

# CITY OF MORRO BAY

ZONING CODE UPDATE

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## *Planning Commission Review Draft*

Interpretation Provisions  
District Development Standards  
General Site Regulations  
Definitions

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January 2018



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# INTRODUCTION

This paper presents draft provisions for interpretation of the Zoning Code, including rules of measurement; development standards for each of the base zoning districts; general site regulations; and definitions.

The new Zoning Code will be organized into five divisions, in the following order:

Division I – Introductory Provisions

Division II – District Regulations

Division III – Citywide Regulations

Division IV – Administration and Permits

Division V – Terms and Definitions

This paper presents draft regulations for portions of Division I – Introductory Provisions; Division II – District Regulations, Division III – Citywide Regulations, and Division V – Terms and Definitions. Notations on the differences between current regulations and draft provisions included in this paper are included throughout. Certain parts of the Zoning Code are also components of the Coastal Implementation Plan. These are indicated with an (IP) following the chapter name.

## RULES OF INTERPRETATION AND MEASUREMENT

The first section of this paper includes rules regarding the Code’s use of language, terms, and numbers, as well as performing calculations and measurements required to implement the zoning regulations included in subsequent sections of this paper. These provisions are located in a single chapter to make them easier to find and help ensure consistency of interpretation and measurement.

## DISTRICT DEVELOPMENT STANDARDS

The second section of this paper presents draft development standards for each base zoning district. Each base zoning district has a purpose statement and development standards and dimensional requirements applicable to development in each district. Use regulations detailing the types of uses allowed in each district and respective level of required permit, will be included in a future module of draft regulations.

## GENERAL SITE REGULATIONS

General site regulations are regulations that are applicable to all development within some or all districts, regardless of use, such as regulations for fences, lighting and illumination, and outdoor storage. These types of regulations are typically located in zone specific regulations and the existing Chapter 17.48 (General Regulations, Conditions, and Exceptions).

## DEFINITIONS

Definitions of commonly used terms appear at the end of the document. This is a preliminary set of terms and definitions, included for reference purposes. As additional sections of the new Zoning Code are drafted, revisions will be made for consistency. Use classifications and their descriptions will be included in a future module along with district use regulations and standards for specific uses. Use classifications will list all use groups established by the Code and regulated in every zoning district by type (i.e., residential, commercial, industrial, institutional, etc.).

# Division I: Introductory Provisions

## Chapter 17.01 Purpose and Effect of the Zoning Code (Placeholder)

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*To be drafted as part of the Public Review Draft Zoning Code.*

## Chapter 17.02 Interpretation of the Zoning Code (IP)

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*Note: Existing provisions and procedures for interpretation of the Zoning Code are carried forward. Refinements are made to provide more detail on measurement rules or to codify current practices, including more detailed calculation for determining average slope and additional detail on determining floor area. One small accessory structure, less than 120 square feet in size and no more than eight feet in height, is proposed to be added to the items exempt from lot coverage calculations. Provisions are added for determining Floor Area Ratio (FAR) and measuring the number of stories in a building.*

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### **17.02.010 Purpose**

The purpose of this Chapter is to provide precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this Chapter apply throughout the Zoning Code, except where the context indicates a different meaning.

### **17.02.020 Rules of Interpretation**

In interpreting the various provisions of this Title, the following rules of interpretation shall apply:

- A. **General Rules.** The following general rules apply to the interpretation and application of the Zoning Code.
1. The specific controls the general.
  2. In case of conflict between the text and a figure, illustration, heading, caption, diagram or graphic, the text controls.
  3. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
  4. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

- a. "And" indicates that all connected words or provisions shall apply.
  - b. "And/or" indicates that the connected words or provisions may apply singularly or in any combination.
  - c. "Or" indicates that the connected words or provisions may apply singularly or in any combination.
  - d. "Either . . . or" indicates that the connected words or provisions shall apply singularly but not in combination.
5. The words "shall," "will," "must" and "is to" are always mandatory and not discretionary. "Should" is a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. "May" is permissive.
  6. The present tense includes the past and future tenses, and the future tense includes the past.
  7. The singular number includes the plural, and the plural, the singular.
  8. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Morro Bay, unless otherwise indicated.
  9. All references to public officials are to those of the City of Morro Bay, and include designated deputies of such officials, unless otherwise indicated.
- B. **Calendar Days.** All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.
- C. **Definitions.** The Director shall make the interpretation for any definition not expressly identified in this Title.
- D. **Uncertainty of Boundaries.** If an uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams or railroads shall be construed to follow such centerlines.
  2. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.
- E. **Parcels Containing Two or More Zoning Districts.**
1. For parcels containing two or more zoning districts, the location of the zoning district boundary shall be determined by the Director.

2. For parcels containing two or more zoning districts, the applicable regulations for each district shall apply.

### 17.02.030 Rules of Measurement

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Director.

- A. **Fractions.** Whenever this Title requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:
  1. **General Rounding.** Fractions of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.
  2. **Density Rounding.** For purposes of computing the maximum number of residential units allowed on a lot, any fractions equal to .90 or larger shall be rounded up to the next whole number and any fraction less than .90 shall be rounded down to the next whole number except as provided below.
    - a. *Exception for State Affordable Housing Density Bonus.* Each component of any density calculation related to projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.
- B. **Measuring Distances.**
  1. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
  2. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
  3. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest point of an exterior wall or support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

4. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
  5. **Measuring Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.
  6. **Measuring Setbacks.** See Subsection J, Determining Setbacks (Yards).
- C. **Measuring Height.** Height is measured as the vertical distance from a point on the ground below a structure to a point directly above.
1. **Measuring Building Height.** Building height is measured from the average level of the highest and lowest point of that portion of the lot covered by the building, as measured to the topmost point of the roof or the top rail of a roof deck.
    - a. When measuring the various levels on a lot to calculate the height, the grades in existence on the effective date of this Ordinance (*insert date*) shall be used; any fill added to the site since that date shall be deducted from present grade elevations and any areas cut since that date may be added to the present grade elevations when measuring building height.
    - b. When measuring height along the waterfront, height is determined by average grades of the land portion of the site, not including the bank.
  2. **Measuring the Number of Stories.** In measuring the number of stories in a building, the following rules shall apply:
    - a. An interior balcony or mezzanine shall be counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.
    - b. A basement shall be counted as a full story if the vertical distance between finished grade and the finished surface of the floor above the basement is more than six feet at any point.
    - c. A story shall not exceed 20 feet in height from the upper surface of the floor to the ceiling above.
  3. **Measuring Height of Fences or Walls.** The height of a fence or wall is measured as the vertical distance from the ground level on the lowest external side of the fence or wall to the highest point of such fence or wall.
  4. **Measuring the Height of Decks.** Deck height is determined by measuring from the ground to the top of the floor of the deck directly above the ground below. The

top rail of any deck shall not exceed the height limitations of the district in which the deck is located.

D. **Measuring Lot Width and Depth.**

1. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at the required front setback line.
2. **Lot Depth.** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

E. **Determining Average Slope.** The average slope of a parcel is calculated using the following formula:  $S = 100(I)(L)/A$ , where:

1. S = Average slope (in percent)
2. I = Contour interval (in feet)
3. L = Total length of all contour lines on the parcel (in feet)
4. A = Area of subject parcel (in square feet)

F. **Determining Floor Area.** The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls.

1. **Included in Floor Area.** Floor area includes, but is not limited to, all habitable space (as defined in the Building Code) that is below the roof and within the outer surface of the main walls of primary or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.
2. **Excluded from Floor Area.** Floor area does not include mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as usable open space; and in non-residential buildings, areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finish grade of the property.
3. **Non-Residential Uses.** For non-residential uses, gross floor area includes pedestrian access interior walkways or corridors, interior courtyards, walkways, paseos, or corridors covered by a roof or skylight. Non-residential gross floor area

does not include arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

G. **Determining Floor Area Ratio.** The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all primary and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

1. ***Excluded from Floor Area in Calculating FAR.***

- a. *Underground Areas.* Floor area located below finished grade.
- b. *Parking.* Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is less than six feet.

H. **Determining Lot Coverage.** Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all primary and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:

1. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than 30 inches in height;
2. Eaves and roof overhangs projecting up to three feet from a wall;
3. Trellises and similar structures that have roofs that are at least 50 percent open to the sky through with uniformly distributed openings;
4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and
5. One small, non-habitable accessory structure under 120 square feet in size and less than eight feet in height. Structures above quantity of one shall be included in lot coverage.

I. **Determining Lot Frontage.**

1. ***Corner Lot.*** The front of a lot is the narrowest dimension of the lot with street frontage unless otherwise determined by the Director based on historic use, topography, and other factors.
2. ***Through Lot.*** The front of a through lot abuts the street that neighboring lots use to provide primary access.
  - a. *RS District.* Where the majority of lots in a block are street-to-street lots in the RS District, the following rules apply:

- i. East-West Orientation. On east-west oriented lots, the western frontage shall be considered the front and the eastern frontage shall be considered the rear unless otherwise determined by the Director.
  - ii. North-South Orientation. The front and rear of north-south oriented lots shall be determined by the Director based on the prevailing development pattern of the block.
- J. **Determining Setbacks (Yards)**. A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line. The following special regulations for determining setbacks apply in certain circumstances.
  1. **Setbacks Measurement from Plan Lines**. Whenever an official plan line has been established for any street or proposed street, setbacks required by this Title shall be measured from such plan line and in no case shall the provisions of this Title be construed as permitting any encroachment upon any official plan line. For the purpose of determining setbacks, the property lines shall be interpreted to be the official lot lines except in cases where a street or public area is offered for dedication but not yet been accepted, in which case the line established by the offer for dedication shall be interpreted to be the property line.
  2. **Building Lines**.
    - a. Where there is no public area or street dedication or offers for dedication, setbacks shall be required when any land borders on a future street as designated within the adopted Circulation Element of the General Plan, or any future local street right-of-way or a future public area designated by the City's plans and ordinances.
    - b. In any District where right-of-ways are not dedicated or offered for dedication, building line setbacks on major or collector highways shall be determined by the City Engineer. Dedication of land required for development of a major or secondary street shall be required at time of the subdivision of any land, or where no subdivision is involved, at time of development. Improvement shall be required as a condition of any Use Permit or Variance and preceding any change of land use.
  3. **Alleys**. If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.
- K. **Measuring Signs**. The calculations of measurements related to signs are described in Chapter TBD, Signs. *Note: The City is currently updating the Sign Ordinance under a separate effort. It will be incorporated into the final Zoning Code.*

## **Chapter 17.03 Zoning Districts and Zoning Map (Placeholder)**

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*To be drafted as part of the Public Review Draft Zoning Code.*

## **Chapter 17.04 Reserved**

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## **Chapter 17.05 Reserved**

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## Division II: District Regulations

### Chapter 17.04 Agriculture District (IP)

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*Note: Provisions of the existing AG District are carried forward, formatted and revised for consistency with the structure of the new Code. There are no substantive changes to the development standards for these districts.*

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#### **Sections:**

- 17.04.010 Purpose and Applicability
- 17.04.020 Land Use Regulations
- 17.04.030 Development Regulations

#### **17.04.010 Purpose and Applicability**

The purpose of the Agriculture (AG) District is to provide for the continuation of agricultural uses in suitable areas and for limited nonagricultural uses which may be necessary to support such continued agricultural activities. New development in this District shall also be sited and designed to protect and enhance scenic resources associated with the rural character of agricultural lands.

#### **17.04.020 Land Use Regulations**

*To be drafted in future Module.*

#### **17.04.030 Development Standards**

Table 17.04.030, Development Standards-Agriculture District, prescribes the development standards for the Agriculture District. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code, while individual letters refer to subsections that directly follow the table.

**TABLE 17.04.030: DEVELOPMENT STANDARDS – AGRICULTURE DISTRICT**

<i>Standard</i>	<i>AG</i>	<i>Additional Regulations</i>
<b>Lot and Density Standards</b>		
Minimum Lot Size (acres)	20; 40 between Little Morro Creek Road and Morro Creek	(A)
Maximum Density (units/lot)	1	
Maximum Lot Coverage (% of lot)	5	See §17.02.030.H, Determining Lot Coverage
<b>Building Form and Location Standards</b>		
Maximum Building Height (ft)	25	See §17.02.030.C, Measuring Height and §17.14.100, Heights and Height Exceptions
Minimum Setbacks (ft)		
<i>Front</i>	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<i>Interior Side</i>	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<i>Corner Side</i>	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<i>Rear</i>	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks

- A. **Reduced Lot Size.** Minimum lot sizes may be reduced only if a covenant, restriction or similar document is recorded which limit future uses of the lots to open space, agriculture or uses of the lots to open space, agriculture or uses or structures accessory to agriculture provided, however, that the minimum lot area shall in no case be less than 20,000 square feet and the lots are clustered to maintain agricultural feasibility or provide a coordinated open space area.

## Chapter 17.05 Residential Districts (IP)

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*Note: The names of existing zoning districts are changed as follows:*

*R-A: Residential Low Density (RL)*

*R-1: Residential Single Unit (RS)*

*R-1/S.1: RS-A, Lot size 2,500 square feet or less*

*R-1/S.2: RS-A, Lot size 2,501 to 4,300 square feet*

*R-1: RS-A, Lot size 4,301 square feet or greater*

*R-1/S.2A: RS-B*

*R-2: Residential Medium Density (RM)*

*R-3, R-4: Residential High Density (RH)*

*Substantive changes to existing development standards are shown in underline/strikeout.*

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### Sections:

- 17.05.010 Purpose and Applicability
- 17.05.020 Land Use Regulations
- 17.05.030 Development Standards
- 17.05.040 Supplemental Regulations

### 17.05.010 Purpose and Applicability

The purposes of the Residential Districts are to:

- A. Provide for a full range of housing types consistent with the General Plan/Local Coastal Plan;
- B. Preserve, protect, and enhance the character of the City's different residential neighborhoods and the quality of life of City residents.
- C. Ensure adequate light, air, privacy, and open space for each dwelling.
- D. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.
- E. Provide sites for public and semi-public land uses such as parks, schools, day care, and other uses that will serve City residents and will complement surrounding residential development.

Additional purposes of each Residential District:

**Residential Low Density (RL).** The RL District is intended to provide areas for detached single-unit dwellings and accessory uses compatible with the residential use of the district. In addition to single-unit dwellings, this District provides for other compatible uses, such as schools and parks that may be appropriate in a single-unit residential neighborhood. The overall density limit for these areas is 4.0 units per acre. This District implements the Low Density Residential General Plan/Local Coastal Plan Land Use Designation.

**Residential Single-Unit (RS).** The RS District is intended to provide areas for detached and attached single-unit housing at densities of one unit per lot. Overall densities for these areas are up to seven or 10 units per net acre. In addition, this District provides for uses such as schools and parks that may be appropriate in a low- or moderate-density residential environment. This District implements the Moderate Density Residential General Plan/Local Coastal Plan Land Use Designation.

**Residential Medium Density (RM).** The RM District is intended to provide areas for a variety of housing types at densities up to 15 units per acre. Types of dwelling units include attached and detached single-unit dwellings, townhomes, condominiums, two-unit dwellings, multi-unit developments, and apartments. This District also provides for uses such as schools, daycare centers, parks, and community facilities that may be appropriate in a medium density residential environment. This District implements the Medium Density Residential General Plan/Local Coastal Plan Land Use Designation.

**Residential High Density (RH).** The RH District is intended to provide areas for a variety of medium to high-density residential development. Housing types include single-unit attached, townhouses, condominiums, and apartment buildings at densities up to 27 dwelling units per acre. Detached single unit dwellings are allowed where site characteristics such as size or topography, preclude multi-unit development. This District also provides for uses such as schools, daycare centers, parks, and community facilities that may be appropriate in a higher-density residential environment. This District implements the High Density Residential General Plan/Local Coastal Plan Land Use Designation.

#### **17.05.020 Land Use Regulations**

*To be drafted in future Module.*

#### **17.05.030 Development Standards**

Table 17.05.030.A, Development Standards-RS Districts, and Table 17.05.030.B, Development Standards-RL, RM, and RH Districts, prescribe the development standards for Residential Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code.

**TABLE 17.05.030.A: DEVELOPMENT STANDARDS – RS DISTRICTS**

Standard	RS-A			RS-B (R1/S.2A)	Additional Regulations
	Lot Size (square feet)				
	2,500 sq ft or less (R1/S.1)	2,501 to 4,300 sq ft (R1/S.2)	4,301 sq ft and greater (R1)		
<b>Lot and Density Standards</b>					
Maximum Density (units/lot)	1	1	1	1	
Maximum Lot Coverage (% of lot)	50	50 <del>for lots</del> <4,000 sq ft, otherwise 45	45	50	See §17.02.030.H, Determining Lot Coverage
<b>Building Form and Location Standards</b>					
Maximum Building Height (ft)	25	25	25 For parcels west of Highway 1 and north of No Name G, no portion of any structure except vents and chimneys may extend above the 50 foot elevation above sea level	14; 17 if roof pitch is 4:12: or greater	See §17.02.030.C, Measuring Height and §17.14.100, Heights and Height Exceptions
Maximum Number of Stories	n/a	n/a	n/a	1	See §17.02.030.C.2, Measuring the Number of Stories
Maximum Building Wall Height (ft)	30	30	30	n/a	

**TABLE 17.05.030.A: DEVELOPMENT STANDARDS – RS DISTRICTS**

Standard	RS-A			RS-B (R1/S.2A)	Additional Regulations
	Lot Size (square feet)				
	2,500 sq ft or less (R1/S.1)	2,501 to 4,300 sq ft (R1/S.2)	4,301 sq ft and greater (R1)		
Minimum Setbacks (ft)					
Front	10	15	20	15	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks See Section TBD.F, Driveway Length
Interior Side	3	10% of lot width, max 5	<del>10% of lot width, min 3, max 5</del>	5	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
Corner Side	6	20% of lot width, max 10	<del>20% of lot width, min 5, max 10</del>	15	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks See §TBD.F, Driveway Length
Rear	5	5	<del>10% of lot depth, min 6, max 10</del>	5	See §TBD, Encroachments into Required Setbacks

**TABLE 17.05.030.B: DEVELOPMENT STANDARDS – RL, RM, AND RH DISTRICTS**

<i>Standard</i>	<i>RL (RA)</i>	<i>RM (R2)</i>	<i>RH (R3,R4)</i>	<i>Additional Regulations</i>
<b>Lot and Density Standards</b>				
Maximum Density (units/acre except as noted)	2	15	<del>27</del> <del>R3: 20</del> <del>R4: 24</del>	
Maximum Lot Coverage (% of lot)	45	50	60	See §17.02.030.H, Determining Lot Coverage
<b>Building Form and Location Standards</b>				
Maximum Building Height (ft)	25	25	<del>R3: 25</del> <del>R4: 30</del>	See §TBD, Height and Height Exceptions
Maximum Wall Height (ft)	30	n/a	n/a	
Minimum Setbacks (ft)	For attached single-unit dwellings, required setbacks apply to the ends of rows of the dwellings.			
<i>Front</i>	20	15 on West Avenue, otherwise 20	15	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks See Section TBD.F, Driveway Length
<i>Interior Side</i>	<del>10% of lot width,</del> <del>max-10</del>	10% of lot width, min 3, max 5	5	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<i>Corner Side</i>	10	20% of lot width, min 5, max 10	20% of lot width, min 5, max 10	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks See Section TBD.F, Driveway Length
<i>Rear</i>	<del>20% of lot depth,</del> <del>max-20</del>	5	5, 20 when abutting an RL District	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<b>Landscaping and Open Space Standards</b>				
Minimum Landscaping (% of lot)	35	n/a	n/a	See Chapter TBD, Landscaping
Minimum Open Space (sq ft per residential unit)	n/a	<del>250, of which a minimum of 100 must be private</del>	<del>150, of which a minimum of 50 must be private</del>	See §17.14.130, Open Space

## 17.05.040 Supplemental Regulations

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*Note: The supplemental regulations are all new. Small lot single unit development standards replace compact infill development and community housing standards.*

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- A. **Paving.** The maximum amount of paving in street-facing yards is 50 percent of the required yard.
- B. **Residential Development.**
1. ***All Residential Development, Window and Balcony Placement.*** Windows shall be offset to avoid direct sight lines into and from neighboring properties. Balconies and other private open space shall be positioned so they minimize views into neighboring properties.
  2. ***Single Unit, Detached, Development.*** All detached single unit development on lots 5,000 square feet or more in size shall meet the following development standards.
    - a. ***Front Elevation Second Story Stepback.*** A minimum of 60 percent of the second story front elevation shall be setback a minimum of three feet from the first floor wall.
    - b. ***Building Massing.*** Two-story structures shall meet one of the following conditions:
      - i. The floor area of the second level shall not exceed 75 percent of the first level and the front and side elevation shall not be single solid planes; or
      - ii. A minimum of 25 percent of each building elevation shall be setback at least three feet from the remaining area of the elevational plane.
  3. ***Single Unit, Attached, and Multi-Unit Development.*** All attached single unit and multi-unit residential development shall meet the following development standards.
    - a. ***Building Design.*** Exceptions to the following building design requirements may be granted through Design Review approval where the review authority finds that adequate design features have been included to create visual variety and avoid a large-scale and bulky appearance.
      - i. **Entrance Orientation.** All units located along public rights-of-way shall have the primary entrance facing the right-of-way.

- ii. Entrance Projection or Recess. Building entrances must have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and a minimum area of 30 square feet.
  - iii. Maximum Building Length. The maximum building length is 100 feet.
  - iv. Roof Line. The roof ridge line at each elevation shall demonstrate an offset of at least 18 inches for each one to three units exposed on that elevation. Large, continuous roof planes are prohibited.
  - v. Window Trim or Recess. Trim at least two inches in width shall be provided around all windows, or window must be recessed at least two inches from the plane of the surrounding exterior wall.
  - vi. Façade Articulation. All street-facing façades shall have at least one horizontal or vertical projection or recess at least two feet in depth for every 25 horizontal feet of wall. If located on a building with two or more stories, the articulated elements must be greater than one story in height, and may be grouped rather than evenly spaced in 25-foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises may count towards meeting this requirement.
  - vii. Building Colors. Every building shall have at least two complementary colors.
- b. *Private Storage Space.* Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet. The required private storage shall be accessible from the exterior of the structure and may be used for bicycle parking.
  - c. *Pedestrian Access.* On-site pedestrian circulation and access shall be provided according to the following standards.
    - i. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
    - ii. To Circulation Network. Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

- iii. To Neighbors. Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
- iv. To Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
- v. Pedestrian Walkway Design.
  - (1) Walkways shall be a minimum of five feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
  - (2) Where a required walkway crosses parking areas or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
  - (3) Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

C. **Small Lot Single Unit Development.** Single-unit development located on lots less than the minimum lot size established for Residential Districts may be approved with a Conditional Use Permit subject to the following standards.

- 1. **Development Standards.** Small lot single unit development is subject to the development standards and supplemental regulations of the base zone district except as specified below.
  - a. **Maximum Density.** Density shall be determined by the base zone district; however, density shall mean the average density of the entire site, excluding property dedicated for a public purpose.
  - b. **Setbacks.**
    - i. Perimeter Setbacks. The minimum setbacks from the property lines on the perimeter of the small lot single unit development shall be the required setbacks of the underlying base zone.
    - ii. Interior Street Setbacks. The minimum setbacks from the back of sidewalk of any interior street or edge of pavement where there is no sidewalk shall be 18 feet to the garage door and 10 feet to any living area or covered porch.

- iii. Side Yard Setbacks. The side yard setback shall be a minimum of three feet. For attached units, a minimum side yard setback of 10 feet shall be provided at the end of the row of the attached units.
  - iv. Rear Yard Setbacks. Rear yard setback shall be a minimum of 10 feet.
  - c. *Entrances.*
    - i. Dwelling units that abut a public right-of-way or private street shall orient the primary entryway toward the street.
    - ii. Dwelling units located in the interior of the development shall orient the primary entryway toward and visible from a pedestrian pathway that is connected to a public right-of-way or private street.
    - iii. There shall be a minimum eight foot separation between the primary entryway of a unit and the adjacent building wall of a neighboring unit.
  - d. *Open Space.* Open space shall be provided pursuant to the open space requirements of the underlying base zone. In the RS and RL Districts, open space shall be provided pursuant to the open space requirements of the RM District.
  - e. *Parking.* Parking shall be provided in accordance with Chapter TBD, Parking and Loading, except that small lot single unit development of attached dwelling units shall be subject to the parking requirements for multi-unit residential.
2. **Required Findings.** A Conditional Use Permit for a small lot single unit development shall only be approved if the following findings are made in addition to any other findings required by this Code:
- a. The development will result in a density that is no higher than otherwise permitted in the zoning district and open space standards that are no less than required for a similar development within the zoning district;
  - b. The design of the development provides for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, parking, and development amenities; and
  - c. The project relates to the existing and planned land use and circulation plans of the community, and does not constitute a disrupting element in the development pattern of the neighborhood.

## Chapter 17.06 Commercial and Mixed Use Districts (IP)

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*Note: The names of existing zoning districts are changed as follows:*

*MCR: Neighborhood Commercial (NC)*

*C-1: Community Commercial (CC)*

*C-2: District Commercial (DC)*

*C-VS: Visitor Serving Commercial (VSC)*

*Substantive changes to existing development standards are shown in underline/strikeout.*

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### Sections:

17.06.010 Purpose and Applicability

17.06.020 Land Use Regulations

17.06.030 Development Regulations

### 17.06.010 Purpose and Applicability

The specific purposes of the Commercial and Mixed Use Districts are to:

- A. Provide for the orderly, well-planned, and balanced development of commercial and mixed-use districts;
- B. Designate adequate land for a full range of local- and regional-serving retail and commercial services consistent with the General Plan/Local Coastal Plan to maintain and strengthen the city's economic resources;
- C. Provide appropriately located areas for a range of commercial uses that provide for a variety of good and services for residents, employees, and visitors;
- D. Provide opportunities for a mix of complementary uses that may combine residential and nonresidential uses or combine a variety of nonresidential uses on the same site; and
- E. Promote pedestrian-oriented, mixed-use commercial centers at appropriate locations.

Additional purposes of each Commercial and Mixed Use District are as follows:

**Neighborhood Commercial (NC).** This District is intended to provide areas for smaller-scale neighborhood commercial areas which provide goods, services, and businesses to meet the day-to-day needs of nearby residents. Residential uses are allowed above and behind commercial uses and as stand-alone development in certain areas. This District implements the Neighborhood Commercial General Plan/Local Coastal Plan Land Use Designation.

**Community Commercial (CC).** This District is intended to create, maintain and enhance walkable community commercial areas that provide a mix of community-oriented uses including retail

stores, restaurants, professional and medical offices, and personal services. Residential uses are allowed above and behind commercial uses and as stand-alone development in certain areas. This District implements the Community Commercial and the Mixed Use General Plan/Local Coastal Plan Land Use Designation.

**District Commercial (DC).** This District provides locations for retail, commercial, and service uses that meet local and regional demand. It is intended for larger-scale development that is appropriate in an auto-oriented environment. This District implements the District Commercial General Plan/Local Coastal Plan Land Use Designation.

**Visitor Serving Commercial VSC.** This District is intended to provide areas for visitor-oriented services and uses located at easily accessible locations and tourist destinations. A range of visitor-serving uses are allowed, including hotels and motels, restaurants, retail, recreation, and other uses that accommodate visitor needs and activities. Residential uses are allowed in certain areas. This District implements the Visitor-Serving Commercial General Plan/Local Coastal Plan Land Use Designation.

**17.06.020 Land Use Regulations**

*To be drafted in future Module.*

**17.06.030 Development Standards**

Table 17.06.030, Development Standards-Commercial and Mixed Use Districts, prescribes the development standards for Commercial and Mixed Use Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code.

<b>TABLE 17.06.030: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED USE DISTRICTS</b>					
<i>Standard</i>	<i>NC (MCR)</i>	<i>CC (C-1)</i>	<i>DC (C-2)</i>	<i>VSC (C-VS)</i>	<i>Additional Regulations</i>
<b>Lot and Density Standards</b>					
Maximum Density (units/acre)	<u>27</u>	<u>27</u>	n/a	<u>27</u>	See §TBD, Affordable Housing, Density Bonuses, and Other Incentives

**TABLE 17.06.030: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED USE DISTRICTS**

<i>Standard</i>	<i>NC (MCR)</i>	<i>CC (C-1)</i>	<i>DC (C-2)</i>	<i>VSC (C-VS)</i>	<i>Additional Regulations</i>
Maximum <u>Floor Area Ratio (FAR)</u> <u>Lot Coverage (% of lot)</u>	<del>1.060</del>	<u>Nonresidential only development: 1.25</u> <u>Mixed use development: 1.0, applicable only to nonresidential portion</u> <del>90</del>	<del>0.590</del>	<u>Nonresidential only development: 1.25</u> <u>Mixed use development: 1.0, applicable only to nonresidential portion</u> <del>60</del>	<u>See §17.02.030.G, Determining Floor Area Ratio</u> <u>See §17.02.030.H, Determining Lot Coverage</u>

**Building Form and Location Standards**

Maximum Height (ft)	25, up to 30 pursuant to (A)	<del>30</del> 37, 25 within 20 ft of a Residential District	30, 25 within 20 ft of a Residential District	30(B)	See §17.02.030.C, Measuring Height and §17.14.100, Heights and Height Exceptions
Minimum Setbacks (ft)					
<i>Front</i>	5, 10 adjacent to a Residential District	<del>0 with an average of 2,</del> 10 adjacent to a Residential District (C)	<del>0 with an average of 2,</del> 10 adjacent to a Residential District (C)	<del>100</del>	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks See Section TBD.F, Driveway Length
<i>Corner Side</i>	5, 10 adjacent to a Residential District	<del>0 with an average of 2,</del> 10 adjacent to a Residential District (C)	<del>0 with an average of 2,</del> 10 adjacent to a Residential District (C)	<del>20% of lot width, min 5, max 100</del>	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks See Section TBD.F, Driveway Length
<i>Interior Side</i>	5 for buildings up to 15 ft in height; 10 for buildings over 15 ft in height	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks

**TABLE 17.06.030: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED USE DISTRICTS**

<i>Standard</i>	<i>NC (MCR)</i>	<i>CC (C-1)</i>	<i>DC (C-2)</i>	<i>VSC (C-VS)</i>	<i>Additional Regulations</i>
<i>Rear</i>	5 for buildings up to 15 ft in height; 10 for buildings over 15 ft in height	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<b>Open Space Standards</b>					
Minimum Open Space (sq ft per residential unit)	<u>150</u>	<u>150</u>	n/a	<u>150</u>	See §17.14.130, Open Space

**Additional Development Standards**

- A. **Additional Height Allowance, NC District.** The Planning Commission may allow up to 30 feet to encourage roofline variations and sloping roof treatments provided that the additional height is necessary for such roof treatment and that corridors protecting significant views are provided. Furthermore, to prevent long, unvarying rooflines, the Planning Commission shall consider the following guidelines when allowing a project to exceed 25 feet in height.
  - 1. For buildings fronting on Main Street, not more than one-third of the west elevation of the building roofline and, if different, not more than one-third of the elevation of the longest building roofline should exceed 25 feet in height. This standard is intended as a guideline, not a strict requirement, and the Planning Commission may vary from this guideline as deemed necessary and useful to meet the intent of this Section.
  - 2. Flat roofs shall be discouraged wherever possible.
  - 3. To the extent practical, significant view opportunities shall be preserved and protected through the use of view corridors and air space easements.
- B. **Additional Height Limitations, VSC District between Beach Street and Surf Street.** In the VSC District between Beach Street and Surf Street, no portion of any building shall exceed the height of the “bluff top” as defined in Chapter TBD, Definitions, except for view platforms. Provided, however, that developments which include coordinated structures or other elements below the bluff may be permitted to be built on the bluff face in accordance with the provisions of Chapter TBD, Blufftop Development.

**C. Required Building Location, CC District.** The following building location requirements apply in the CC District.

1. **Build-to Line.** Buildings shall be located within 10 feet of street-facing property lines for at least 60 percent of the linear street frontage.
2. **Corner Build Area.** Buildings shall be located within 10 feet of the property line within 30 feet of the street corner.
3. **Frontage Improvements.** The area between buildings and the property line shall be improved as part of a wider sidewalk, outdoor dining/seating area, or with landscaping.
4. **Exceptions.** These requirements may be modified or waived through Design Review upon finding that:
  - a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the courtyard, plaza, or dining area; or
  - b. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.

#### **17.06.040 Supplemental Regulations**

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*Note: The supplemental regulations are all new except the provisions for rooftop view decks in the VSC District between Beach Street and Surf Street which are carried forward from the current ordinance.*

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- A. **Building Transparency/Required Openings.** Exterior walls facing and within 20 feet of a front or street side lot line shall include windows, doors, or other openings for at least 50 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. Such walls may run in a continuous plane for no more than 30 feet without an opening.
1. ***Design of Required Openings.*** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
  2. ***Reductions through Design Review.*** The building transparency requirement may be reduced or waived through Design Review upon finding that:
    - a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and

- b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

**B. Exterior Building Materials and Colors.**

1. A unified palette of quality materials shall be used on all sides of buildings.
2. Exterior building materials shall be stone, brick, stucco, concrete block, painted wood clapboard, painted metal clapboard or other quality, durable materials approved through Design Review.

**C. Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards.

1. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
2. **To Circulation Network.** Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk, generally no more than 125 percent of the straight line distance.
3. **To Neighbors.** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
4. **To Transit.** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
5. **Interior Pedestrian Walkway Design.**
  - a. Walkways shall have a minimum clear unobstructed width of six feet, shall be hard-surfaced, and paved with permeable materials.
  - b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
  - c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

**D. Additional Supplemental Regulations, CC, NC, and VSC Districts.** The following additional supplemental regulations apply in the CC, NC, and VSC Districts.

1. **Building Orientation.**

- a. Buildings shall be oriented to face public streets.
  - b. Building frontages shall be generally parallel to streets.
  - c. Buildings shall be designed and oriented to minimize the visual intrusion into adjoining residential properties. Window, balcony, and deck locations shall be directed away from window areas of adjoining residences (on-site or off-site).
2. ***Building Entrances.***
- a. The primary building entrance shall face a public sidewalk.
  - b. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.
  - c. All building and dwelling units located in the interior of a site shall have entrances from a sidewalk that is designed as an extension of the public sidewalk and connect to a public sidewalk.
3. ***Limitations on Location of Parking.*** Off-street parking spaces shall be located to the rear of principal buildings whenever possible. Above ground parking may not be located within 40 feet of a street facing property line. Exceptions may be granted through Design Review upon finding that:
- a. The design incorporates habitable space built close to the public sidewalk to the maximum extent feasible; and
  - b. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible.
- E. ***Rooftop View Decks, VSC District between Beach Street and Surf Street.*** In the VSC District between Beach Street and Surf Street, the use of a rooftop for decks for viewing or similar uses may be permitted subject to Conditional Use Permit approval if the Planning Commission finds that by its location, screening, hours of operation, or other features, the use will not significantly adversely affect residences on the blufftop, especially during night time hours.

## Chapter 17.07 Industrial Districts (IP)

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*Note: Provisions of the existing M-1 (IG) and M-2 (ICD) Districts are carried forward, formatted and revised for consistency with the structure of the new Code. There are no substantive changes to the development standards for these districts.*

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### Sections:

- 17.07.010 Purpose and Applicability
- 17.07.020 Land Use Regulations
- 17.07.030 Development Regulations

### **17.07.010 Purpose and Applicability**

The purposes of the Industrial Districts are to:

- A. Designate adequate land for businesses, professional offices, and industrial growth consistent with the General Plan/Local Coastal Plan to maintain and strengthen the City's economic resources;
- B. Provide a range of employment opportunities to meet the needs of current and future residents;
- C. Provide areas for a wide range of manufacturing, industrial processing, and service commercial uses and protect areas where such uses now exist; and
- D. Preserve appropriately sited land for uses which must be located near the coast to function.

**Industrial-General (IG).** The IG District is intended to provide areas for a variety of industrial and service uses. Retail, service, and other supporting uses serving employees and businesses are also allowed. This district implements General (Light) Industrial General Plan/Local Coastal Plan Land Use Designation.

**Industrial- Coastal-Dependent (ICD).** The ICD District is intended to provide areas for coastal dependent industrial land uses that are given priority by the California Coastal Act for location adjacent to the coastline. This district implements Coastal-Dependent Industrial General Plan/Local Coastal Plan Land Use Designation.

### **17.07.020 Land Use Regulations**

*To be drafted in future Module.*

**17.07.030 Development Standards**

Table 17.07.030, Development Standards-Industrial Districts, prescribes the development standards for Industrial Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code.

<b>TABLE 17.07.030: DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS</b>			
<i>Standard</i>	<i>IG (M-1)</i>	<i>ICD (M-2)</i>	<i>Additional Regulations</i>
Maximum Height (ft)	30	30	See §17.02.030.C, Measuring Height and §17.14.100, Heights and Height Exceptions
Minimum Setbacks (ft)			
<i>Front</i>	25	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<i>Interior Side</i>	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<i>Corner Side</i>	10	10	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks See Section TBD.F, Driveway Length
<i>Rear</i>	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
Maximum <u>Floor Area Ratio (FAR) Lot Coverage (% of lot)</u>	<u>0.590</u>	<u>0.6590</u>	<u>See §17.02.030.G, Determining Floor Area Ratio</u> <u>See §17.02.030.H, Determining Lot Coverage</u>

## Chapter 17.08 Public and Semi-Public Districts (IP)

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*Note: The names of existing zoning districts are changed as follows:*

*SCH: Public Facility (PF)*

*GC: Park and Recreation (PR)*

*OA: Open Space (OS)*

*Substantive changes to existing development standards are shown in underline/strikeout.*

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### Sections:

17.08.010 Purpose and Applicability

17.08.020 Land Use Regulations

17.08.030 Development Regulations

### 17.08.010 Purpose and Applicability

The purposes of Public and Semi-Public Districts are to:

- A. Provide land for development of public, quasi-public, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses.
- B. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, and other similar and related supporting uses.
- C. Provide opportunities for outdoor recreation, and meet the recreational needs of Morro Bay residents.
- D. Reserve areas for passive recreation and habitat protection.

Additional purposes of each Public and Semi-Public District:

**Public Facility (PF).** The PF District is intended for facilities that serve the public, such as government buildings and service facilities, schools, hospitals, cultural centers, and other public and quasi-public uses. The Public Facility District implements the Public/Institutional General Plan/Local Coastal Plan Land Use Designation.

**Park and Recreation (PR).** The PR District is intended to identify and maintain areas for active recreation, including City parks and other areas that support recreational activities. Uses include parks, playgrounds, campgrounds, picnic areas, sports fields, golf courses, recreational clubs, and other appropriate recreational uses. This District implements the Open Space/Recreation and the Golf Course General Plan/Local Coastal Plan Land Use Designations.

**Open Space (OS).** The OS District is intended for open space, undeveloped parkland, habitat and natural resource areas, and other areas that provide open space, habitat protection and enhancement, or support passive recreation such as beach areas, linear parks, trails. This District implements the Open Space/Recreation General Plan/Local Coastal Plan Land Use Designation.

**17.08.020 Land Use Regulations**

*To be drafted in future Module.*

**17.08.030 Development Standards**

Table 17.08.030, Development Standards-Public and Semi-Public Districts, prescribes the development standards for Public and Semi-Public Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code.

<b>TABLE 17.08.030: DEVELOPMENT STANDARDS – PUBLIC AND SEMI-PUBLIC DISTRICTS</b>				
<i>Standard</i>	<i>PF</i>	<i>PR</i>	<i>OS</i>	<i>Additional Regulations</i>
Maximum Height (ft)	<del>25</del> <u>30</u>	<del>14</del> <u>25</u>	<u>17</u>	See §17.02.030.C, Measuring Height and §17.14.100, Heights and Height Exceptions
Minimum Setbacks (ft)				
<i>Front</i>	20	20	<u>20</u>	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<i>Interior Side</i>	15	10	<u>10</u>	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<i>Corner Side</i>	15	15	<u>15</u>	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<i>Rear</i>	15	10	<u>10</u>	See §17.02.030.J, Determining Setbacks (Yards), and §17.14.080, Encroachments into Required Setbacks
<del>Maximum Lot Coverage (% of lot)</del>	<del>30</del>	<del>10</del>		

## Chapter 17.09 Waterfront and Harbor Area Districts (IP)

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*Note: Provisions of the existing CF, H, and WF districts are carried forward, formatted and revised for consistency with the structure of the new Code. There are no substantive changes to the development standards for these districts.*

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### Sections:

- 17.09.010 Purpose and Applicability
- 17.09.020 Land Use Regulations
- 17.09.030 Development Regulations

### 17.09.010 Purpose and Applicability

The specific purposes of the Waterfront and Harbor Area Districts are to:

- A. Ensure that waterfront development is attractive and pedestrian-friendly through greater pedestrian-oriented development, street furniture, and a more efficient solution to traffic circulation and automobile parking. Achieve an architectural character for the Embarcadero area that is in keeping with a working fishing community.
- B. Preserve the attraction of the City as a tourist destination with visitor-serving facilities, shopping and amusement areas, recreational amenities, and public parks and beaches, but still retain the City's small-town "fishing port" character.

Additional purposes of each Waterfront and Harbor Area District are as follows:

**Commercial Fishing (CF).** This District is intended to preserve areas that serve or facilitate licensed fishing activities or commercial fishing and incidental uses pursuant to Measure "D" of the June 2, 1981 City ballot. The CF District is intended to retain the City's small-town fishing image and to ensure that development does not conflict with the fishing industry. Land uses are limited to coastal dependent uses including boating and fishing facilities, marine sales and services, and incidental parking and utility uses.

**Harbor (H).** This District designates areas within City limits covered by water, excluding sensitive habitat areas, for those uses which must be located on the water in order to function, or as an accessory use to a land based/shore facility or structure.

**Waterfront (WF).** This District is intended to provide for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas.

### 17.09.020 Land Use Regulations

*To be drafted in future Module.*

### 17.09.030 Development Standards

- A. **CF and WF Districts.** Development standards applicable to the CF and WF districts are established in the Waterfront Master Plan. All development in the CF and WF districts are subject to the standards and requirements of the Waterfront Master Plan.
- B. **Harbor District.** In the Harbor District, no use shall be permitted unless the following performance standards are met, as applicable:
1. **No Pollutant Discharge.** Pollutants such as chemicals, fuels, lubricants, raw sewage and other harmful wastes generated during commercial or recreational boating activities shall be prohibited from being discharged into the bay;
  2. **Adequate Safety and Navigational Standards.** New development shall contain adequate safety and navigational standards to ensure compatibility with existing uses within the bay and harbor areas;
  3. **Maintenance Dredging Mitigation Measures.** Maintenance dredging of the channels shall include mitigation measures to prevent potential damage to benthic organisms including mollusks and eel grass beds. Channel configurations, turning basins and anchorage areas shall be limited to those which may exist, or which are authorized in Title 15 of the City's Municipal Code, or a harbor master development plan;
  4. **Preservation of Right-of-Way.** Any permitted use of the tidelands, harbor or bay, as defined and regulated by this chapter shall be prohibited from excluding the right-of-way to such water whenever it is required for any public purpose, and from destroying or obstructing the free navigation of such water. Abandonment of vessels shall be prohibited as defined by Title 15 of the Morro Bay Municipal Code;
  5. **Construction Standards.** Construction of marine docks and structures shall be subject to the standards contained in Title 14, of the Morro Bay Municipal Code;
  6. **Placement of Floating Docks.** The placement of floating docks shall be in water areas that do not encroach into wetland or buffer areas surrounding defined wetlands in the bay;
  7. **Conformance with Harbor Master Plan.** In the event the City prepares and adopts a revised harbor master development plan, all new developments shall also be in conformance with the provisions of such plan.

#### 17.09.040 Supplemental Regulations

- A. **Architectural Treatment.** Exterior treatment of structures in new development and redevelopment shall be considered through the development review process. The following criteria will be used in the review of applications:
1. The architectural and landscape design of a project, including materials, shall be consistent with the character of a working fishing village.
  2. The design shall protect aesthetic environmental qualities.
  3. The design shall enhance the desirability and/or enjoyment of the immediate area.
  4. The design shall improve community appearances by preventing extremes of dissimilarity or monotony in new construction or redevelopments.
- B. **Public Access Requirements.** Public access from the nearest public roadway to the shoreline and along the bay front shall be provided in new development projects, subject to the provisions set forth in Section TBD, Coastal Access.
- C. **Development Priorities, WF District.** Development priority shall be given to coastal-dependent uses which are consistent with traffic, circulation, and parking constraints as determined by the City.
- D. **Midway Marina Area.** As a condition to approval of any permit for development within the midway marina area, the City shall require that the State Department of Parks and Recreation include the midway marina area in its Morro Bay State Park master plan. Permitted uses shall be limited to recreational boat dockage and support services.

### Overlay Districts (Placeholder)

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*To be drafted in future Module.*

## Division III: Citywide Regulations

### Chapter 17.14 General Site Regulations (IP)

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#### Sections:

- 17.14.010 Purpose and Applicability
- 17.14.020 Accessory Structures
- 17.14.030 Agricultural Land Preservation
- 17.14.040 Archeological Resources Discovery
- 17.14.050 Coastal Access
- 17.14.060 Demolition of Buildings and Structures
- 17.14.070 Development on Substandard Lots
- 17.14.080 Encroachments into Required Setbacks
- 17.14.090 Fences and Freestanding Walls
- 17.14.100 Heights and Height Exceptions
- 17.14.110 Lighting and Illumination
- 17.14.120 Motorhomes and Recreational Vehicles
- 17.14.130 Open Space
- 17.14.140 Outdoor Storage
- 17.14.150 Refuse Storage and Collection Areas
- 17.14.160 Screening
- 17.14.170 Storage and Parking of Vehicles for Sale
- 17.14.180 Swimming Pools and Spas
- 17.14.190 Underground Utilities
- 17.14.200 Visibility at Intersections

#### **17.14.010 Purpose and Applicability**

The purpose of this Chapter is to prescribe development and site regulations that apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each district established in Division II, District Regulations. In any case of conflict, the standards specific to the district shall override these regulations.

## 17.14.020 Accessory Structures

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*Note: Current provisions applicable to accessory buildings (17.48.040) and guesthouses (17.48.315) are carried forward. Limitations on laundry and utility sink plumbing and bathrooms are included to ensure accessory structures are not used for habitation except as specifically provided. Also, roofed accessory structures may not be located in front of the main building on the site.*

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**A. Applicability.**

1. The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios, that are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures such as play equipment, decks and trellises, that are over 18 inches in height and that are detached from and accessory to the main building on the site.
2. When an accessory structure is attached to the main building, it shall be made structurally a part of and have a common wall or roof with the main building and shall comply in all respects with the requirements of this Title applicable to the main building.

**B. Relation to Existing Structures.** A detached accessory structure shall only be constructed on a lot on which there is a permitted main building to which the accessory building is related.

**C. Development Standards.** Accessory structures shall meet the setback, height, and lot coverage requirements of the District in which it is located in addition to the following:

1. Roofed accessory structures shall be at least six feet from any dwelling existing or under construction, either on the same lot or an adjacent lot.
2. Roofed accessory structures shall not project beyond the front building line of the main building on site.

**D. Laundry and Utility Sink Plumbing.** A detached accessory structure may have plumbing for a washer, dryer, and/or utility sink provided that it has an open floor plan without interior partitions.

**E. Bathrooms.** Bathrooms located in accessory structures not approved for living space shall only be permitted when a deed restriction, subject to the approval of the City Attorney, is recorded to run with the property restricting the bathroom and adjoining space from being converted into living space for residential purposes.

**F. Guesthouses.** Detached guesthouses are allowed in the Agriculture District and in Residential Districts subject to the following:

1. **Limitation.** Only one guesthouse is allowed per lot. Guesthouses shall not be allowed on a lot with an accessory dwelling unit except as allowed through Conditional Use Permit approval on a lot 7,500 square feet or more in size.
2. **Size and Configuration.** A guesthouse shall not contain more than 640 square feet of habitable floor area nor shall it exceed 30 percent of the floor area of the primary single-unit dwelling.
3. **Facilities.** Guesthouses may contain conditioned space, a toilet, shower, and sink. Cooking or food preparation facilities are prohibited.
4. **Use.** A guesthouse shall not be used for residential occupancy independent from the primary single-unit dwelling or as a dwelling unit for rent.

#### 17.14.030 Agricultural Land Preservation

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*Note: Existing provisions relating to agricultural land preservation included in Section 17.24.020 are included in this Section.*

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- A. **Prime Agricultural Land.** It is the intent of the City that it shall maintain the maximum amount of prime agricultural land in agricultural production to assure the protection of the area's agricultural economy.
  1. **Special Restrictions on Nonagricultural Use of Prime Agricultural Land.** The following special restrictions on uses shall apply to prime agricultural land:
    - a. **Commercial Uses.** Commercial recreation, visitor-serving commercial and general commercial uses shall be prohibited on prime agricultural lands.
    - b. **Other Uses.** All other uses which are conditionally permitted in the AG district may be permitted on prime agricultural lands only if the following findings are made by the Planning Commission:
      - i. **No Alternative Building Site.** That no alternative building site exists except on prime agricultural lands; and
      - ii. **Amount of Conversion Minimized.** That the least amount of prime agricultural land possible will be converted to these conditionally permitted uses; and
      - iii. **No Use Conflicts.** That the conditionally permitted uses will not conflict with surrounding agricultural land and uses.
- B. **Nonprime Agricultural Land.** In addition, it is the City's intent that all nonprime agricultural land within the City suitable for agricultural use shall not be converted to nonagricultural uses unless:
  1. Continued or renewed agricultural use is not feasible; or

2. Such conversion would preserve prime agricultural land or concentrate development consistent with Public Resources Code, Section 30250.

#### **17.14.040 Archeological Resources Discovery**

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*Note: Existing practices related to archaeological resources discovery are codified in this Section.*

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- A. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
  1. Construction activities shall cease, and the Community Development 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.
  2. 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 Community Development Department so that proper disposition may be accomplished.
- B. **Archaeologically Sensitive Areas.** Any parcel which is located within an archaeologically sensitive area as delineated by the official maps of the General Plan/Coastal Land Use Plan and any other parcel containing a known archaeological site recorded by the California Archaeological Site Survey Office is subject to the requirements of Chapter TBD, Cultural Resource Protection Overlay District.

#### **17.14.050 Coastal Access**

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*Note: This Section establishes procedures and standards for the preservation, dedication, and improvement of public access to and along the shoreline, in conjunction with development in the Coastal Zone, consistent with the Coastal Act.*

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- A. **Purpose.** This Section provides procedures and standards for the preservation, dedication, and improvement of public access to and along the shoreline and coastal bluff tops, in conjunction with development in the Coastal Zone. The intent is to:
  1. Ensure that public rights of access to the shoreline are protected as guaranteed by the California constitution, and achieve the basic State goals of maximizing public access to the coast, as set forth in the Coastal Act (Sections 3000 through 30900).
  2. Implement the public access and recreation policies of Chapter 3 of the Coastal Act (Sections 30210 through 30255) and the applicable policies of the Coastal Land Use Plan.

3. Ensure public access to coastal bluff tops, where feasible.

B. **Applicability.** This Section applies to all Coastal Development Permit applications with the Coastal Zone (CZ) Overlay Zone. The public access procedures and standards of this Section shall be carried out in a reasonable manner as to the rights of the individual property owner with the public constitutional right of access pursuant to Section 4 of Article X of the California Constitution.

1. **Protection of Existing Coastal Access.** Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include the use of dry sand and rocky beaches to the bluff or first line of terrestrial vegetation.

2. **Access Requirements.** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects, except where:

- a. It would be inconsistent with public safety or the protection of fragile coastal resources;
- b. Adequate access exists nearby;
- c. Agriculture would be adversely affected;
- d. Access at the site would be inconsistent with policies of the Local Coastal Program, other than those requiring access;
- e. Requiring or providing the access would be inconsistent with federal or State law; or
- f. The activity is not considered “new development.” New development does not include the activities described below:
  - i. Replacement of any structure pursuant to the provisions of subdivision (g) of § 30610 of the California Coastal Act.
  - ii. The demolition and reconstruction of a single-family residence; provided that the reconstructed residence does not exceed either the floor area, height, or bulk of the former structure by more than 10 percent, and that the reconstructed residence is sited in the same location on the affected property as the former structure.
  - iii. Improvements to any structure that do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block public access, and which do not result in a seaward encroachment by the structure.

- iv. The reconstruction or repair of any seawall, provided however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.
- v. Any repair or maintenance activity for which the California Coastal Commission has determined, pursuant to § 30610 of the California Coastal Act, a coastal development permit will be required, unless the Commission determines that the activity will have an adverse impact on lateral public access along the beach.

For purposes of this Section, “bulk” means total interior cubic volume as measured from the exterior surface of the structure.

**C. Standards for Public Access.**

**1. Lateral Public Access.**

- a. *Requirement.* A condition to provide lateral access shall consist of an offer to dedicate an easement or a grant of easement for open and unobstructed public accessways along the waterfront revetment (or shoreline, if no revetment exists, between the mean high-tide line to the first line of vegetation or an appropriate landward feature on sites along the Embarcadero and similarly developed areas).
- b. *Limitations.* Public access shall be consistent with public safety and the need to protect public rights, rights of private property held by leaseholders, and natural resource areas from overuse. In some cases, controls on the time, place and manner of uses, such as limiting access to pass and repass or restricting hours of use, may be justified by site characteristics including sensitive habitat values or fragile topographic features or by the need to protect the privacy of residential development.
- c. *Types of Lateral Accessways.* Lateral access along the waterfront revetment or shoreline, may be achieved in the following manner:
  - i. Walkways. In the form of open or enclosed unobstructed walkways a minimum of 10 feet wide across the bayward side of the proposed development.
  - ii. Decking and/or Boardwalks. Open and unobstructed exterior decking and/or boardwalks extending bayward a minimum of 12 feet.
  - iii. Breezeways and/or Walkways. Designated open, and unobstructed breezeways and/or walkways within the structure, provided such breezeways are located as close as possible to the bay and are designed to provide the most direct, convenient connection

between adjacent existing or potential lateral accessways. Exterior access is preferred over interior access.

- d. **Waiver.** Lateral access requirements may be waived in any of the following situations:
  - i. **Physically Infeasible.** If the applicant can demonstrate, based on an engineering analysis, that all or a portion of such access is physically infeasible and there are no design alternatives capable of overcoming topographical or site constraints that jeopardize public safety, military security needs, or the protection of fragile coastal resources.
  - ii. **Conflict with Day-to-Day Operations.** If the provisions of continuous lateral access would conflict with the day-to-day operations of the use of the structure, provided, however, that maximum provisions for public viewing areas and/or walkways are provided in suitable locations in the development.
  - iii. **In-lieu Fee.** If continuous lateral access across the bayward portion of the parcel is found to be infeasible pursuant to subsection (C)(1)(d)(i) or (ii) above, the contribution of an in-lieu fee, equivalent to the cost of construction of an accessway along the bayward edge of the proposed structure, shall be paid to the City. Fees shall be used to coordinate the shoreline lateral and vertical access program, and shall be used to link lateral access where feasible and to improve vertical access provisions.
2. **Vertical Public Access.** A condition to provide vertical access shall consist of an offer to dedicate an easement or a grant of easement for open and unobstructed vertical access to the shoreline.
  - a. **Minimum Links.** Where feasible, a minimum of one every 300 feet and/or every street stub, shall link the vertical accessways with lateral access provisions along the bayward sides of structures.
  - b. **Parking.** Parking shall be provided in conjunction with new or improved vertical accessways whenever feasible and consistent with site constraints, environmental constraints and safety conditions. The number of spaces shall be determined by the Director, who shall consider the carrying capacity of the public recreation area to which access is provided and the area constraints.
3. **Public Accessways.** All public accessways shall be properly signed and conform to Coastal Conservancy/Coastal Commission access standards and guidelines.

- D. **Prescriptive Rights.** In areas where it is established that the public acquired a right of access through use, custom, or legislative authorization, development shall not interfere with or diminish such access. This requirement will be interpreted to allow flexibility in accommodating both new development and continuation of historic public parking and access.
- E. **Access Title and Guarantee.** Where public coastal accessways are required by this Chapter, approval of a Coastal Development Permit will require guarantee of the access through deed restriction or dedication of right-of-way or easement. Before approval of a Coastal Development Permit, the method and form of the access guarantee will be approved by the City Attorney and recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee will be chosen according to the following criteria:
1. **Deed Restriction.** To be used only where an owner, association, or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Director.
  2. **Grant of Fee Interest or Easement.** To be used when a public agency or private organization approved by the Director is willing to assume ownership, maintenance and liability for the access.
  3. **Offer of Dedication.** To be used when no public agency, private organization, or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers will not be accepted until maintenance responsibility and liability are established.
  4. **Maintenance.** A dedicated public accessway shall not be required to be opened to public use until a public agency or private association approved by the City Council agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is approved through a deed restriction.
- F. **Timing of Access Implementation.** The type and extent of access to be dedicated and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established as provided by this Chapter at the time of planning permit approval (e.g., Conditional Use Permit and/or Coastal Development Permit approval).
1. **Dedication.** Shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.
  2. **Construction of Improvements.** Shall occur at the same time as construction of the approved development, unless another time is established through conditions of planning permit approval.

## 17.14.060 Demolition of Buildings and Structures

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*Note: This new Section provides measurable standards by which to determine whether a demolition has occurred and carries forward existing requirements for a Coastal Development Permit.*

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- A. **Applicability.** No building or structure in the City can be demolished, removed, or relocated, except as authorized under the provisions of this Section.
- B. **Demolition Defined.**
1. **Demolition.** A demolition subject to the provisions of this Section and all other applicable City regulations occurs when any of the following take place at any time over a five-year period:
    - a. More than 50 percent of the structural elements of the roof or roof framing is removed.
    - b. More than 50 percent of the structural exterior walls (or vertical supports such as posts or columns when a structure has no walls) of a structure are removed or are no longer a necessary and integral structural component of the overall building.
    - c. More than 50 percent of the foundation system is removed, or is no longer a necessary and integral structural component of the overall structure, including, but not limited to: perimeter concrete foundation, retaining walls, post and pier foundations, or similar element(s) that connect a structure to the ground and transfers gravity loads from the structure to the ground.
  2. **Calculation.** The calculation for determining whether a wall has been demolished will be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the structure's ceiling. The calculation for determining whether the roof or foundation system has been demolished will be based on the lineal feet of the foundation system, count of post and piers, or overall square footage of that individual element.
  3. **Removal.** The removal of a building for relocation to another lot is considered a demolition.
- C. **Coastal Development Permit Required in the Coastal Zone (CZ) Overlay District.** Demolition is considered development pursuant to Section TBD, Development. No building permit or demolition permit will be issued by the City for any development that requires a Coastal Development Permit under the California Coastal Act of 1976 or Public Resources Code §30000 et seq. until such time as a Coastal Development Permit has been issued for such development.

**17.14.070 Development on Substandard Lots**

*Note: This new Section clearly articulates current requirements.*

- A. Any lot or parcel of land that was legally created through a recorded deed may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the District in which it is located.
- B. No substandard lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.
- C. A substandard lot will be subject to the same setback and density requirements as a standard lot.

**17.14.080 Encroachments into Required Setbacks**

*Note: This Section carries forward encroachment allowances located in Sections 17.48.110 and 17.48.120. Allowances for small structures less than eight feet in height and 120 square feet in size and rain barrels and cisterns have been added.*

Where setbacks are required in this Title, they shall be not less in depth or width than the minimum dimension specified, and they shall be at every point open and shall not be obstructed with non-movable features from the ground upward, except as provided in Table 17.14.080, Allowed Encroachments into Required Setbacks, or as specifically identified in another section of this Title.

<b>TABLE 17.14.080: ENCROACHMENTS INTO REQUIRED SETBACKS</b>				
<i>Encroachment</i>	<i>Front Setback</i>	<i>Street Side Setback</i>	<i>Interior Side Setback</i>	<i>Rear Setback</i>
All encroachments	No encroachment may extend into a public utility easement. Where any encroachment allowance conflicts with the Building Code, the more restrictive shall apply.			
Cornices, canopies, eaves, and similar architectural features	40% of required setback depth or 4 feet, whichever is less No closer than 2 feet from lot line		No closer than 3 feet from lot line	
Chimneys and fireplaces	No closer than 2 feet from lot line		No closer than 3 feet from lot line	
	Shall not exceed 8 feet in width			
Bay windows	2 feet	2 feet	3 feet	3 feet

**TABLE 17.14.080: ENCROACHMENTS INTO REQUIRED SETBACKS**

<i>Encroachment</i>	<i>Front Setback</i>	<i>Street Side Setback</i>	<i>Interior Side Setback</i>	<i>Rear Setback</i>
<b>Uncovered stairs, ramps, stoops, landings, decks, porches, balconies, and platforms</b>				
<i>All elements less than 30 inches above ground elevation</i>	No closer than 3 feet from lot line	May extend to lot line if terminates at a noncombustible wall or fence which extends at least 30 inches above the projection. Otherwise, no closer than 3 feet from lot line		
<i>Any element 30 inches or more above ground elevation</i>	Maximum 5 feet, no closer than 5 feet from lot line	No closer than 3 feet from lot line		
	Wind screens/walls must be of a clear material and shall not exceed 5 feet in height above the floor of the landing or deck.			
Small structures less than 8 feet in height and 120 square feet in size	Shall not encroach		May extend to lot line	
Rain barrels and cisterns with a maximum capacity of 1,000 gallons, or other similar storm water management equipment	Shall not encroach	3 feet, must be screened pursuant to Section TBD, Screening	May extend to lot line	
Mechanical and other equipment, detached or attached, such as water heaters, air conditioners, electric meters, electric transformers, cable television or phone utility boxes	Shall not encroach	No closer than 3 feet from lot line, must be screened pursuant to Section TBD, Screening	No closer than 3 feet from lot line	No closer than 3 feet from lot line
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see Chapter TBD, Reasonable Accommodation			

**17.14.090 Fences and Freestanding Walls**

*Note: This Section carries forward existing provisions for fences, walls, dense hedges, and similar structures along with new provisions that limit the use of certain materials and require maintenance of all fences and walls. Allowable fence height in the front and street side setbacks is increased from three feet to four feet for solid fences and from four feet to five feet for open fences and an allowance for Director approval of up to two additional feet is included.*

Fences, walls, dense hedges, and similar structures shall comply with the standards of this Section.

- A. **Maximum Height.** The maximum allowed height of fences, walls, dense hedges, and related structures is as follows:
1. **Front and Street Side Setbacks.**
    - a. *Solid Fences, Walls, Dense Hedges, and Similar Structures.* Solid fences, walls, dense hedges, and similar structures may be a maximum of four feet high within the required front and street side setback.
    - b. *Open Fences, Walls, Hedges, and Similar Structures.* Fences, walls, hedges, and similar structures with 50 percent or more of the surface open to the passage of air and light may be a maximum of five feet high within the required front and street side setback.
  2. **Interior Side and Rear Setbacks.** Fences, walls, dense hedges, and similar structures located within the required interior side or rear setback and outside the required front and street side setback areas may be a maximum of six feet, six inches high.
  3. **Decorative Features.** One entry gateway, trellis, or other entry structure is permitted in the required front or street-facing side yard of each lot, provided that the maximum height or width of the structure does not exceed 10 feet. Such decorative feature shall not have any solid obstruction that exceeds two feet in diameter between the height of three and 10 feet.
  4. **Exceptions.** The Director may allow additional height, up to two feet, where the location or characteristics of the site warrant additional height for safety or security purposes.
    - a. Additional height may be allowed with Minor Use Permit approval for fences, walls, dense hedges, and similar structures to enclose commercial or industrial uses, tennis courts, or similar areas.
- B. **Separation.** Fences, walls, and similar structures located parallel to or within 45 degrees of another shall be located a minimum of three feet apart. The area between the fences, walls, or similar structures shall be landscaped.
- C. **Intersection Visibility.** Notwithstanding other provisions of this Section, fences, walls, and related structures must comply with Section 17.14.200, Visibility at Intersections.
- D. **Materials.**
1. **Prohibition on Hazardous Fencing Materials.** The use of barbed wire, razor wire, ultra-barrier, electrified, and other hazardous fencing is not permitted unless such fencing is required by any law or regulation of the City, the State of California,

Federal Government, or other public agency. An exception to this standard may be approved for sites in an Industrial District, according to the procedures of Chapter TBD, Modifications.

2. **Limitation on Chain-Link Fencing.** Chain-link fencing is not permitted in Residential Districts.
  3. **Limitation on Concrete Block.** Plain, concrete block is not permitted as a fencing material. Concrete block must be finished with stucco and capped with a decorative cap.
- E. **Maintenance.** All walls and fences shall be maintained in a safe, neat and orderly condition at all times.

**17.14.100 Heights and Height Exceptions**

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*Note: Current provisions allow ventilation stacks and chimneys under six feet in width or length to exceed the height limit with no limitation on the amount the height limit may be exceeded. Chimneys over six feet in width, silos, cupolas, flagpoles, monuments, gas storage holders, radio and other towers, water tanks, church steeples and similar structures, mechanical appurtenances, roof furniture and roof equipment may exceed height limits with Minor Use Permit approval.*

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The structures listed in the following table may exceed the maximum permitted height for the district in which they are located, subject to the limitations stated and further provided that no portion of a structure in excess of the building height limit may contain habitable area or advertising.

<b>TABLE 17.14.100: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS</b>		
<i>Structure Elements Allowed Above the Height Limit</i>	<i>Maximum Vertical Projection Above the Height Limit</i>	<i>Maximum Coverage and Locational Limitations</i>
Skylights	1 foot	None
Chimneys	6 feet	Shall be less than 6 feet in any horizontal dimension

**TABLE 17.14.100: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS**

<i>Structure Elements Allowed Above the Height Limit</i>	<i>Maximum Vertical Projection Above the Height Limit</i>	<i>Maximum Coverage and Locational Limitations</i>
- Decorative features such as spires, cupolas, bell towers, domes, obelisks, and monuments - Rooftop open space features such as windscreen devices, open trellises, and landscaping - Elevator and stair towers (for multi-unit and nonresidential buildings only) - Mechanical equipment	6 feet	Limited to a total of 20% of roof area, inclusive of all structures Must be setback from the exterior wall one foot for every foot of projection above the height limit Flagpoles are not considered decorative or open space features. Flagpoles shall not project above the maximum permitted height for the district in which they are located.
- Telecommunications facilities, antennas, and microwave equipment - Radio towers	Subject to provisions of Section TBD, Telecommunications Facilities	
Solar panels	Subject to provisions of Section TBD, Solar Energy Systems	
Fire escapes, catwalks, and open railings required by law	No restriction	None

**17.14.110 Lighting and Illumination**

*Note: This new Section includes include minimum standards for lighting multi-unit residential development and nonresidential buildings, as well as maximum heights for lighting fixtures. Standards are included to minimize outdoor artificial light that may have a detrimental effect on the environment and enjoyment of the night sky. These provisions complement Building Code requirements intended to prohibit glare from unshielded fixtures and reduce the unnecessary illumination of adjacent properties and the use of energy.*

- A. **Applicability.** The standards of this Section apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems, except as provided below.
  - 1. **Exemptions.** The following lighting is exempt from the provisions of this Section.
    - a. *Public and Private Street Lighting.*
    - b. *Athletic Field Lights.* Athletic field lights used within a school campus or park.
    - c. *Safety and Security Lighting.* Safety and security lighting for public facilities.

- d. *Construction and Emergency Lighting.* All construction or emergency lighting fixtures, provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.
- e. *Seasonal Lighting.* Seasonal lighting displays related to cultural or religious celebrations.
- f. *City-Sanctioned Special Events.* Lighting in conjunction with a city-sanctioned special event.

**B. Prohibitions.** The following types of exterior lighting are prohibited.

- 1. ***Searchlights.*** The operation of searchlights for advertising purposes.
- 2. ***Mercury Vapor.*** Mercury vapor lights.
- 3. ***Other Light Types.*** Laser lights or any other lighting that flashes, blinks, alternates, or moves.

**C. General Requirements.** Outdoor lighting shall be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community. Lighting for commercial installations adjacent to or near residential uses shall be compatible with and not directly illuminate nearby residential uses.

1. ***Required Illumination.***

a. *Sites Serving Three or More Residential Units.*

- i. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground level during the hours of darkness.
- ii. Aisles, passageways, and recesses related to and within the site shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.

b. *Nonresidential Buildings.* All exterior doors, during the hours of darkness, shall be illuminated with a minimum of 0.5 foot-candle.

c. *Parking Areas.* Parking areas consisting of four or more parking spaces shall be illuminated with a minimum of one foot-candle at ground level.

2. ***Maximum Height.***

- a. *Within 100 feet of a Residential District:* 16 feet.
- b. *Other Locations:* 25 feet.

- c. **Exceptions:** The Planning Commission may allow additional height for activities, uses, or development with unique lighting needs; for accentuating historic architectural features of a building, accentuating signage and/or landscape features; or for security purposes.
3. **Design of Fixtures.** Fixtures shall be appropriate to the style and scale of the architecture. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.
4. **Timing Controls.** All outdoor lighting in nonresidential development shall be on a time clock or photo-sensor system and turned off during daylight hours and during hours when the building or, in the case of shopping centers, all buildings, are not in use and the lighting is not required for security.
5. **Trespass.** All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties. The light level at property lines shall not exceed 0.3 foot-candles.

#### 17.14.120 Motorhomes and Recreational Vehicles

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*Note: This Section carries forward existing provisions contained in Section 17.48.060.*

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Motorhomes, recreational vehicles or other vehicles shall not be used for human habitation or occupied for living or sleeping quarters except when installed within a licensed trailer court, recreational vehicle park or mobile home park. Recreational vehicles, motor homes or boats maintained upon any lot, piece or parcel of land, other than a trailer court, trailer park or mobilehome park, shall comply with the following conditions:

- A. **Outside Maintenance.** Such vehicle or boat shall not be maintained in any required front yard or side street yard.
- B. **Use as a Residence.** Such vehicle or boat shall not be used for sleeping quarters nor shall any sanitary or cooking facilities contained therein be used.
- C. **Connected to Utilities.** Such vehicle or boat shall not be connected to utilities, including but not limited to electricity, gas, water or sewerage.

#### 17.14.130 Open Space

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*Note: This new Section includes requirements for the design and configuration of common and private open space where open space is required to be provided pursuant to this Code.*

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Open space required by this Code shall be provided in accordance with the following.

- A. **Configuration.**

1. Private open space typically consists of balconies, decks, patios, fenced yards, and other similar areas outside the residential unit.
  2. Common open space typically consists of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development; these can be located at the ground level, on parking podiums, or on rooftops, provided they are adequately landscaped.
- B. Minimum Dimensions.**
1. **Private Open Space.** Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than eight feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.
  2. **Common Open Space.** Minimum length and width dimension of 15 feet.
- C. Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.
- D. Accessibility.**
1. **Private Open Space.** The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
  2. **Common Open Space.** The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.

#### **17.14.140 Outdoor Storage**

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*Note: This new Section includes standards for the storage of goods, materials, machines, equipment and inoperable vehicles or parts outside of a building for more than 72 hours.*

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Storage of goods, materials, machines, equipment, and inoperable vehicles or parts outside of a building for more than 72 hours shall conform to the standards in Table 17.14.140, Outdoor Storage Regulations. The regulations of this Section do not apply to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit or to the parking and storage of operable vehicles.

**TABLE 17.14.140: OUTDOOR STORAGE REGULATIONS**

<i>District</i>	<i>Permissibility of Outdoor Storage</i>
Agriculture District	Permitted as an accessory use outside of required front and street side setbacks
Residential Districts	Not permitted. (All storage must be within an enclosed building)
Commercial and Mixed Use Districts	Not permitted. (All storage must be within an enclosed building)
Industrial Districts	Permitted as an accessory use and as primary use with a Conditional Use Permit. Must be located outside of required front and street side setbacks, parking and circulation areas, and required landscaped areas and screened subject to the standards of Section 17.14.160, Screening
Public and Semi-Public Districts	Permitted as an accessory use outside of required setbacks, parking and circulation areas, and required landscaped areas subject to the standards of Section 17.14.160, Screening
Waterfront and Harbor Area Districts	Permitted as an accessory use outside of required setbacks, parking and circulation areas, and required landscaped areas subject to the standards of Section 17.14.160, Screening

**17.14.150 Refuse Storage and Collection Areas**

*Note: This Section carries forward existing provisions contained in Section 17.48.230.*

Refuse storage and collection areas meeting the requirements of Title 8 shall be required for all new commercial and industrial projects, major redevelopments, and for all new residential projects of three or more units. Such areas shall be screened from public view in an attractive manner. The type, location, and method of screening of refuse storage and collection areas shall be approved by the Director.

**17.14.160 Screening**

*Note: Current provisions related to screening currently located in Section 17.48.100 are carried forward. Current provisions require screening of all nonresidential uses that abut a residential use and any use in a C-2 District that abuts another zoning district with a six foot high solid wall or fence. In order to promote connectivity between uses, requirements of B.2, Common Property Lines are proposed. Requirements for landscaped buffers between residential and nonresidential uses will be included in a future module.*

- A. **Applicability.** The standards of this Section apply to all new development and additions that expand existing floor area by 10 percent or more.
  - 1. **Exceptions.** Modifications to the standards of this Section may be granted pursuant to Chapter TBD, Modifications, where the Review Authority finds that

the characteristics particular to the property or vicinity would render the required fencing or screening unnecessary or ineffective.

**B. Required Screening.**

1. ***Mechanical and Electrical Equipment.*** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from public rights-of-way and locations identified in the General Plan/Local Coastal Plan areas from which there are visually significant views.
  - a. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems.
  - b. Screening materials shall be consistent with the exterior colors and materials of the building.
  - c. Exceptions may be granted by the Director where screening is infeasible due to health and safety or utility requirements.
2. ***Common Property Lines.*** A screening wall shall be provided on the interior lot lines of any lot that contains any use in the Industrial Use Classification or the Transportation, Communication, and Utilities Use Classification except Communications Facilities, and abuts a Residential District or property used for residential purposes.
  - a. *Timing.* The screening wall shall be provided at the time of new construction or expansion of buildings, or changes from one use classification to another use classification.
  - b. *Location.* Screening walls shall follow the lot line of the lot to be screened unless the Director finds that screening in another location on the lot will substantially screen the subject building, facility, or activity.
  - c. *Height.* The screening wall shall be four feet in height within the required front setback of the subject lot and adjacent to the required front setback of the adjacent residential lot and six feet, six inches in height in other locations.
  - d. *Materials.* The screening wall shall be solid masonry.
3. ***Outdoor Storage Areas.*** Outdoor storage areas shall be screened from public rights-of-way, adjacent Residential Districts, and publicly accessible open space area with a solid masonry wall a minimum of six feet in height.

4. **Public Utility Substations and Electrical Transformer Yards.** Public utility substations and electrical transformer yards shall be screened from public rights-of-way and adjacent properties with a solid wall.
- C. **Substitute Materials.**
1. **Plant Materials.** Screening comprised of plant materials may be substituted for a wall or fence when approved by the Director as a suitable alternative provided such hedge is maintained at the minimum height required by this Section.
  2. **Landscaped Berms.** A landscaped berm may be substituted for a wall or fence provided that the combination of berm and landscaping is no less than the required height of the fence or wall and the berm is constructed with a maximum slope of 1:3 with side slopes designed and planted so as to prevent erosion.
  3. **Chain Link Fencing.** Chain link fencing with vertical slats may be substituted for a solid wall or fence in an Industrial District except where screening and fencing is required adjacent to a Residential District or a location identified in the General Plan/Local Coastal Plan areas from which there are visually significant views.
- D. **Maintenance.** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the required and the maximum allowed height.

#### **17.14.170 Storage and Parking of Vehicles for Sale**

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*Note: This Section carries forward existing provisions contained in Section 17.48.330.*

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Vehicles, including trucks, cars, boats, motorcycles and recreational vehicles, shall not be permitted to be parked or stored on private property in a location viewable from public rights-of-way in any District for the primary purpose of sale or rental, except on the premises of a business enterprise authorized to conduct such sale or rental unless specifically approved by the Director.

#### **17.14.180 Swimming Pools and Spas**

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*Note: This Section carries forward existing setback requirements for swimming pools and spas contained in Section 17.48.150. Other regulations address other items included in the existing section. Filter and heating systems are subject to setback requirements for structures and to City noise limitations. Determination of lot coverage is detailed in Section 17.02.030, Determining Lot Coverage.*

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Swimming pools, spas, and any body of water having a depth of more than 18 inches and related equipment shall comply with the setback requirements in Table 17.14.180, Swimming Pool and

Spa Setbacks. The setback is measured to the outside wall of the water-containing portion of the swimming pool or spa.

<b>TABLE 17.14.180: SWIMMING POOL AND SPA SETBACKS</b>		
<i>District</i>	<i>Front and Street Side Setback (ft)</i>	<i>Interior Side and Rear Setbacks (ft)</i>
RS and RL	Required building setback plus 5	5
All other districts	Required building setbacks	

**17.14.190 Underground Utilities**

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*Note: This Section revises existing provisions contained in Section 17.48.050.*

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All electrical, telephone, cable television, and similar distribution lines providing direct service to a project shall be installed underground within the site. This requirement may be waived by the Director upon determining that underground installation is infeasible.

**17.14.200 Visibility at Intersections**

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*Note: This Section carries forward existing provisions contained in Section 17.48.210.*

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- A. On any corner lot, there shall be a triangular area at the corner of the property at the intersection of the streets, which shall be kept clear of visual obstructions from the height of three to seven feet.
- B. Such triangular area shall have sides which extend a minimum of ten feet along each street; provided, that the City Engineer may require a larger triangular area if deemed necessary due to topography, curving right-of-ways or any other factor.
- C. Upon the approval of the City Engineer, this requirement may be waived for development at controlled intersections (i.e., intersections with stop signs or signals for travelers along at least one right-of-way).

## **Other Citywide Regulations (Placeholder)**

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*To be drafted in later Module.*

# Definitions

## “A”

**Abutting or Adjoining.** Having a common boundary.

**Access.** The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property.

**Accessory Building.** See Building, Accessory.

**Accessory Structure.** See Structure, Accessory.

**Accessory Use.** See Use, Accessory.

**Acre, Gross.** A measure of total land area of a lot or site, including areas to be dedicated for public rights-of-way, streets, schools, or other dedications.

**Acre, Net.** A measure of land area of a lot or site remaining after dedication of all areas for public rights-of-way, streets, schools, or other dedications.

**Adjacent.** Directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.

**Agent.** A person who has been given written authorization by the property owner to represent and act for a property owner in contacts with the City.

**Aggrieved Person.** Any person who, in person or through a representative, appeared at a City public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.

**Alley.** A public way permanently reserved primarily for secondary vehicular service access to the rear or side of properties otherwise abutting on a street.

**Alteration.** Any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

**Applicant.** The person, partnership, corporation, or state or local government agency applying for a permit, certificate, zoning approval, or other entitlement.

**Area, Gross.** The horizontal area within the boundaries of a lot or site including any area for future streets, parks, and other dedications.

**Architectural Feature.** An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

**Attached Building or Structure.** A building or structure having a common wall with another building or structure.

**Awning.** An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

## **“B”**

**Balcony.** A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building’s interior, is not accessible from the ground, and is not enclosed by walls on more than three sides.

**Basement.** A non-habitable space beneath the first or ground floor of a building the ceiling of which does not extend more than four feet above finished grade.

**Bedroom.** Any room having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room.

**Block.** Property bounded on all sides by a public right-of-way.

**Buffer.** An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials.

***Building, Accessory.*** A detached subordinate building used only as incidental to the main building on the same site or lot.

***Building, Main.*** A building in which the primary use of the parcel on which it is located is conducted.

**Building Code.** Any ordinance or regulations of the City governing the type and method of construction of buildings and structures, including sign structures and any amendments thereto and any substitute therefor including, but not limited to, the California Building Code, other State-adopted uniform codes and the Minimum Building Security Standards Ordinance.

**Building Face.** The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars is considered to be the face of the building.

**Building Footprint.** See “Footprint.”

**Building Frontage.** The lineal dimension, parallel to the ground, of a building abutting on a public street, or a parking lot accessory to that business, even though another business may also have entitlement to that parking lot.

**Building Height.** See “Height.”

**Building Official.** The building inspector or other officer or person charged with the administration and enforcement of city regulations pertaining to buildings and structures, or a duly authorized representative.

**Building Site.** A lot or parcel of land occupied or to be occupied by a main building and accessory buildings together with such open spaces as are required by the terms of this Code and having its principal frontage on a street, road, highway, or waterway.

**Bulk.** The overall size and mutual relationship of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center of streets, to other walls of the same building, and to other buildings or structures; and to all open spaces relating to the building or structure.

## “C”

**California Environmental Quality Act (CEQA).** Public Resources Code §§21000, et seq. or any successor statute and regulations promulgated thereto (14 California Code of Regulations §§15000, et seq.) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

**Camper.** As defined in the California Vehicle Code.

**Cantilever.** A structure or extension attached to the main portion of a structure without separate vertical supports.

**Canopy.** A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

**Carport.** An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

**Carsharing Organization.** Organization that administers a carsharing service.

**Carsharing Program.** A carsharing service operated by a carsharing organization.

**Carsharing Service.** A membership based short-term car rental service available to all qualified drivers who choose to become members where members are offered access to a dispersed network of shared vehicles 24 hours a day, seven days a week at unattended self-service locations.

**Carshare Vehicle.** A vehicle that is owned, maintained, and administered by a carsharing organization and made available to members of a carsharing service 24 hours a day, seven days a week at unattended self service locations.

**City.** The City of Morro Bay.

**City Council.** The City Council of the City of Morro Bay.

**Change of Use.** The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the type of an existing use; does not include a change of ownership, tenancy, or management associated with a use for which the previous type of use will remain substantially unchanged.

**Coastal Access.**

***Lateral.*** An area of land providing public access along the shoreline and coastal bluffs.

***Vertical.*** An area of land providing a connection between the first public road or use area nearest the sea and the publicly-owned tidelands or established lateral access way.

**Coastal Commission.** California Coastal Commission.

**Coastal Development Permit.** A permit for any development within the Coastal Zone that is required pursuant to subdivision (a) of Section 30600 of the California Public Resources Code and issued by the City in accordance with this Title.

**Coastal-Dependent Development or Use.** Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

**Coastal Land Use Plan.** Maps and a text which indicate the kinds, location and intensity of land uses allowed in the Coastal Zone and includes resources protection and development policies related to those uses.

**Coastal-Related Development or Use.** Any development or use which is dependent on a coastal-dependent development or use.

**Coastal Zone.** That land and water area of the City of Morro Bay extending seaward to the State's outer limit of jurisdiction and extending inland to the boundary shown on the official Zoning Maps for the CZ Coastal Overlay Zone, as amended from time to time and adopted by the Coastal Commission.

**Commercial Vehicle.** Defined in the California Vehicle Code. Pickup trucks and vans not exceeding one-ton rated capacity and which are used primarily for private noncommercial purposes are not considered commercial vehicles.

**Compatible.** That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

**Condition of Approval.** A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the decision-making body to alter or modify a project in any manner from the description in the application originally submitted for City approval.

**Conditional Use.** A use that is generally compatible with other uses permitted in a zoning district, but that requires individual review of its location, design, configuration, and intensity and density of use and structures, and may require the imposition of conditions pertinent thereto to ensure the appropriateness of the use at that particular location.

**Conditionally Permitted.** Permitted subject to approval of a Use Permit.

**Construction.** Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, or land, together with any scientific surveys associated therewith.

**Cottage Food Employee.** An individual, paid or volunteer, involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.

**Cottage Food Operation.** An enterprise that takes place within the registered or permitted area of a private home where the cottage food operator lives, and where cottage food products are prepared or packaged for direct and/or indirect sale to consumers. A cottage food operation may be either of the following:

**“Class A” Cottage Food Operation.** A cottage food operation which engages only in direct sales of cottage food products from the cottage food operation or other direct sales venues, such as holiday bazaars, bake sales, farm stands, County-certified farmers’ markets, or through community-supported agriculture subscriptions.

**“Class B” Cottage Food Operation.** A cottage food operation, which engages in both direct sales as described above, and indirect sales, including from offsite events or from a third-party retailer.

**Cottage Food Operator.** An individual who operates a cottage food operation in his or her residence and is the owner of the cottage food operation.

**Cottage Food Products.** Nonpotentially hazardous foods, including but not limited to foods that are described in Section 114365.5 of the California Public Health and Safety Code, and that are prepared for sale in the kitchen of a cottage food operation.

**County.** The County of San Luis Obispo.

**“D”**

**Deck.** A platform, either freestanding or attached to a building that is supported by pillars or posts.

**Demolition.** The intentional destruction and removal of any structure, including a residential dwelling, including a mobilehome, as defined in Section 18008 of the Health and Safety Code, or a mobilehome lot in a mobilehome park, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code or any local ordinance enacted pursuant to those provisions..

**Density.** The number of dwelling units per acre of land.

**Detached Building or Structure.** A building or structure which does not have a common wall with another building or structure.

**Development.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or

alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

**Development Agreement.** An agreement between the City and any person having a legal or equitable interest in real property for the development of such property, and which complies with the applicable provisions of the Government Code for such development agreements.

**Director.** The Community Development Director of the City of Morro Bay or his/her designee.

**District.** See "Zoning District."

**Driveway.** An accessway that provides direct vehicular access for vehicles between a street and the parking or loading facilities located on an adjacent property.

**Dwelling Unit.** One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with full cooking, sleeping, and bathroom facilities for the exclusive use of a single household.

## "E"

**Easement.** A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

**Effective Date.** The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

**Electrical Code.** Any ordinance of the City regulating the alteration, repair, and the installation and use of electricity or electrical fixtures.

**Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

**Energy Facility.** Any public or private processing, producing, generating, storing, transmitting or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.

**Environmental Impact Report (EIR).** An Environmental Impact Report as required under the California Environmental Quality Act (CEQA).

**Environmental Review.** An evaluation process pursuant to CEQA to determine whether a proposed project may have a significant impact on the environment.

**Environmentally Sensitive Habitat Area.** Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

**Equipment.** Non-vehicular items such as, but not limited to, boats, campers, camper shells, tents and related camping supplies, tools, machinery, aircraft, barrels, drums, large cans or containers and parts related to these items.

**Erect.** To build, construct, attach, hang, place, suspend, or affix to or upon any surface. Such term also includes the painting of wall signs.

**“F”**

**Façade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

**Family.** One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities, and who maintain a single mortgage, lease, or rental agreement for all members of the household.

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**Fence.** Horizontal and vertical structures that are intended to separate properties, retain soil materials, and provide security; or as defined by the Building Official. Fences may also be walls, hedges, and screen plantings.

**Fill.** Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

**Firearms.** Any device designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or other form of combustion.

**Floor Area.** The total horizontal area of all floors below the roof and within the outer surface of the walls of a building or other enclosed structures unless otherwise stipulated. See also Section 17.02.030.F, Determining Floor Area.

**Floor Area Ratio (FAR).** The ratio of the total floor area of all buildings on a lot to the lot area or building site area. See also Section 17.02.030.F, Determining Floor Area Ratio.

**Foot-candle.** A quantitative unit of measure for luminance. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. It is equal to one lumen uniformly distributed over an area of one square foot.

**Footprint.** The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves. See also Section 17.02.030.H, Determining Lot Coverage.

**Freeway.** A State or Interstate highway.

**Frontage, Street.** That portion of a lot or parcel of land that borders a public street. Street frontage shall be measured along the common lot line separating said lot or parcel of land from the public street, highway, or parkway.

## **“G”**

**Garage.** An accessory structure or portion of a main structure, enclosed on three or more side and containing accessible and usable enclosed space designed, constructed, and maintained for the parking and storage of one or more motor vehicles.

**General Plan.** The City of Morro Bay General Plan.

**Glare.** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

**Government Code.** The Government Code of the State of California.

**Grade.** The location of the ground surface.

***Existing or Natural Grade.*** Ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

***Finished Grade.*** Final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

***Grading.*** Excavating, filling, leveling or smoothing or combination thereof, but does not include temporary stock piles of a duration of 30 days or less.

**Ground Floor.** The first floor of a building other than a basement that is closest to finished grade.

## “H”

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Heat.** Thermal energy of a radioactive, conductive, or convective nature.

**Hedge.** Any group of shrubs planted in line or in groups so that the branches of any one plant are intermingled or form contact with the branches of any other plant in the line. Hedges are not considered trees for the purposes of this Code.

**Height.** The vertical distance from a point on the ground below a structure to a point directly above. See also Section 17.02.030.C, Measuring Height.

**Home Occupation.** A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the dwelling.

**Household.** See “Family.”

**Household Pets.** Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents. Household pets include domestic birds, cats, dogs, fish, rabbits, rodents, or snakes, but do not include horses, mules, goats, cows, hogs or other similar size animals, or chickens, roosters or peacocks.

**Housing Costs.** The total monthly or annual recurring expenses required of a household to obtain shelter. For a rental unit, total housing costs include the monthly rent payment and utilities. For an ownership unit, total housing costs include the mortgage payment (principal and interest), homeowner's association dues, mortgage insurance, taxes, utilities, and any other related assessments.

## “I”

**Illegal Use.** Any use of land or building that does not have the currently required permits, and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

**Improvement.** An object affixed to the ground other than a structure.

**Incidental Use.** See Use, Incidental.

**Income Levels.** Income levels for households whose gross incomes do not exceed the qualifying extremely low, very low, low, and moderate income limits established in § 6932 of the California Code of Regulations, and amended periodically based on the U.S. Department of Housing and Urban Development (HUD) estimate based on the San Luis Obispo County median income levels by family size. These income limits are equivalent to the following:

***Extremely Low Income Household.*** Under 30 percent of area median income, adjusted for household size appropriate for the unit.

***Very Low Income Household.*** 30 to 50 percent of area median income, adjusted for household size appropriate for the unit.

***Low Income Household.*** 50 to 80 percent of area median income, adjusted for household size appropriate for the unit.

***Moderate Income Household.*** 80 to 120 percent of area median income, adjusted for household size appropriate for the unit.

***Workforce Housing.*** 120 to 160 percent of area median income, adjusted for household size appropriate for the unit.

**Intensity of Use.** The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located; the demand for services; and persons who live, work, and visit the area. Measures of intensity include, without limitation, requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light, or glare generated; the number of persons attracted to the site, or in eating establishments, the number of seats.

**Intersection, Street.** The area common to two or more intersecting streets.

**“J”**

Reserved

**“K”**

**Kitchen.** Any room or space within a building intended to be used for the cooking or preparation of food.

**“L”**

**Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

## Landscaping-Related Definitions.

**Hydrozone.** A portion of the landscaped area having plants with similar water needs.

**Landscaping.** The planting, configuration and maintenance of trees, ground cover, shrubbery, and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth-patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

**Mulch.** Any organic material, such as leaves, bark, straw, compost, or inorganic mineral materials, such as rocks, gravel, and decomposed granite, left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

**Pruning.** The removal of more than one-third of the crown or existing foliage of the tree or more than one-third of the root system.

**Runoff.** Water that is not absorbed by the soil or landscape to which it is applied, and flows from the landscape area.

**Shrub.** A woody plant with several perennial stems that may be erect or may lay close to the ground. Individual stems are generally no more than three inches in diameter.

**Tree.** Any live woody or fibrous plant, the branches of which spring from and are supported upon a central trunk at least three inches in diameter.

**Trim.** The cutting or removal of a portion of a tree, which removes less than one-third of the crown or existing foliage of a tree, removes less than one-third of the root system, and does not kill the tree.

**Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

**Local Coastal Program.** The City's coastal land use plan, zoning ordinances, zoning maps and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

**Lot.** A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with the County of San Luis Obispo, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

**Abutting Lot.** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

**Corner Lot.** A lot or parcel bounded by two or more adjacent street lines that have an angle of intersection of not more than 135 degrees.

**Flag Lot.** A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width.

**Interior Lot.** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than 135 degrees; a lot other than a corner lot.

**Key Lot.** An interior lot adjoining the rear lot line of a reversed corner lot.

**Reversed Corner Lot.** A corner lot, the rear of which abuts the side of another lot, whether across a lane or not.

**Through Lot.** A lot having frontage on two parallel or approximately parallel streets.

**Lot Area.** The area of a lot measured horizontally within bounding lot lines.

**Lot Coverage.** The portion of a lot that is covered by structures, including main and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies. See also Section 17.02.030.H, Determining Lot Coverage.

**Lot Depth.** The horizontal distance between the front and rear property lines of a site measured midway between the side property lines. See also Section 17.02.030.D, Measuring Lot Width and Depth.

**Lot Frontage.** See "Frontage, Street."

**Lot Line.** The boundary between a lot and other property or the public right-of-way.

#### **Lot Line Types.**

**Front Lot Line.** On an interior lot, the line separating the lot from the street or lane. On a corner lot, the shorter lot line abutting a street or lane. On a through lot, the lot line abutting the street or lane providing the primary access to the lot. On a flag lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

**Interior Lot Line.** Any lot line that is not adjacent to a street.

**Rear Lot Line.** The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

**Side Lot Line.** Any lot line that is not a front or rear lot line.

**Street Side Lot Line.** A side lot line of a corner lot that is adjacent to a street.

**Lot Width.** The average distance between the side lot lines measured at right angles to the lot depth. See also Section 17.02.030.D, Measuring Lot Width and Depth.

## “M”

**Maintenance and Repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

**Major Public Works Project or Major Energy Facility.** “Major public works” and “Major energy facilities” mean facilities that cost more than one hundred thousand dollars (\$100,000) with an automatic annual increase every year following the baseline of one hundred thousand dollars set in 1983 in accordance with the Engineering News Record Construction Cost Index, except for those facilities governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. Major public works also means publicly-financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

**Mansard.** A wall which has a slope equal to or greater than two vertical feet for each horizontal foot and has been designed to look like a roof.

**Municipal Code.** The City of Morro Bay Municipal Code.

## “N”

**Natural Disaster.** Any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.

**Noise.** Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

**Nonconforming Building.** See Nonconforming Structure.

**Nonconforming Lot.** A legal parcel of land having less area, frontage, or dimensions than required in the zoning district in which it is located.

**Nonconforming Structure.** A building or structure, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this Code to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located.

**Nonconforming Use.** The use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which, because of the application of this Code to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located.

**“O”**

**On-Site.** Located on the lot that is the subject of discussion.

**Opacity.** A measure of the relative light impenetrability of fencing, windows, and doors, typically expressed as a percentage. An opaque object with 100 percent opacity is neither transparent (allowing all light to pass through) nor translucent (allowing some light to pass through).

**Outdoor Storage.** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 72 hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current Building Permit issued by the City.

**Owner.** A person or persons holding single or unified beneficial title to the property, including without limitation, the settlor of a grantor trust, a general partner, firm, or corporation.

**“P”**

**Parapet.** That part of a wall that extends above the roof line.

**Parking Area.** An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

**Passenger Vehicle.** As defined in the California Vehicle Code.

**Permit.** Any coastal development permit, conditional use permit, minor use permit, temporary use permit, building permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

**Permitted Use.** See Use, Permitted.

**Person.** Any individual, firm, association, organization, partnership, business trust, company, or corporation.

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

**Planning Division.** The Planning Division of the Community Development Department of the City of Morro Bay.

**Pre-existing.** In existence prior to the effective date of this Code.

**Primary Use.** See Use, Primary.

**Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure that is subject to the provisions of this Code. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

**Property Line.** The recorded boundary of a lot or parcel of land.

**Public Resources Code.** The Public Resources Code of the State of California.

**Public Works Director.** The Public Works Director of the City of Morro Bay.

**Public Works Project.** Any of the following development shall constitute a public works project:

- All production, storage, transmission and recovery facilities for water, sewage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
- All publicly-financed recreational facilities, all projects of the State Coastal Conservancy and any development by a special district.
- All community college facilities.

## “Q”

**Qualified Applicant.** The property owner, the owner’s agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal, or is the holder of an option or contract to purchase such land, or otherwise has an enforceable proprietary interest in such land.

## “R”

**Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the City’s zoning and land use laws, rules, policies, practices and/or procedures under

provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

**Review Authority.** Body responsible for making decisions on applications.

**Right-of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

**“S”**

**Screening.** Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of concealing something from view.

**Sea.** The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

**Senior Citizen.** An individual 62 years of age or older.

**Setback.** The area between a property line and a building or structure that must be kept clear or open.

**Sidewalk.** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**Site.** A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Code and is in a single ownership or under unified control.

**Site Area.** The total horizontal area included within the property lines of a site.

**Soil.** Naturally occurring superficial deposits overlying bedrock.

**Solar Reflectance Index.** Measure of a surface’s ability to reflect solar heat, combining reflectance and emittance into one number. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is 100.

**Specific Plan.** A plan for all or part of the area covered by the General Plan that is prepared to be consistent with and to implement the General Plan, pursuant to the provisions of Government Code, §§ 65450 et seq.

**State.** The State of California.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above.

**Street.** A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. "Street" includes avenue, court, circle, crescent, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley or walkway.

**Street Line.** The boundary between a street and a lot or parcel of land.

**Structural Alterations.** Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders.

**Structure.** Anything constructed or erected which requires a location on the ground or attachment to something having location on the ground.

**Structure, Accessory.** A detached subordinate structure, used only as incidental to the main structure on the same site or lot.

**Structure, Main.** A structure housing the primary use of a site or functioning as the primary use.

**Structure, Temporary.** A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Swimming Pool.** A pool, pond, lake, or open tank capable of containing water to a depth greater than 1.5 feet at any point.

**"T"**

**Tandem Parking.** An arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

#### **Telecommunication Terms.**

**Antenna.** Any system of wires, poles, rods, horizontal or vertical elements, panels, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves.

**Co-Location.** The location of two or more wireless communications facilities owned or used by more than one public or private entity on a single support structure, or otherwise sharing a common location. Co-location also includes the location of wireless

communications facilities with other facilities, such as buildings, water tanks, light standards, and other utility facilities and structures.

**Mast.** A pole of wood or metal or a tower fabricated of metal that is used to support an antenna and maintain it at the proper elevation.

**Satellite Dish.** A device (also known as a parabolic antenna) incorporating a reflective surface that is solid, open, or mesh or bar-configured, and is in the shape of a shallow dish, cone, horn cornucopia, or flat plate that is used to receive or transmit radio or electromagnetic waves between terrestrially and/or orbitally based units. This term includes satellite earth stations, satellite receivers, satellite discs, direct broadcast systems, television-reception-only systems, and satellite microwave antennas.

**Support Equipment.** The physical, electrical, and/or electronic equipment included within a telecom facility used to house, power, transport, and/or process signals from or to the facility's antenna or antennas.

**Telecommunication Facility.** A mobile cell site that consists of a cell antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to be part of a cellular network.

**Tower, Lattice.** A multiple-sided, open, metal frame support structure that supports antennas and related equipment, typically with three or four support legs.

**Tenant.** A person renting or leasing a housing unit or non-residential space.

**Trailer.** A vehicle with or without motor power, which is designed or used for hauling materials or vehicles, or for human habitation, office, or storage including camper, recreational vehicle, travel trailer, and mobile home, but not including mobile homes on a permanent foundation.

## **“U”**

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

**Use, Accessory.** A use that is customarily associated with, and is incidental and subordinate to, a primary use and located on the same lot as a primary use.

**Use, Incidental.** A secondary use of a lot and/or building that is located on the same lot, but is not customarily associated with the primary use.

**Use, Permitted.** Any use or structure that is allowed in a zoning district without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zoning district.

**Use, Primary.** A primary, principal, or dominant use established, or proposed to be established, on a lot.

**Use Classification.** A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential, public and semi-public, commercial, industrial, and transportation, communication, and utilities. See Chapter TBD, Use Classifications.

**Use Permit.** A discretionary permit which may be granted by the appropriate City of Morro Bay authority to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right, but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval.

**Use Type.** A category that classifies similar uses based on common functional, product, or compatibility characteristics.

**Utilities.** Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

“V”

**Variance.** A discretionary grant of permission to depart from the specific requirements of this Code that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zoning district.

**Vehicle.** Any vehicle, as defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

**Vibration.** A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

**Visible.** Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

**Visitor-Serving Development or Use.** Stores, shops, businesses, temporary lodging and recreational facilities (both public and private) which provide accommodations, food and services for the traveling public, including, but not limited to, hotels, motels, campgrounds, parks, nature

preserves, restaurants, specialty shops, art galleries and commercial recreational development such as shopping, eating and amusement areas.

**“W”**

**Wall.** Any vertical exterior surface of building or any part thereof, including windows.

**Wetland.** Lands which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens. As detailed in Section 13577(b)(1) of the California Code of Regulations, wetlands shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to vegetated wetlands or deep-water habitats.

**“X”**

Reserved

**“Y”**

**Yard.** An open space on the same site as a structure, unoccupied and unobstructed from the ground upward, except as otherwise provided by this Code.

**Front Yard.** A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be a distance specified by this Code for the district in which it is located and measured inward from the front lot line.

**Corner Side Yard.** A yard on a corner lot or reversed corner lot extending from the front yard to the rear lot line between the building setback line and the nearest side street lot line.

**Interior Yard.** A yard which does not abut a street.

**Rear Yard.** A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Code for the district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

**Required Yard.** A yard which complies with the minimum yard requirements for the zoning district in which the lot is located.

**Side Yard.** A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

**“Z”**

**Zoning District.** A specifically delineated area in the City within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings. See Section TBD, Districts Established.