which can be brought about by the concentration of adult oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities, which demonstrations the City Council finds are relevant to the City of Atascadero, that the concentration of adult oriented businesses causes an increase in the number of transients in the area, an increase in crime and, in addition to the effects described above, can cause other businesses and residents to move elsewhere. It is therefore the purpose of this chapter to establish reasonable and uniform regulations to prevent the concentration of adult oriented businesses or their close proximity to incompatible uses, while permitting the location of adult oriented businesses in certain areas. (Ord. 380 § 2, 2001)

9-16.02 Definitions.

(a) "Establish an adult oriented business" means and includes any of the following:

(1) The opening or commencement of any adult oriented business as a new business;

(2) The conversion of an existing business, whether or not an adult oriented business, to any adult oriented business as defined herein;

(3) The addition of any of the adult oriented businesses defined herein to any other existing adult oriented business; or

(4) The relocation of any such adult oriented business.

(b) "Specified anatomical areas" mean and include any of the following:

(1) Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct, even if completely and opaquely covered: (i) human genitals or pubic region, (ii) buttocks or anus, and (iii) female breast below a point immediately above the top of the areola;

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(c) "Specified sexual activities" mean and include any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;

(2) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;

(3) Masturbation, actual or simulated;

(4) Excretory functions as part of or in connection with any of the other activities described in subdivision (1) through (3) of this subsection.

(d) "Adult arcade" means a business establishment to which the public is permitted or invited and where coin, card or slug operated, or electronically, electrically or mechanically controlled devices, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas. Such devices shall be referred to as adult arcade devices.

(e) "Adult retail store" means a business establishment having adult oriented material as a regular and substantial portion of its stock in trade.

(f) "Adult booth/individual viewing area" means a partitioned or partially enclosed portion of an adult business used for any of the following purposes:

(1) Where a live or taped performance is presented or viewed, where the performances and/or images are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas;

(2) Where adult arcade devices are located.

(g) "Adult business" means:

(1) A business establishment or concern that as a regular and substantial course of conduct operates as an adult retail store, adult motion picture theater, adult arcade, adult cabaret, adult motel or hotel, adult modeling studio; or

(2) A business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes adult oriented material or sexually oriented merchandise, or which offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas but not including those uses or activities which are preempted by State law.

(h) "Adult cabaret" means a business establishment (whether or not serving alcoholic beverages) that features adult live entertainment.

(i) "Adult hotel/motel" means a hotel or motel, as defined in this code, that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas.

(j) "Adult live entertainment" means any physical human body activity, whether performed or engaged in, alone or with other persons, including, but not limited to, singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which:

(1) The performer (including, but not limited to, a topless and/or bottomless dancer, go-go dancers, exotic dancers, strippers or similar performers) exposes to public view, without opaque covering, specified anatomical areas; and/or

(2) The performance or physical human body activity depicts, describes or relates to specified sexual activities, whether or not the specified anatomical areas are covered.

(k) "Adult modeling studio" means a business establishment which provides for any form of consideration, the services of a live human model, who, for the purposes of sexual stimulation of patrons, displays specified anatomical areas to be observed, sketched, photographed, filmed, painted, sculpted or otherwise depicted by persons paying for such consideration. Adult modeling studio does not include schools maintained pursuant to standards set by the Board of Education of the State of California.

(l) "Adult motion picture theater" means a business establishment, with or without a stage or proscenium, where, on a regular and substantial basis and for any form of consideration, material is presented through films, motion pictures, video cassettes, slides, laser disks, holograms, virtual reality devices or similar electronically generated reproductions that is/are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(m) "Adult oriented material" means accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices, including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical. Adult oriented material shall include sexually oriented merchandise. (Ord. 380 § 2, 2001)

9-16.03 Location requirements.

(a) Except as specified in subsection (b), no adult oriented business shall be established or located in any zone in the City.

(b) Adult oriented business uses shall be permitted in the CR (Commercial Retail), CS (Commercial Services), IP (Industrial Park) and I (Industrial) zoning districts provided the subject site is at least one thousand (1,000) feet from the property line of the school, church, library or park site that existed on January 1, 2001, and as shown on Exhibit "A." (Ord. 380 § 2, 2001)

9-16.04 Amortization of nonconforming adult oriented uses.

Any use of real property existing on or before April 11, 1996 which did not conform to the provisions of Section 9-16.03, but which was constructed, operated and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued until April 11, 2001. On or before such date, all such nonconforming uses shall be terminated unless an extension of time has been approved by the hearing officer in accordance with the provisions of Section 9-16.05.

(a) Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an adult oriented business shall result in a loss of legal nonconforming status of such use.

(b) Amortization: Annexed Property. Any adult oriented business which was in legal use at the time of annexation of the property and which is located in the City, but which does not conform to the provisions of Section 9-16.03 shall be terminated within one (1) year of the date of annexation unless an extension of time has been approved in accordance with the by provisions of Section 9-16.05. (Ord. 380 § 2, 2001)

9-16.05 Extension of time for termination of nonconforming use.

The owner or operator of a nonconforming use as described in Section 9-16.04 may apply under the provisions of this section for an extension of time within which to terminate the nonconforming use.

(a) Time and Manner of Application. An application for an extension of time within which to terminate a use made nonconforming by the provisions of Section 9-16.03, may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the City Clerk at least thirty (30) days but no more than one hundred eighty (180) days prior to the time established in Section 9-16.04 for termination of such use or within sixty (60) days of the effective date of the ordinance codified in this chapter, whichever date is the last to occur.

(b) Content of Application: Fees. The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the City Council.

(c) Hearing Procedure. The City Manager or designee shall set the matter for hearing by the Planning Commission within a reasonable time. Pending a final determination on the application, the applicant may continue to operate, but such right does not excuse compliance with regulatory provisions of the Atascadero Municipal Code. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues and may be represented by counsel. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The decision of the Planning Commission may be appealed to the City Council. Any decision of the City Council shall be final and subject to judicial review pursuant to Code of Civil Procedure Section 1094.8.

(d) Approval of Extension: Findings. An extension under the provisions of this section shall be for a reasonable period of time commensurate with the investment involved, not to exceed two (2) years, and shall be approved only if the Planning Commission makes all of the following findings or such other findings as are required by law:

(1) The applicant has made a substantial investment (including, but not limited to, lease obligations) in the property or structure on or in which the nonconforming use is conducted. Such property or structure cannot be readily converted to another use, and such investment was made prior to the effective date of the ordinance codified in this chapter;

(2) The applicant will be unable to recoup said investment as of the date established for termination of the use; and

(3) The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with Section 9-16.03. (Ord. 380 § 2, 2001)

Chapter 17

CANNABIS ACTIVITIES AND REGULATIONS

Sections:

9-17.001 Title.
9-17.002 Purpose and intent.
9-17.003 Definitions.
9-17.004 Personal cannabis cultivation.
9-17.005 Commercial cannabis activities.
9-17.006 Commercial cannabis activities development standards.
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9-17.010 Suspension and revocation of entitlement.
9-17.011 Enforcement.
9-17.012 Limitation on Liability.

9-17.001 Title.

This chapter shall be known as the cannabis regulations of the City of Atascadero. (Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.002 Purpose and intent.

(a) Purpose. It is the purpose and intent of this chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") and to provide access to adult-use of cannabis for persons over the age of twenty-one (21) as authorized by "Proposition 64" passed by California voters in 2016, while imposing sensible reasonable regulations on the use of land to protect the City's residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this chapter to regulate the cultivation, processing, manufacturing, testing, sale, delivery, distribution, and transportation of medicinal and adult-use cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of Atascadero and to enforce rules and regulations consistent with State law.

(b) Non-Conflicting Enactment. Nothing in this chapter is intended to authorize the possession, use or provision of cannabis for purposes that violate State or Federal law.

(c) Additional Provisions. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses, and approval required under State, County, or other law. (Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.003 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(a) Accessory Structure. An accessory structure is a detached structure with a "u" occupancy that is accessory to and subordinate to the primary residential use.

(b) Cannabis. "Cannabis" has the meaning set forth in Business and Professions Code Section 26001(f), which includes all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any

part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.

(c) Cannabis Canopy. All areas occupied by any portion of a cannabis plant, encompassing all vertical planes (i.e., stacking of plants), whether contiguous or noncontiguous on any one (1) site. "Cannabis canopy" shall be measured by taking the longest length and widest width of existing plants (including all gaps and open areas between plants) and multiplying the length and width to get square footage.

(d) Cannabis Greenhouse. A fully enclosed permanent structure that is clad in transparent material. Cannabis cultivation within an enclosed, non-transparent greenhouse is considered indoor cultivation.

(e) Cannabis Hoop Structure. A readily removable plastic covered hoop structure without in-ground footings or foundations, which are not more than twelve (12) feet in height and do not have vertical sides that exceed four (4) feet in height. Cannabis hoop structures are accessory uses on residential land use categories which shall not exceed one hundred twenty (120) square-feet. Cannabis cultivation within hoop structures is considered outdoor cultivation.

(f) Cannabis Operating license. An annual cannabis operating license as may be required by the City of Atascadero pursuant to Title 3 of this code to operate a commercial activity within the City whether the business is located within the City or not.

(g) Cannabis Testing Facility. A facility, entity, or site that offers or performs testing of cannabis or cannabis products and that is both accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the State, and registered with and licensed by the California State Department of Public Health.

(h) Commercial Cannabis Activity. "Commercial cannabis activity" has the meaning set forth in Business and Professions Code Section 26001(k), which includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis or cannabis products as provided in MAUCRSA (Business and Professions Code Section 26000 et seq.) and for which a State license is required. Commercial cannabis activity shall also include the sale or distribution of cannabis and/or cannabis products, in exchange for compensation in any form, for medicinal purposes under Health and Safety Code Sections 11362.5 and 11362.7 et seq.

(i) Cultivation. "Cultivation" has the meaning set forth in Business and Professions Code Section 26001(l), which includes any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(j) Day Care Center. "Day care center" has the same meaning as Health and Safety Code Section 1596.76, which means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers.

(k) Fully Enclosed Structure. A fully enclosed space within a building or separate structure that complies with the California Building Code (CBC), as adopted by the City of Atascadero, or if exempt from the permit requirements of the CBC, that has a complete roof, foundation, slab, or equivalent base to which the floor is secured by bolts or similar attachments, and nontransparent walls on all sides.

(l) Indoor Cultivation. Cultivation, as defined in subsection (i), of this section, within a fully enclosed structure, as defined in subsection (k) of this section.

(m) Outdoor Cultivation. Any location within the City of Atascadero that is not within a fully enclosed structure, or cannabis green house, as defined in subsection (d) of this section.

(n) Personal Cultivation. Cultivation of cannabis at a private residence, as defined by subsection (o) of this section, for noncommercial cannabis activities, which is defined in subsection (h).

(o) Private Residence. A house, apartment unit, mobile unit, or other similar dwelling unit that is legally permitted within the City of Atascadero, and is considered a residential occupancy type in the California Building Code, as adopted by the City of Atascadero.

(p) Retail Nonstorefront Facility. A "retail nonstorefront facility" is a commercial cannabis facility that operates out of a State and City licensed commercial business location which sells cannabis goods to customers exclusively through delivery with no on-site customer services of any kind.

(q) School. A private or public educational facility providing instruction in kindergarten or grades one (1) through twelve (12).

(r) State Cannabis Laws. "State Cannabis Laws" means and include California Health and Safety Code Sections 11362.1 through 11362.45; California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act); California Health and Safety Code Sections 26000 through 26211 (Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA")); California Health and Safety Code Sections 26220 through 26231.2; the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August, 2008, as such guidelines may be revised from time to time by action of the Attorney General; California Labor Code Section 147.5; California Revenue and Taxation Code Sections 31020 and 34010 through 34021.5; California Fish and Game Code Section 12029; California Water Code Section 13276; all State regulations adopted pursuant to MAUCRSA; and all other applicable laws of the State of California.

(s) Youth Center. "Youth center" has the same meaning as Health and Safety Code Section 11353.1, which includes any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities. (Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.004 Personal cannabis cultivation.

The following regulations pertain to the personal cultivation of cannabis.

(a) All cannabis cultivation is prohibited within the City except that no more than six (6) living cannabis plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one (1) time. In no instance may personal cultivation occur on vacant property.

(b) Indoor Cultivation Regulations. Indoor cultivation on residential properties is subject to the following regulations:

(1) Indoor cannabis cultivation shall only occur inside a private residence or an accessory structure to a private residence that is fully enclosed and secured against unauthorized entry.

(2) Sleeping Rooms within Residential Occupancies. Indoor cultivation may not occur inside rooms designed for sleeping. Sleeping rooms are defined by the California Building Code for residential occupancies.

(c) Outdoor Cultivation. Outdoor cultivation on residential properties is subject to the following regulations:

(1) Visibility. Outdoor cannabis cultivation shall not be visible from public rights-of-way or neighboring properties.

(2) Screening. Outdoor cannabis cultivation must be completely screened with permanent fencing and/or landscaping. Fencing must be compatible with the neighborhood and be constructed of wood pickets, block, or other typical fencing materials.

(3) Prohibited Fence Types. Electrical fencing, razor wire fencing, chain link fencing, barbwire, plywood, and other unfinished materials. Shade cloth, plastic, plywood, OSB and other temporary screening materials shall not be allowed.

(4) Fencing Height. Fencing for screening of outdoor cannabis cultivation must not exceed seven (7) feet in height, measured from natural grade. Additional plastic or other materials attached, suspended, or supported beyond the seven (7) foot height limitation shall be prohibited.

(d) Setbacks. Personal cannabis cultivation shall be subject to the following setback requirements:

(1) Property line. Cannabis greenhouses, cannabis hoop-structures, and all outdoor cannabis cultivation must be located fifteen (15) feet or more from the edge of property lines.

(2) Distance from Adjacent Residences. Cannabis greenhouses, cannabis hoop-structures, and all outdoor cannabis cultivation must be located twenty-five (25) feet or more from the nearest adjacent residence.

(3) Front Setback. No cannabis cultivation may occur within a designated front setback as defined in Section 9-4.106 of this title.

(e) Total Coverage of Personal Cannabis Cultivation.

(1) Indoor Cannabis Cultivation. Indoor cannabis cultivation shall not take up more than one hundred twenty (120) square feet of indoor residential space.

(2) Outdoor Cannabis Cultivation. Outdoor cannabis cultivation shall not take up more than one hundred twenty (120) square feet of cannabis canopy coverage.

(f) Property Owner Consent. Where a private residence is not occupied or inhabited by the owner of the residence, the owner of the property must provide written consent expressly allowing cannabis cultivation to occur at said private residence.

(g) Applicability of Adopted Building Codes. All personal cannabis cultivation at a private residence shall comply with applicable Building Code requirements set forth in the Atascadero Municipal Code Title 8.

(h) Use of Solvents. There shall be no use of gas products (CO2, butane, propane, natural gas, etc.) on a property for purposes of cannabis cultivation.

(i) Waste Disposal. The following regulations apply to the disposal of cannabis waste on residential property:

(1) Cannabis and cannabis infused products must be disposed in a secure waste receptacle located on the residential property.

(2) Cannabis plants and products must be rendered unusable and unrecognizable by grinding and incorporating cannabis waste with any non-consumable solid waste with a resulting mixture of at least fifty percent (50%) non-cannabis waste. (Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.005 Commercial cannabis activities.

All commercial cannabis activities are prohibited unless specifically allowed in this Table 17-1. It is unlawful for any person to commence, operate, engage in, to conduct, or carry on (or to permit to be commenced, operated, engaged in, conducted or carried on) in or upon any property located within the City,

a commercial cannabis activity unless that person does so in strict compliance with State Cannabis Laws, this section, and all applicable Municipal Code provisions.

Business License Tax Certificate and Payment of Cannabis Business Tax Required. No person shall commence, operate, engage in, conduct, or carry on a commercial cannabis activity, whether doing so from a fixed location in the City or coming into the City from an outside location to engage in such activities, without obtaining and continuously maintaining a business license tax certificate pursuant to Title 3, Chapter 18 of this code (Cannabis Business Taxes) and remitting timely payments of applicable taxes pursuant to Title 3, Chapter18 of this code.

(a) Table 17-1 identifies the uses of commercial cannabis activities that are permitted in non-residential districts, and the planning permit required to establish each use, in compliance with Chapters 9-1 and 9-2 of this code. All other commercial cannabis uses not otherwise lists in Table 17-1 shall be prohibited.

Table 17-1 – Commercial Cannabis Use Table

Allowed Land Uses and Permit Requirements **Non-Residential Zones**	A Allowed Use, Zoning Clearance Required CUP Conditional Use Permit Required AUP Administrative Use Permit Required □ Not Permitted									
Use	**Permitted Uses By Zones**									
	CN	**CP**	**CR**	**CS**	**CT**	**CPK**	**DC**	**DO**	**IP**	**I**
Commercial Cannabis Activity										
Testing Facility		CUP	CUP	AUP		AUP			AUP	AUP
Retail Non-storefront Facility		CUP		CUP		CUP				CUP

(Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.006 Commercial cannabis activities development standards.

(a) The following are development standards for permitted commercial cannabis activities:

(1) On-Site Sales. Retail or wholesale sales to the public are prohibited.

(2) Distance. Commercial Cannabis activities shall be prohibited within six hundred (600) feet of schools, parks, youth centers, or day care centers. All distances specified in this section shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point of the building or structure in which the commercial cannabis activity is, or will be located, to the nearest property line of the parcel where such use is located. If the commercial cannabis activity is, or will be located, in a multi-unit building, the distances shall be measured from the nearest point of the suite in which the cannabis business is or will be located.

(3) Signage. On-site signage for a commercial cannabis activity that is viewable from the exterior of the premises shall comply with all local signage laws applicable to the permitted and licensed premises, including Chapter 9-15 of this code. Signage may not be designed to appeal to children, or contain any false or misleading statements, or make any misrepresentations.

(b) Cannabis Deliveries. The following standards apply to licensed, permitted retail non-storefront facilities:

(1) Deliveries within Incorporated City Limits. State-licensed retail non-storefront facilities may deliver cannabis and cannabis products to individuals located at private residences within the City, provided that such deliveries are in strict compliance with State cannabis laws and the Municipal Code and said retailer has obtained a business license tax certificate, is paying the applicable business license tax under Municipal Code Chapter 3-5, and is paying the applicable cannabis business tax under Title 3 Chapter 18 of this title (Cannabis Business Tax). All other deliveries of cannabis and/or cannabis products are prohibited.

(2) Vehicle Advertising. Vehicles used in the delivery process must be unmarked without any designation or logo that identifies the vehicle as a cannabis delivery vehicle. (Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.007 Commercial cannabis application and procedures.

(a) Application Requirements. Any person applying for an AUP or CUP for a licensed, permitted commercial cannabis activity, as allowed under this chapter, must submit the following information with their application:

(1) The name of the proposed commercial cannabis activity including, if applicable, the name on file with the California Secretary of State and any fictitious business names and/or DBAs.

(2) The location of the proposed commercial cannabis activity (must comply with the zoning and location restrictions set forth above).

(3) The names, addresses, and contact information for each owner of the proposed commercial cannabis activity.

(4) If the proposed commercial cannabis activity is incorporated, the names, titles, addresses, and contact information of each corporate officer, the name, address, and contact information of the agent for service of process, a certified copy of the articles of incorporation, and copy of the bylaws.

(5) If the proposed commercial cannabis activity is a partnership, the names, addresses, and contact information for each partner and the agent for service of process.

(6) The name and contact information for each manager of a proposed commercial cannabis business, establishment, or facility. If such information is not available at the time the application is submitted, the proposed commercial cannabis business, establishment, or facility shall submit such information to the Community Development Department as soon as it becomes available.

(7) For each owner, corporate officer, partner, manager, employee, or volunteer, a criminal history ("LiveScan") prepared not more than two (2) weeks prior to the date of submitting the application demonstrating that there are no pending charges or convictions for any crime (including, without limitation, theft, fraud, deceit, or assault) within the previous ten (10) years, and that the subject is not currently on parole or probation for the sale, possession for sale, manufacture, transportation, cultivation, or distribution of a controlled substance. For each owner, corporate officer, partner, manager, employee, or volunteer who becomes part of a commercial cannabis facility after the required permit is issued, the commercial cannabis facility must submit the required criminal history to the Community Development Department within two (2) weeks of the new owner, corporate officer, partner, manager, employee, or volunteer joining the operation.

(8) A site plan and operations plan that demonstrate how the proposed commercial cannabis activity has already complied or will comply with the requirements of this chapter.

(9) A copy of all required permits and certificates under Title 8 (Buildings Code) of this code or an acknowledgment that the proposed commercial cannabis activity will obtain all required permits and certificates under Title 8 prior to its opening, establishment, operation, and/or commencement.

(10) The name, address, and contact information for the owner of the property on which the proposed commercial cannabis activity will be located.

(11) An agreement signed by the owner of the property on which the proposed commercial cannabis activity is located consenting to use of the property for a commercial cannabis activity and agreeing to indemnify, defend (with an attorney selected by the City), and hold harmless The City of Atascadero from any claims, damages, legal or enforcement actions arising from the use of the property for a commercial cannabis activity.

(12) Any supplemental information requested by the Community Development Director or designee to establish compliance with the requirements of this chapter. (Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.008 Commercial cannabis application approval or denial of entitlement.

(a) Criteria for Issuance or Denial of Permit. In addition to the criteria for land use permits set forth in this title, the Planning Commission, or the City Council on appeal, shall consider the following criteria in determining whether to grant or deny a land use permit for a commercial cannabis activity:

(1) That the proposed location of the commercial cannabis activity is not identified by the City Chief of Police, or designee, as an area of increased or high crime activity.

(2) For those applicants who have operated other businesses within the City, that there have not been significant numbers of calls for police service, crimes, or arrests in the area of the applicant's other business.

(3) That the location is not prohibited by the provisions of this section or any local or State law, statute, rule, or regulation, and no significant nuisance issues or problems are likely or anticipated, and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.

(4) That the operations plan and site plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, on-site security; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

(5) That all reasonable measures have been incorporated into the operations plan and site plan or consistently taken to successfully control and/or prevent disturbances, vandalism, traffic problems, cannabis use in public, public or private nuisances, or interference in the operation of another business.

(6) That the commercial cannabis activity is likely to have no potentially adverse effect on the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance.

(7) That any provision of the Municipal Code or condition imposed by a City-issued permit, or any provision of any other local or State law, regulation, or order, or any condition imposed by permits issued in compliance with those laws, will not be violated.

(8) That the applicant has not made a false statement of material fact or has omitted to state a material fact in the application for a permit.

(9) That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business.

(10) Conditions of approval may require that a commercial cannabis activity be subject to conditions that mitigate potential impacts of the sale of cannabis products in the community.

(b) Indemnification. The applicant or its legal representative shall:

(1) Indemnify and hold the City harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation of Federal law associated with the operation of the commercial cannabis activity; defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of an entitlement for or the operation of the commercial cannabis activity; reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge (or Federal enforcement action) related to the City's approval of an entitlement for or the operation of the commercial cannabis activity.

(2) Maintain insurance in the amounts and of the types that are acceptable to the City pursuant to guidelines and policies set forth by the local licensing authority and name the City as an additionally insured on all City-required insurance policies. (Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.009 Commercial cannabis operational requirements.

(a) Operational Requirements.

(1) A cannabis testing facility permitted under this section may only operate between the hours of 7:00 a.m. and 8:00 p.m. Pacific Time.

(2) A retail non-storefront delivery facility permitted under this section may only operate between the hours of 6:00 a.m. and 10:00 p.m. Pacific Time.

(3) Any commercial cannabis activity permitted under this chapter must comply with all applicable State cannabis laws, including, but not limited to, the requirement of a valid State license to operate a commercial cannabis activity.

(4) A commercial cannabis activity permitted under this chapter must comply with all applicable provisions of Titles 5 and 8 of this code.

(5) A commercial cannabis activity permitted under this section may not employ any person who is not at least eighteen (18) years of age.

(6) A commercial cannabis activity permitted under this section shall not conduct or engage in the commercial or retail sales of any cannabis or cannabis products on the premises of the cannabis facility.

(7) No cannabis cultivation may occur on the property of a commercial cannabis activity permitted under this chapter.

(8) A commercial cannabis activity permitted under this chapter may not allow or permit the use, inhalation, smoking, eating, ingestion, or consumption of cannabis or cannabis products on the property of the commercial cannabis activity, including in the parking areas of such property.

(9) Criminal Background Requirements.

(i) All owners, corporate officers, partners, managers, employees, or volunteers of a commercial cannabis activity permitted under this chapter shall comply with background criminal history requirements under State law. No person who is currently charged with or has been convicted within the previous ten years of a felony or misdemeanor involving moral turpitude or any crime involving the sale, possession for sale, manufacture, transportation, cultivation, or distribution of a controlled substance shall be employed by a cannabis business in the City.

(ii) Prior to commencing any work within or on behalf of a commercial cannabis facility permitted under this chapter, each owner, corporate officer, partner, manager, employee, and volunteer must complete a current criminal history background check that demonstrates compliance with subsection (a)(9)(i). Each criminal history background check must be updated every twelve (12) months.

(iii) A commercial cannabis activity permitted under this section shall maintain a complete register of each owner, corporate officer, partner, manager, employee, and volunteer working for and/or associated with the commercial cannabis activity, including a copy of each required criminal history background check. The register and required records must be made available for inspection by any city officer or official for purposes of determining compliance with this chapter.

(iv) A commercial cannabis activity permitted under this chapter shall notify the city in writing of any disqualifying conviction described in subsection (a)(9)(i) for an owner, corporate officer, partner, manager, employee, or volunteer within ten (10) days of the conviction.

(v) A commercial cannabis activity permitted under this chapter may submit to the Police Chief a written request for a waiver of the prohibition in subsection (a)(9)(i) with regard to a particular owner, corporate officer, partner, manager, employee, or volunteer, on the ground that such person's involvement with the commercial cannabis activity will not pose a threat to public safety. The Police Chief, in his or her unfettered discretion, may deny such a written request, subject to the appeal procedures set forth in Municipal Code Sections 1-2.13 through 1-2.16.

(10) A commercial cannabis activity permitted under this chapter shall provide the name, phone number, facsimile number, and e-mail address of a manager or representative who can be reached twenty-four (24) hours a day in the event that the city decides to provide notice of an operating problem associated with the commercial cannabis facility.

(11) Disposal of chemical, dangerous, or hazardous waste must be conducted in a manner consistent with Federal, State and local laws, regulations, rules or other requirements. Cannabis waste must be made unusable and unrecognizable prior to leaving the licensed premises by grinding it and incorporating it with fifty percent (50%) non-cannabis waste.

(12) A commercial cannabis activity permitted under this chapter must pay any applicable taxes pursuant to Federal, State, and local law.

(13) A commercial cannabis activity permitted under this chapter shall provide a secured storage area on-site. All cannabis and cannabis products shall be stored in this area during non-business hours.

(14) A commercial cannabis activity permitted under this chapter may be required to provide a video surveillance system that is accessible by the City of Atascadero.

(15) A commercial cannabis activity permitted under this chapter may be required to provide a security plan that outlines private security services on site for twenty-four (24) hours a day.

(16) A retail non-storefront facility location in the City of Atascadero shall include an on-site concealed location within the building where all cannabis products and cash are loaded onto or unloaded from a delivery vehicle. The concealed location shall be within an enclosed area not visible or accessible to the public.

(17) A commercial cannabis business location permitted under this chapter shall be required to maintain a backup power source to maintain security features in the event of a power failure.

(18) The premises of a commercial cannabis activity must be equipped with an odor absorbing ventilation and exhaust system so that odor generated inside the premises that is distinctive to the operation of the commercial cannabis activity is not detected outside the premises, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the commercial cannabis activity. As such, a commercial cannabis activity must install and maintain the following equipment or any other equipment which local licensing authority determines has the same or better effectiveness:

(i) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

(ii) An air system that creates negative air pressure between the premises' interior and exterior so that the odors generated inside the premises are not detectable outside the premises. (Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.010 Suspension and revocation of entitlement.

(a) Suspension, Modification and Revocation.

(1) Authority to Suspend or Revoke. Any permit issued for a commercial cannabis activity facility may be suspended, modified or revoked by the Planning Commission if it shall appear to the Commission that the permittee has violated any of the requirements of this chapter or the Municipal Code, the permittee is operating in a manner which violates the operational requirements or operational plan required by this chapter, the permittee is operating in violation of any conditions of approval applicable set forth in the use permit approval, the permittee is operating in a manner which constitutes a nuisance, the permittee's State license under MAUCRSA has been suspended, revoked, or terminated, or the permittee is operating in a manner which conflicts with State or Federal law.

(2) Annual Review of Permitted Commercial Cannabis. The Community Development Department and the Police Department are hereby authorized to conduct an annual review of the operation of each permitted commercial cannabis activity within the City for full compliance with the business license regulations, cannabis tax collection requirements, operational recordkeeping, nuisance and all other requirements of this chapter, the Atascadero Municipal Code, and State licensing. A fee in an amount set by resolution of the City Council may be established in order to reimburse the City for the time involved in the annual review process. The staff may initiate a permit suspension or revocation process for any commercial cannabis activity which, upon completion of an annual review, is found not to be in compliance with the requirements of this chapter or which is operating in a manner which constitutes a public nuisance. Staff may, based upon its annual review of the operation of a commercial cannabis activity, place on a Planning Commission meeting agenda, a proposal to suspend or revoke a commercial cannabis activities permit.

(3) Except as otherwise provided in this chapter, no permit shall be revoked or suspended by the Planning Commission under the authority of this section until written notice of the intent to consider revocation or suspension of the permit has been served upon a permittee at least ten (10) days prior to the date set for such review hearing. Such revocation or suspension notice shall state the specific reasons for the

proposed suspension or revocation and must have been provided to the permittee in writing prior to the hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the permittee, or by depositing such notice in the U.S. mail in a sealed envelope, postage prepaid (via regular mail and return receipt requested), addressed to the person to be notified at his or her address as it appears in his or her application for a permit. (Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.011 Enforcement.

The City may enforce this chapter in any manner permitted by law. Any violation of this chapter shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief. (Ord. 647 § 5, 2021; Ord. 612 § 2, 2017)

9-17.012 Limitation on liability.

To the fullest extent permitted by law, the City shall not assume any liability, whatsoever, with respect to approving any entitlement or permit pursuant to this chapter or the operation of any commercial cannabis activity approved for such permit pursuant to this chapter. (Ord. 647 § 5, 2021)

Chapter 18

URBAN DWELLING UNITS

Sections:

9-18.010 Purpose.
9-18.020 Definitions.
9-18.030 General requirements.
9-18.040 Applicability.
9-18.050 Development standards.
9-18.060 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. (Ord. 657 § 2, 2022)

9-18.020 Definitions.

As used in this chapter:

(a) 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 (1) 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.

(b) Existing Structure. For the purposes of this chapter and implementation of Government 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.

(c) 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.

(d) 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).

(e) 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.

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

(g) 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 SB 9 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.

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

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

(j) 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.

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

(l) Urban Lot Split. A lot split that divides one (1) single-family parcel into two (2) lots consistent with Government Code Section 65852.21 and consistent with Title 11. (Ord. 657 § 2, 2022)

9-18.030 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

(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:

(1) The parcel is three-quarters (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 one-quarter (1/4) mile radius are of sufficient size, considering possible future lot splits and full development potential, to provide a minimum density of at least one-half (0.5) acres per unit within the one-quarter (1/4) mile radius.

(ii) It shall be demonstrated that a new or expanded on-site 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 (50) percent 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 thirty (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. (Ord. 657 § 2, 2022)

9-18.040 Applicability.

(a) 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.

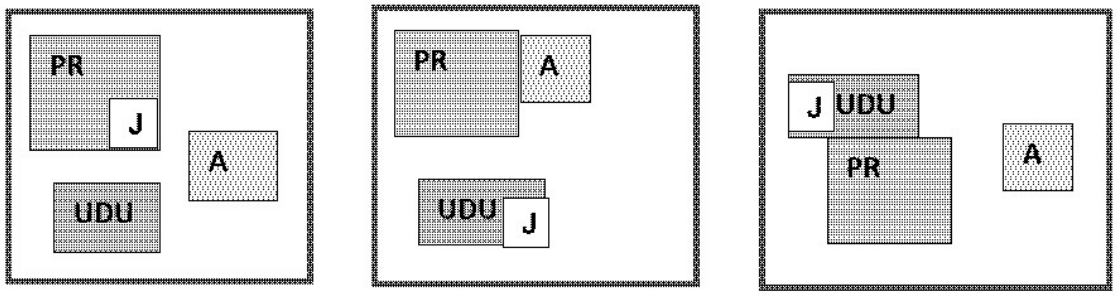
(3) Number of UDUs.

(i) No more than two (2) 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 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; and

(iii) The maximum development of any dwelling units is shown below if no urban lot split has been recorded:

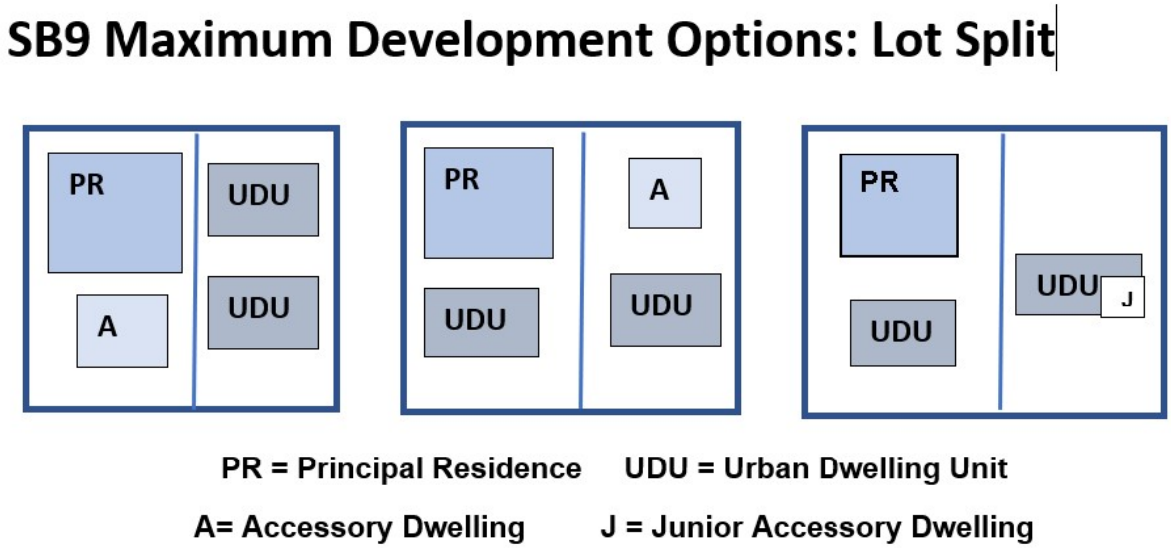
SB9 Maximum Development Options: No Lot Split



PR = Principal Residence UDU = Urban Dwelling Unit

A= Accessory Dwelling J = Junior Accessory Dwelling

(iv) The maximum development of any dwelling units is shown below if an urban lot split 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 (1) of the permitted housing unit types prior to further development of the property.

(4) UDUs and urban lot splits shall not be allowed in Planned Developments.

(5) No UDUs shall be allowed inconsistent with the California Code of Regulations Section 1273.08. (Ord. 657 § 2, 2022)

9-18.050 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 (3) years.

(4) More than twenty-five (25) percent of the existing exterior structural walls, unless the housing has not been occupied by tenants within the last three (3) years.

(b) Limitation on Parcels Withdrawn from Rental Market. A proposed urban dwelling unit must not involve property withdrawn from rental market pursuant to Government Code Section 7060 and following, within fifteen (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 one thousand (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 one thousand (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 subsection (c)(7) 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: Twenty-five (25) feet.

(ii) Secondary street frontage: Twelve and one-half (12.5) feet.

(iii) Corner street frontage: Ten (10) feet.

(iv) Access way (flag or easement): Ten (10) feet.

(v) Side: Five (5) feet unless the unit is sixteen (16) feet or less in height, then the setback shall be reduced to four (4) feet

(vi) Rear: Ten (10) feet unless the unit is sixteen (16) feet or less in height, then the setback shall be reduced to four (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 ten (10) feet to the rear property line or five (5) feet from a side property line shall be a maximum of sixteen (16) feet.

(5) Parking. There must be at least one (1) 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 two (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 three hundred (300) square-feet, except as follows:

(i) Any non-R occupancy space may be up to five hundred (500) 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.

(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 (75) percent 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 three (3) feet);

(iv) Covered porch entries with a minimum projection of six (6) feet;

(v) Cupolas or towers;

(vi) Pillars or posts;

(vii) Eaves (minimum twelve (12) inch projection);

(viii) Off-sets in building face (minimum sixteen (16) inches);

(ix) Window trim;

(x) Bay or oriel windows;

(xi) Balconies;

(xii) A minimum of two (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 (40) percent 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 eighty (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 Government Code 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 (2) one thousand (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;

(7) Shared driveway requirements. (Ord. 657 § 2, 2022)

9-18.060 Development fees.

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. (Ord. 657 § 2, 2022)