

ORDINANCE NO. 21-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, AMENDING SECTIONS 2.30.030, 2.40.030, OF CHAPTER 2 OF ARTICLE IX, DEVELOPMENT CODE, REPEALING AND REPLACING SECTION 3.10.020, FENCES, WALLS AND SCREENING OF CHAPTER 3 OF ARTICLE IX, AMENDING SECTIONS 3.10.030 AND 3.30.040 OF CHAPTER 3 OF ARTICLE IX, DEVELOPMENT CODE, ADDING NEW SECTION 3.50.110, RESIDENTIAL FRONT AND STREET SIDE SETBACK PARKING OF CHAPTER 3 ARTICLE IX DEVELOPMENT CODE, AMENDING SECTION 3.10.070, SETBACK REQUIREMENTS AND EXCEPTIONS OF CHAPTER 3 ARTICLE IX DEVELOPMENT CODE, ADDING NEW SECTION 4.10.115, MOBILE VENDORS OF CHAPTER 4 OF ARTICLE IX DEVELOPMENT CODE, AMENDING SECTION 6.20.080 OF CHAPTER 6 OF ARTICLE IX, DEVELOPMENT CODE AND AMENDING SECTION 9.10.020 OF CHAPTER 9 OF ARTICLE IX, DEVELOPMENT CODE, OF THE GROVER BEACH MUNICIPAL CODE

WHEREAS, the City of Grover Beach is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, pursuant to the authority granted the City by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote the public convenience or the general prosperity, as well as regulations designed to promote the public health, the public morals or public safety; and

WHEREAS, comprehensive zoning and land use regulations lie within the City's police power; and

WHEREAS, the proposed amendments are consistent with the City's adopted General Plan Land Use Element and other relevant policies; and

WHEREAS, the proposed amendments are not a project within the meaning of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) Section 15378 because the amendments will not result in a direct or indirect physical change in the environment and does not involve an irrevocable commitment of resources by the City; and

WHEREAS, this Code amendment requires a Local Coastal Program Amendment; and

WHEREAS, the Planning Commission held a public hearing on November 2, 2021 and recommended the City Council approve the Development Code and Local Coastal Program amendments; and

WHEREAS, the City Council conducted an introduction and first reading of the Development Code and Local Coastal Program amendments on November 8, 2021; and;

WHEREAS, the City Council conducted a public hearing and second reading and adoption of the Development Code and Local Coastal Program amendments on November 22, 2021; and

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:

PART 1. Section 2.30.030, Commercial Zones Allowable Land Uses and Permit Requirements, of Chapter 2 of Article IX Development Code, is hereby amended with the following:

2.30.030 Commercial Zones Allowable Land Uses and Permit Requirements

Table 2.2 Commercial Zones Allowable Land Uses and Permit Requirements								
Land Use	GB	GB-O	NC	OP	RC	VS/ CVS ¹	CC ¹	Specific Use Regulations
Manufacturing Uses								
High Technology Uses	P ⁴	P ⁴	--	--	--	P ⁴	P	
Manufacturing - Artisan	--	--	--	--	--	--	UP	Section 3.10.020
Recreation, Education & Public Assembly								
Commercial Recreation Facility - Indoor								
≤ 3,000 sf	UP	UP	UP	--	UP	UP	UP	
> 3,000 sf	UP	UP	--	--	UP	UP	UP	
Commercial Recreation Facility – Outdoor								
Health/Fitness Facility	AUP ⁴	AUP	AUP	--	AUP	AUP ⁴	AUP	
Meeting Facility, Public or Private								
≤ 3,000 sf	--	AUP	AUP	AUP	AUP	AUP	AUP	
> 3,000 sf	--	UP	UP	UP	UP	UP	UP	
Park, Playground (Public)	P	P	P	P	P	P	P	
Public or Quasi-Public Facility	UP	UP	UP	UP	UP	UP	UP	
Recreational Vehicle Park	--	--	--	--	--	UP	--	
Specialized Education/Training	--	UP	--	--	UP	--	UP	
Studio – Art, Dance, Martial Arts	AUP ⁴	AUP	AUP	--	AUP	AUP ⁴	AUP	
Residential								
Home Occupation	P	P	P	P	P	P	P	Section 6.20.070
Live/Work Unit	--	UP	UP	UP	--	--	UP	Section 4.10.090
Mixed-Use Project	UP	UP	UP	UP	UP	UP ²	UP	Section 4.10.110
Multi-Family Dwelling	--	UP	--	--	--	--	--	Section 2.30.040
Residential Care Facility for the Elderly	UP ⁴	UP	--	--	--	--	--	
Senior Housing	UP ⁴	UP	--	--	--	--	--	Section 4.10.180
Short-Term Rental	P	P	P	P	P	P	P	Section 4.10.185
Single Room Occupancy Facility	--	UP	--	--	--	--	--	Section 4.10.200
Transitional & Supportive Housing	P	P	P	P	P	P ²	P	
Retail								
Adult Business	--	--	--	--	UP	--	--	Section 4.20
Automobile Service Station	--	--	--	--	UP	--	--	
Bar/Tavern/Night Club	UP	UP	--	--	UP	UP	--	
Building/Landscape Materials, Indoor	P	P	--	--	P	--	--	

Table 2.2 Commercial Zones Allowable Land Uses and Permit Requirements								
Land Use	CB	CB-O	NC	OP	RC	VS/ CVS ¹	CC ¹	Specific Use Regulations
Building/Landscape Materials, Outdoor	--	UP	--	--	UP	--	--	
General Retail, except the following:	P	P	P	AUP	P	P	P	
Alcoholic Beverage Sales	UP	UP	UP	--	UP	UP	--	
Drive-thru	--	--	--	--	UP	--	--	
Floor area (single tenant over 5,000 square feet)	P	P	--	--	P	P	P	
Operating between 10:00 p.m. and 7:00 a.m.	AUP	AUP	--	--	AUP	AUP	UP	
Resale Stores	P	P	P	AUP	P	P	P	Section 4.10.160
Thrift Store	AUP	AUP	AUP	-	AUP	--	--	Section 4.10.210
Plant Nursery	AUP	AUP	--	--	AUP	AUP	AUP	
Mobile Vendors	P	P	P	P	P	P	P	Section 4.10.115
Restaurant	P	P	P	AUP	P	P	AUP	
Drive-thru	--	--	--	--	UP	--	--	
Live Entertainment	P	P	P	P	P	P	AUP	Section 4.10.080
Sidewalk Seating	P	P	--	--	--	P	--	Section 4.10.190
Vehicle Sales	--	--	--	--	UP	--	--	
Wine Tasting	P	P	--	--	--	P	P	
Services								
Animal Care Facility	--	AUP	AUP	--	AUP	--	AUP	
Automated Teller Machine (ATM)	P	P	AUP	AUP	P	P	P	
Business Support Services	P	P	P	P	P	--	P	
Child Day Care - Day Care Center	--	UP	UP	UP	UP	--	UP	
Equipment Rental	--	--	--	--	UP	--	--	
Financial Institutions	P	P	--	--	P	--	--	
Lodging	UP	UP	--	--	UP ³	UP	UP	
Massage Establishments	P ⁴	P	P	P	P	--	P	Section 4.10.100
Medical Services - Clinic /Urgent Care	--	UP	--	UP	UP	--	--	
Medical Services - Doctor Office	P	P	P	P	P	--	AUP	
Medical Services - Extended Care	--	UP ⁴	--	UP	UP	--	--	
Office – Business/Service	P	P	P	P	P	P ⁴	P	
Office - Professional	P	P	P	P	P	P ⁴	P	
Office – Visitor Serving	--	--	--	--	--	P	P	
Personal Services	P	P	P	P	P	P	AUP	
Personal Services -Restricted	--	--	--	--	UP	--	--	
Repair Services – Small Equipment	--	P	P	--	P	--	--	
Recycling – Reverse Vending Machines	--	P	--	--	P	--	--	Section 4.10.150
Recycling – Small Collection Facility	--	P	--	--	P	--	--	Section 4.10.150
Vehicle Rental	--	AUP	--	--	AUP	AUP ⁵	AUP ⁵	Section 2.30.050
Vehicle Repair & Services	--	--	--	--	UP	--	--	

Table 2.2 Commercial Zones Allowable Land Uses and Permit Requirements								
Land Use	CB	CB-O	NC	OP	RG	VS/ CVS ¹	CC ¹	Specific Use Regulations
Transportation & Infrastructure								
Parking Facility	UP	UP	UP	UP	UP	UP	UP	
Telecommunication Facility	UP	UP	UP	UP	UP	UP ⁶	UP	Section 4.40
End Note								
1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040). 2. Use not allowed west of the Union Pacific Railroad tracks or on APN 060-011-036. 3. Use not allowed on West Grand Avenue. 4. Permitted above or behind ground floor commercial uses on West Grand Avenue. 5. Permitted if visitor-serving (e.g., automobiles or beach related vehicles). No moving trucks. 6. Telecommunication facilities are prohibited west of Highway 1, unless they are not visible from public viewing areas, meet the standards of Section 4.40.030.A.1, or such a prohibition would result in a conflict with Federal Law. (Am. Ord 14-4)								
Legend								
P Permitted Use AUP Administrative Use Permit Required UP Use Permit Required -- Use Not Allowed								

PART 2. Section 2.40.030, Industrial Zones Allowable Land Uses and Permit Requirements, of Chapter 2 of Article IX Development Code, is hereby amended with the following:

2.40.30 Industrial Zones Allowable Land Uses and Permit Requirements

Table 2.3 Industrial Zones Allowable Land Uses and Permit Requirements				
Land Use	CI ¹	CIC ¹	I	Specific Use Regulations
Industry, Manufacturing & Processing				
High Technology Uses	P	P	P	
Manufacturing, Artisan	P	P	P	Section 4.10.130
Manufacturing/Processing, Heavy	--	--	UP	Section 4.10.130
Manufacturing/Processing, Light	P	P	P	Section 4.10.130
Manufacturing/Processing, Medium	UP	--	UP	Section 4.10.130
Media Production	P	P	P	
Commercial Cannabis Activity & Uses	UP	UP	UP	Section 4.10.045
Printing and Publishing	P	P	P	
Recycling – Processing Facilities	--	--	UP	Section 4.10.150
Storage – Warehouse	P	P	P	
Storage – Outdoor	UP	--	UP	Section 4.10.130
Storage – Personal Storage Facility	P	--	P	Section 4.10.140
Storage - Vehicles	UP	--	UP	Section 4.10.130
Wholesaling & Distribution	P	P	P	
Recreation, Education & Public Assembly				
Commercial Recreation Facility - Outdoor	UP	UP	UP	

Table 2.3 Industrial Zones Allowable Land Uses and Permit Requirements				
Land Use	C1	C1C1	I	Specific Use Regulations
Health/Fitness Facility	AUP	AUP	AUP	
Meeting Facility, public or private				
≤ 3,000 sf	AUP	AUP	AUP	
> 3,000 sf	UP	UP	UP	
Studio – Art, Dance, Martial Arts	AUP	AUP	AUP	
Public or Quasi-Public Facility	UP	UP	UP	
Specialized Education/Training	UP	UP	UP	
Residential				
Caretaker’s Residence	AUP	AUP	AUP	Section 4.10.050
Home Occupation	P	--	P	Section 6.20.070
Live/work Unit	UP	UP	UP	Section 4.10.090
Transitional & Supportive Housing	P	P	P	
Retail				
Accessory Retail/Service Use	P	P	P	Section 4.10.020
Adult Business	UP	--	--	Section 4.20
Automobile Service Station	UP	--	UP	
Building/Landscape Materials, Indoor	P	--	P	
Building/Landscape Materials, Outdoor	UP	--	UP	Section 4.10.130
Fuel Dealer	UP	--	UP	
General Retail	P	P	P	
Mobile Vendors	P	P	P	Section 4.10.115
Plant Nursery	P	--	P	
Restaurant	UP	UP	UP	
Vehicle Sales	P	--	P	
Services				
ATM	P	P	P	
Animal Boarding	AUP	--	AUP	
Animal Care Facilities	P	--	P	
Business Support Services	P	P	P	
Catering Service	P	P	P	
Equipment Rental	P	--	P	Section 4.10.130
Maintenance Service – Client Site Services	P	P	P	Section 4.10.130
Medical services – Clinic/Urgent Care	P	--	P	
Mortuary/Funeral Home	UP	--	UP	
Office – Business/Service	P	P	P	
Office – Processing	P	P	P	
Office – Professional	P	P	P	
Recycling – Large Collection Facilities	AUP	AUP	AUP	Section 4.10.150
Recycling – Reverse Vending Machine	P	P	P	Section 4.10.150
Recycling – Small Collection Facilities	P	P	P	Section 4.10.150

Table 2.3 Industrial Zones Allowable Land Uses and Permit Requirements				
Land Use	C1	C1C1	I	Specific Use Regulations
Repair Services – Large Equipment	P	--	P	Section 3.10.020
Repair Services – Small Equipment	P	P	P	
Vehicle Rental	P	--	P	
Vehicle Repair & Services	AUP	--	P	Section 4.10.130
Transportation & Infrastructure				
Freight Terminal	--	--	UP	
Parking Facility	UP	UP	UP	
Telecommunication Facility	UP	UP	UP	Section 4.40
End Note				
1. Projects located in the Coastal Zone may require a Coastal Development Permit (See Section 6.20.040).				
Legend				
P Permitted Use				
AUP Administrative Use Permit Required				
UP Use Permit Required				
-- Use Not Allowed				

PART 3. Section 3.10.020, Fences, Walls, and Screening, of Chapter 3, Article IX Development Code, is hereby repealed and replaced with the following:

3.10.020 Fences, Walls, and Screening

- A. **Purpose.** The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, overall character of neighborhoods, and to ensure the provision of adequate light, air, and public safety.
- B. **Applicability.** The requirements of this Section apply to all fences and walls located on private property unless otherwise stated.
- C. **Height limits within required setbacks or property frontages.** Fences or walls may be placed within required setbacks, provided they do not exceed the height limits shown in Table 3.1 and the standards of this Section.

Table 3.1 Maximum Height of Fences or Walls	
Location of Fence or Wall	Maximum Height
Within a front setback (refer to Figure 3.1.1)	3.5 feet (42 inches) ^{1,4}
Corner lots (refer to Figure 3.1.2)	
Front setback	3.5 feet (42 inches) ^{1,3,4}
Street side setback	6 feet ^{3,4}
Within an interior side or rear setback	7 feet ²
Notes:	
1. A fence or wall up to six feet in height is allowed when the portion above 3.5 feet is a minimum of 75% transparent allowing air and light to pass through (Refer to Figure 3.1.3).	

2. In non-residential zones, a solid fence or wall up to eight feet in height may be allowed for screening or security purposes subject to approval of an Administrative Development Permit.
3. Property owners in residential zones with a corner lot may designate one side of the property as front setback, and the other as the street side setback as shown in Figure 3.1.2, for purposes of determining fence heights only.
4. All fences and walls shall comply with Section 3.10.030.E. (Restrictions to height limits at street corners, Figure 3.3)

**Figure 3.1.1 – Fence Setback Areas
(Reference Chapter 2 for Specific Setbacks by Zone)**

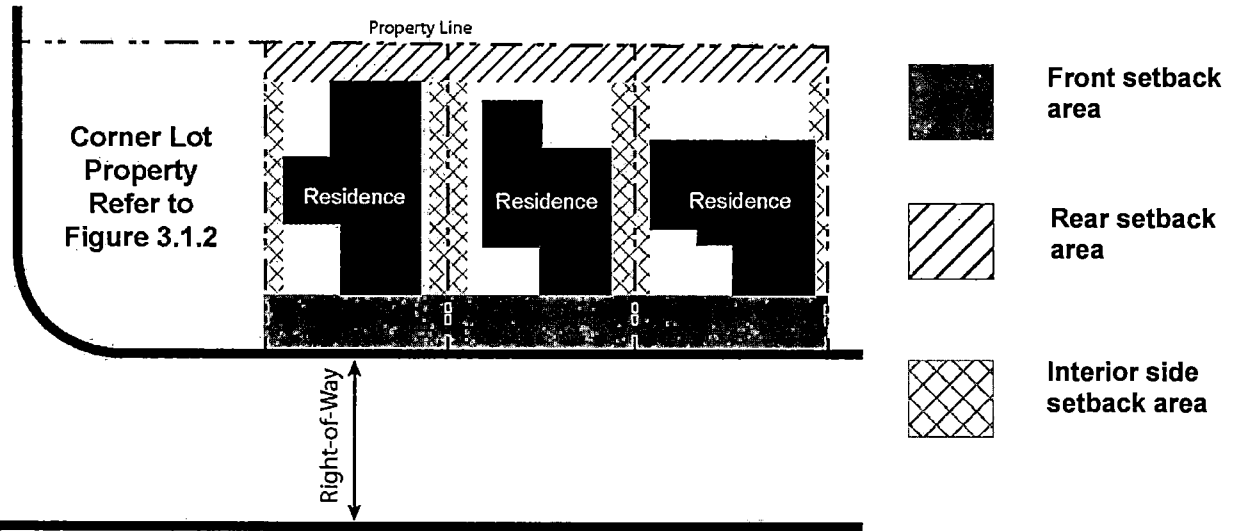


Figure 3.1.2 – Corner Lot Fence Setback Areas

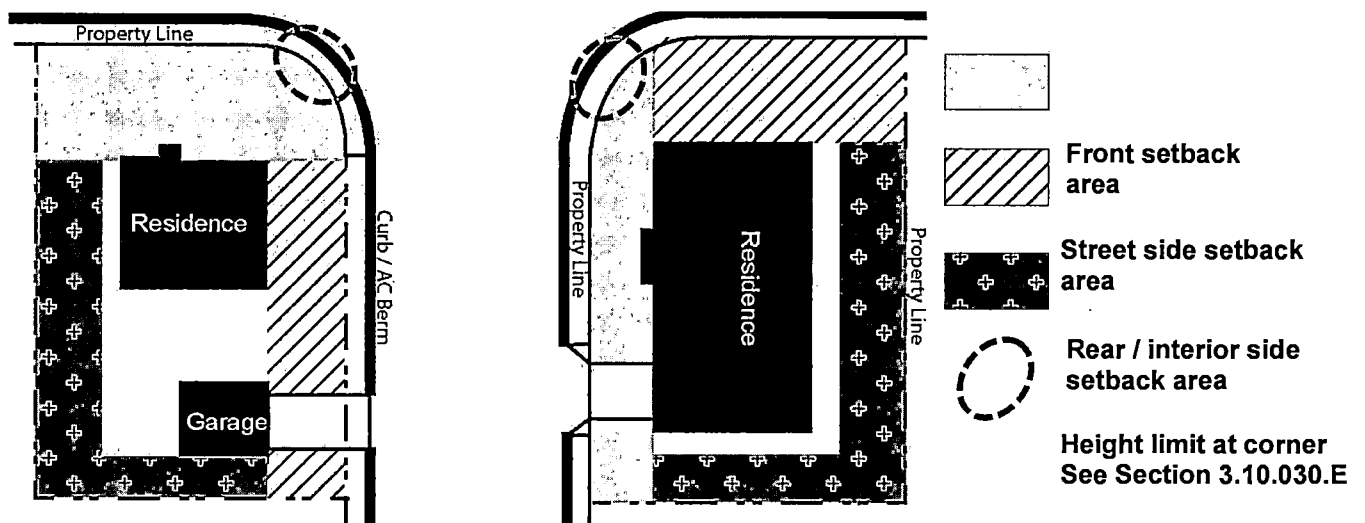
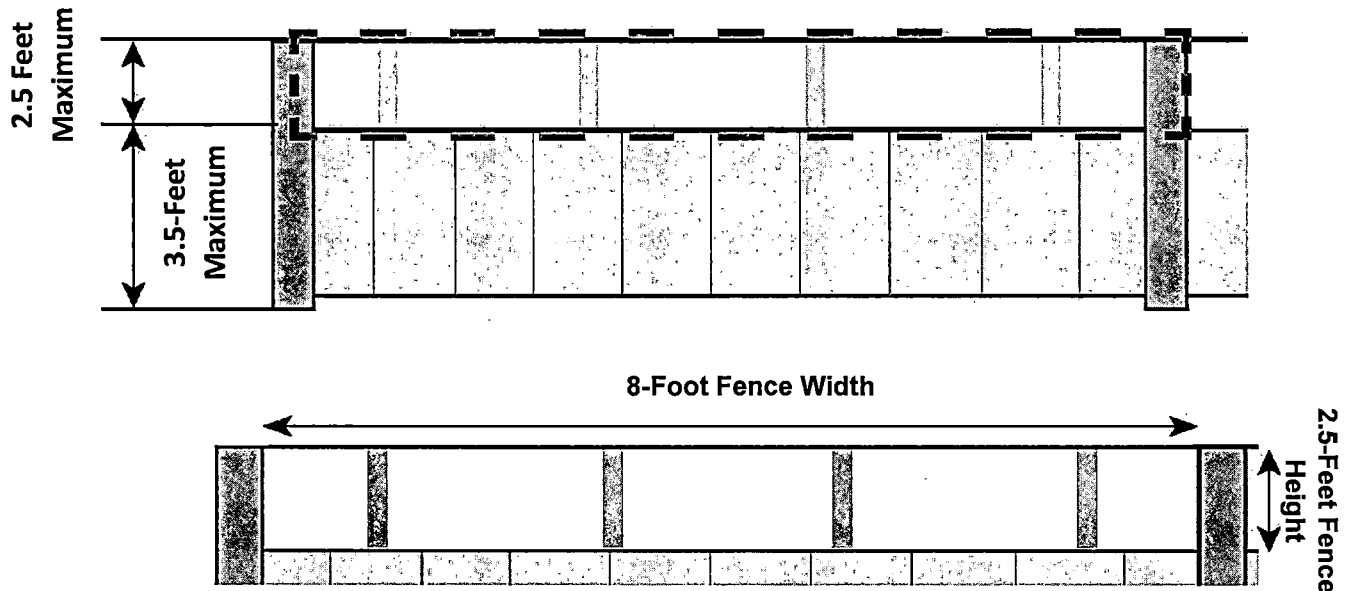


Figure 3.1.3 – Example of 75% Transparency Calculation

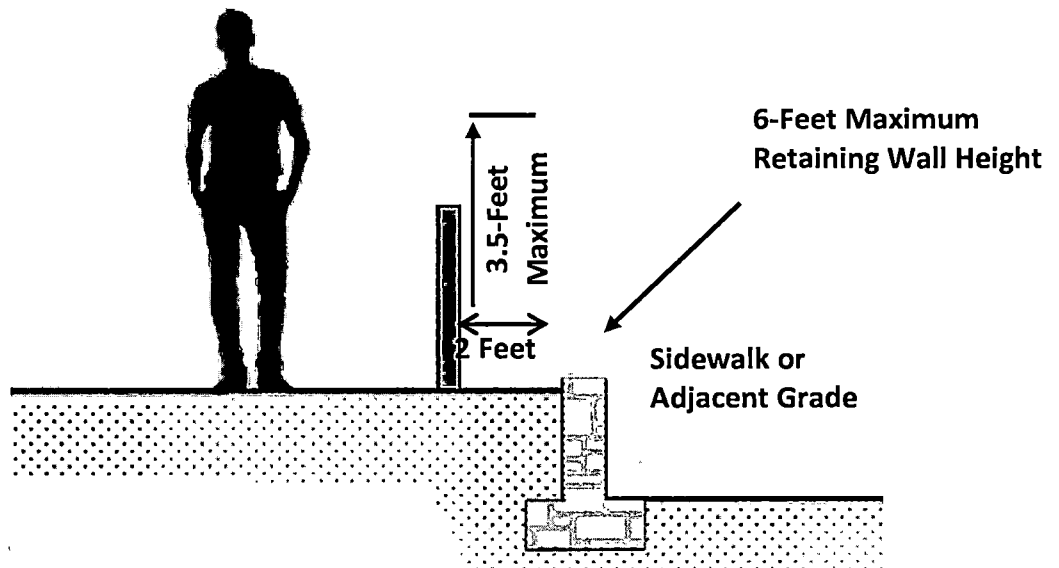


8-foot fence width by 2.5-foot fence height = 20 square feet
 Maximum 25% solid fence area x 20 square feet = 5 square feet of solid area

D. Fences on retaining walls within the front or street side setbacks.

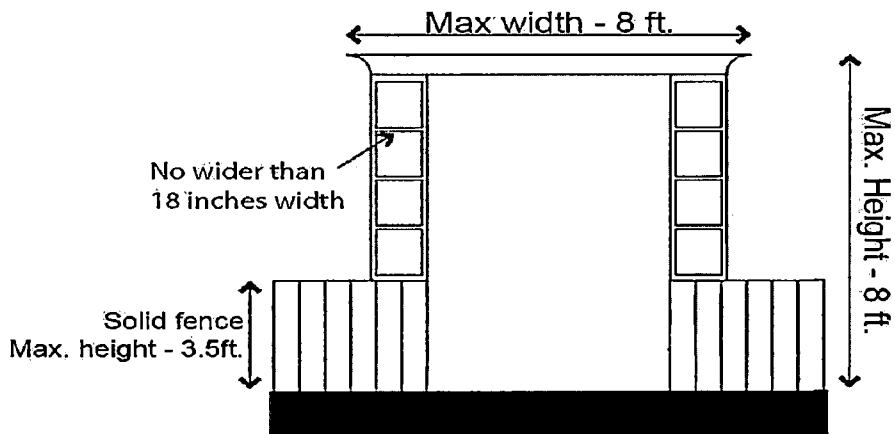
1. Fence and/or wall height shall be measured from the adjacent grade along the lower side of the wall and/or fence, directly at the base of either the wall or fence. Fences on top of retaining walls within the front or street side setback shall be counted towards the maximum fence height.
2. Exception. A fence with maximum heights consistent with Section 3.10.020.C may be allowed with the following conditions:
 - a. Retaining Wall. Maximum height of retaining wall shall be six feet as measured from the adjacent grade on the lower side.
 - b. Setback required. A minimum setback of two feet as measured from the back of the retaining wall to the front of the fence (refer to Figure 3.1.4).

Figure 3.1.4 – Fences on Retaining Walls Exception



- E. **Fences and walls located within the public right-of-way.** Fences and walls that comply with the requirements of this Section may be located within the public right-of-way behind the existing or future sidewalk location if an Encroachment Permit is issued.
- F. **Standards for fences located outside of the required setback areas.**
 1. The maximum wall or fence height is seven feet in residential zones outside of required setback areas.
- G. **Arbors, trellis, and ornamental features**
 1. Arbors, trellises, and other similar ornamental features are allowed within a required setback subject to the same height limits that apply to fences and walls, except as provided in this Subsection.
 - a. Within front, street side, interior side and rear setbacks. Up to one arbor, trellis, or other similar ornamental feature per street frontage is allowed with a maximum height of eight feet, and an area of not more than 40 square feet as measured by the perimeter formed by the vertical projection to the ground of the outermost elements of the feature, and no horizontal dimension shall exceed eight feet in length. Any portion of such a feature wider than 18 inches and that exceeds the usual fence height requirements of this Subsection shall be of an open design such that a person standing on the adjacent public right-of-way can see completely through at least 50 percent of the structure (refer to Figure 3.1.5). Features within required setbacks shall comply with Section 3.10.030.E. (Restrictions to height limits at street corners).

Figure 3.1.5 – Arbor or Trellis Measurements



- H. **Measurement of height where fences or walls are located on retaining walls or berms within interior and rear setbacks.**
 1. Retaining walls located on the lower lot within interior side or rear setback. Where fences or walls are located on retaining walls on the lower lot, the height of the retaining wall shall not be considered as a part of the overall height of the fence or wall (refer to Figure 3.1.6).
 2. Retaining walls located on the higher lot within interior side or rear setback. Where fences or walls are located on retaining walls greater than one foot in height on the higher lot, the height of the retaining wall shall be considered as a part of the overall height of the fence or

wall and shall not exceed seven feet in height as measured from the lower side (refer to Figure 3.1.7).

- 3. Walls or fences shall have a minimum spacing of three feet between each other to be considered separate structures for purposes of measuring height.

Figure 3.1.6 – Measurement of Retaining Wall and Fence Located on Lower Lot

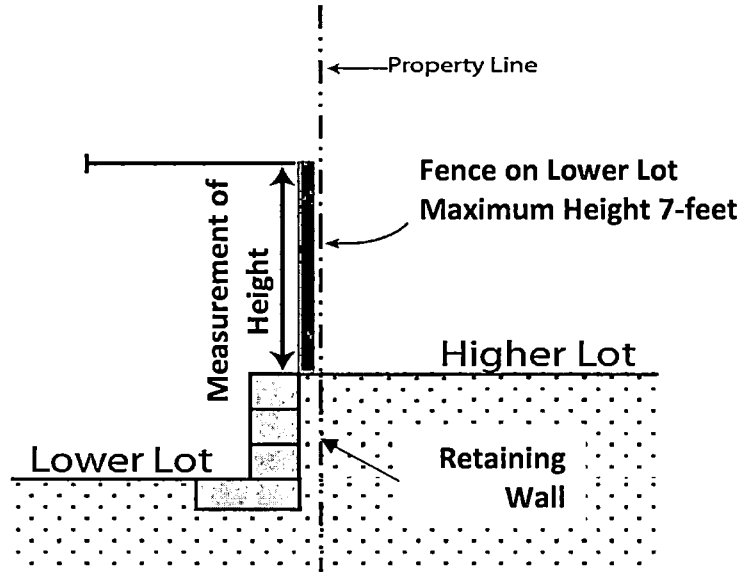
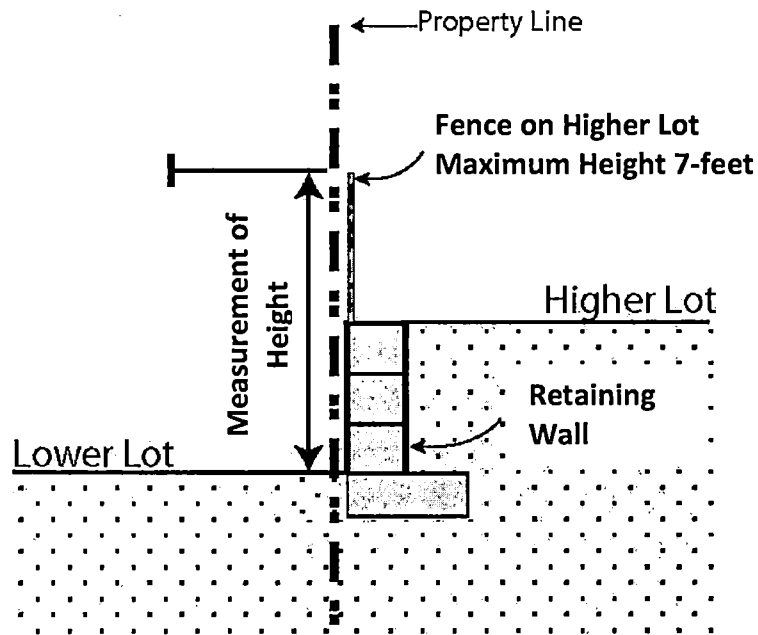
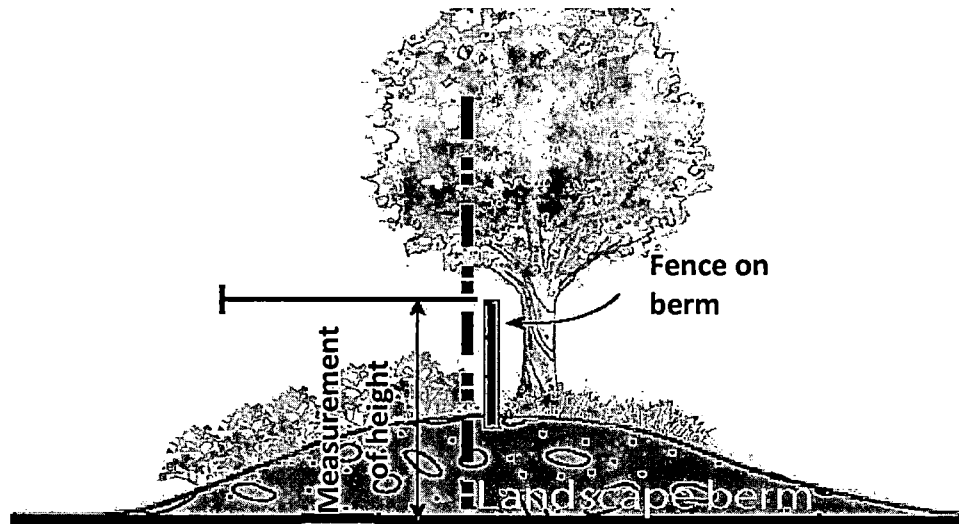


Figure 3.1.7 – Measurement of Retaining Wall and Fence Located on Higher Lot



4. Where fences are located on a landscaped berm. The height of the fence shall include the berm directly beneath the fence and above natural grade in the overall height measurement (refer to Figure 3.1.8).

Figure 3.1.8 – Measurement of Fence on Landscaped Berm



- I. **Minor exceptions.** The Director may approve an Administrative Development Permit to make minor exceptions for unusual circumstances such as topography to maintain the effectiveness of screening as would generally be provided by Subsections A through H.
- J. **Specific fence and wall requirements for specified uses.**
 1. Fencing between different land uses. Fencing between different land uses shall be provided in compliance with Subsection L. (Screening).
 2. Outdoor equipment, storage, and work areas. Non-residential outdoor equipment, storage and uses adjacent to a residential zone shall be screened in compliance with Subsection L. (Screening). Mechanical equipment for residential zones shall be screened in compliance Subsection M (Screening).
 3. Swimming pools, spas, and similar features. Swimming pools/spas and other similar water features shall be fenced in compliance with the City's Building Code requirements, regardless of the other requirements of this Section.
- K. **Prohibited materials.** The following fencing materials are prohibited in all zones except as follows.
 1. Razor or concertina (barbed) wire unless approved by a Use Permit within an industrial zone.
 2. Chain link fencing within a front or street side property frontage. Chain link fencing shall be prohibited in conjunction with all new structures, including development permits, unless an exception is approved by the Review Authority.

- L. **Screening.** This Subsection establishes standards for the screening of non-residential uses when adjacent to residential zones at the lot boundary as follows:
 1. The screen shall consist of a solid, decorative wall of masonry or similar durable material, six feet in height. The Review Authority may require a wall up to eight feet in height if necessary to screen the use from the residential use.
 2. The decorative wall shall be architecturally treated on both sides, subject to the approval of the Review Authority.
 3. In industrial zones, a minimum of 10 feet of dense landscaping shall be planted adjacent to residential zones.
 4. In commercial zones, a minimum of five feet of dense landscaping shall be planted adjacent to residential zones.
 5. The Review Authority may waive or approve a substitute for the requirements of this Subsection if the Review Authority determines that:
 - a. The relationship of the proposed uses make the required screening unnecessary;
 - b. The intent of this Subsection can be successfully met by means of alternative screening methods;
 - c. Physical constraints on the site make the required screening infeasible; or
 - d. The physical characteristics of the site or adjoining lots make the required screening unnecessary.

- M. **Mechanical equipment, loading docks, and refuse areas.**
 1. Mechanical equipment shall be screened from public view from adjoining public streets and adjoining areas zoned for residential uses. This equipment includes air conditioning, heating, ventilation ducts, and exhaust vents, loading docks, refuse storage areas, and utility services, electrical transformers, gas meters, etc.
 2. Mechanical equipment shall be screen from public view in residential zones when visible from public streets. This includes air conditioning, heating, and other similar mechanical equipment.
 3. The colors, materials, and architectural style of screening shall be architecturally compatible with other on-site development.

PART 4. Section 3.10.030, Height Limits and Exceptions, of Chapter 3 of Article IX Development Code, is hereby amended with the following:

3.10.030 Height Limits and Exceptions

- A. **Purpose.** This Section describes the required methods for measuring the height of structures in compliance with the height limits established by this Development Code, and exceptions and restrictions to those height limits.
- B. **Maximum height of structures.** The height of each structure shall not exceed the height limit established for the applicable zone by Chapter 2 (Zones and Allowable Land Uses), except as otherwise provided by this Section.
- C. **Height measurement.** The maximum allowable height shall be measured as the vertical distance from the average level of the highest and lowest point, measured from natural grade, of that portion of the lot covered by the building to the topmost point of the roof as

shown in Figure 3-2. Natural grade shall be determined by the Director using the best available information.

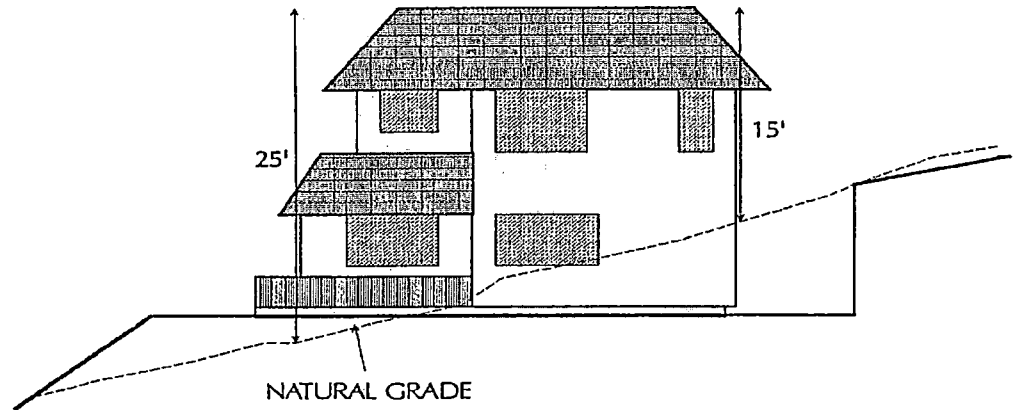
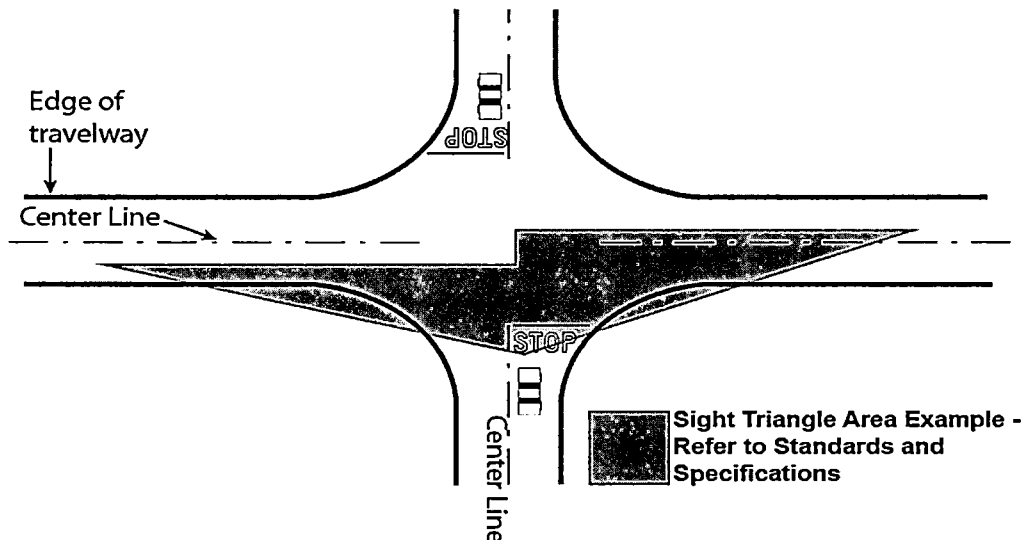


Figure 3.2 Height Measurement

- D. **Exceptions to height limits.** The following structures and structural features may exceed the height limits of this Development Code as noted:
 - 1. Architectural features. A chimney, cupola, monument, mechanical equipment, vent, or similar structure may exceed the height limit subject to approval of a Use Permit by the Review Authority; except a chimney or vent may exceed the maximum height of the applicable zone if required to meet Building Code requirements.
 - 2. Telecommunications facilities. The height of telecommunications facilities, including antennas, poles, towers, and necessary mechanical appurtenances shall comply with Section 4.40 (Telecommunications Facilities).
- E. **Restrictions to height limits at street corners.** Development adjacent to any public or private street shall be designed to provide a traffic safety visibility area or "sight triangle" for pedestrian and traffic safety (refer to Figure 3.3). For the specific sight triangle calculation refer to the City's Standards and Specifications for sight triangle.

Figure 3.3 Sight Triangle Example



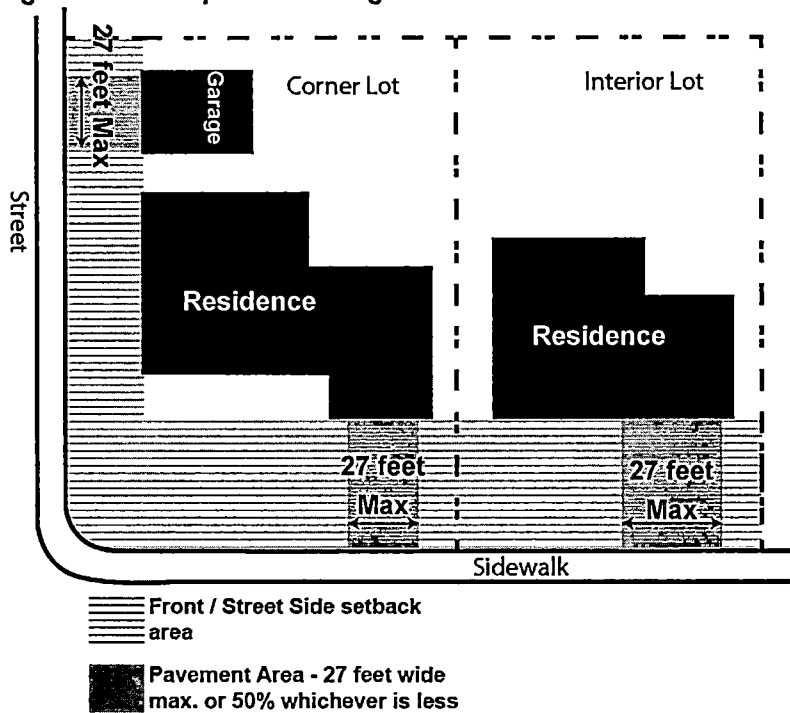
1. **Applicability.** The Sight Distance Triangle requirements are applicable to every intersection of two or more public or private streets.
2. **Location.** At street intersections, the area behind the existing or future sidewalk at the corner must be clear of any obstruction that may impair visibility of oncoming vehicles.
3. **Area Required for Sight.** The City of Grover Beach Engineering Standards and Specifications shall be used to determine the dimensions of the sight triangle for corner sight distance.
4. **Use of No Parking Areas to Maintain Visibility.** Red curbing may be used to establish no parking zones, as approved by the City Engineer.

PART 5. Section 3.30.040, Landscape Standards, of Chapter 3 of Article IX Development Code, is hereby amended as follows:

3.30.40 Landscape Standards

- A. **Purpose.** All projects shall meet the minimum landscape coverage for lot area as established in Chapter 2 (Zones and Allowable Land Uses).
- B. **Exceptions:** The minimum landscape coverage requirements may be reduced by the Review Authority as follows:
 1. In commercial and industrial zones if a finding is made that it is impractical or infeasible to meet the minimum standards and the proposed landscaping is in compliance with the purpose of this Section.
 2. In residential zones for non-residential uses (e.g., churches) if a finding is made that the proposed landscaping is in compliance with the purpose of this Section.
- C. **Determination of Landscape Coverage Areas.** Landscape coverage area shall include all areas not covered by structures, driveways, parking lots and hardscape materials. Landscape areas may include setback areas, drainage basins, and natural areas. In residential zones, patios, decks, walkways, and other hardscape materials may be included as landscape area if incorporated into the site landscaping as determined by the Review Authority.
- D. **Maximum amount of paving for parking allowed in front and street side setback areas in residential zones.** Paving for parking areas shall be limited to a maximum of 50 percent of the front or street side setback areas or 27 feet in width, whichever is less, to limit the amount of hardscape paving in these areas (refer to Figure 3.4); except that the Review Authority may allow an increase for irregularly shaped or small lot that lacks sufficient area for adequate driveway.

Figure 3.4 Examples of Paving in Front and Street Side Setback Areas



PART 6. Section 3.10.070, Setback Requirements and Exceptions, is hereby amended as follows:

3.10.070 Setback Requirements and Exceptions

A. **Purpose.** This Section provides standards for setbacks requirements and exceptions to the requirements. Setback standards provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation between potentially conflicting activities; and space for privacy, landscaping and recreation.

B. **Setback requirements.**

1. Minimum setbacks for all structures. Each structure shall comply with the front, interior side, street side, and rear setback requirements of the applicable zone as established in Chapter 2 (Zones and Allowable Land Uses), except:
 - a. Where a different setback requirement is established for a specific land use by Chapter 4 (Standards for Specific Development and Land Uses);
 - b. As otherwise provided by this Section.
2. Exemptions from setback requirements. The minimum setback requirements of this Development Code do not apply to the following:
 - a. A projection into a required setback allowed by Subsection C.
 - b. Fences and walls as specified in Section 3.10.020.
 - c. Buildings or structures less than 120 square feet that do not require a building permit when located within an interior side or rear setback.
 - d. An architectural feature such as an awning, eave or balcony may encroach into the public right of way a maximum of 36 inches with a minimum clearance of eight feet.

The Review Authority may approve a greater encroachment if a finding is made that the architectural feature will enhance the building design.

- e. A sign in compliance with Section 3.60 (Signs).

C. **Allowed projections into setbacks.** An architectural feature attached to a primary structure may extend beyond the wall of the structure and into a required front, side, or rear setback in compliance with Table 3-2.

Table 3.2. Allowed Projection into Setbacks

Projecting Feature	Allowed Projection into Specified Setback	
	Front & Rear Setback	Side Setback
Bay window, or similar projecting feature	36 inches	24 inches ¹
Chimney/fireplace, 6 ft. or less in breadth	36 inches	24 inches ¹
Cornice, eave, awning, roof overhang, or similar feature	36 inches	24 inches ¹

Notes: 1. Feature may project no closer than 36 inches to any side property line.

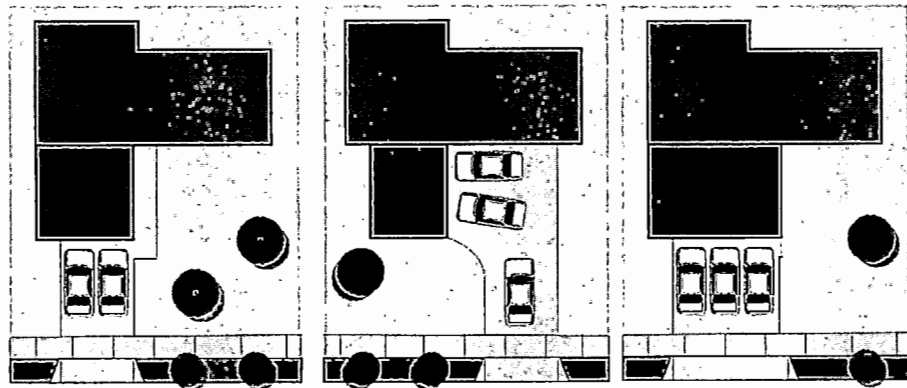
- D. **Setback requirements for swimming pool, hot tub, etc.** A swimming pool, hot tub, or spa and any related mechanical equipment shall be set back a minimum of five feet from side and rear property lines, and shall not be located within a front setback.
- E. **Setback requirements for Meadow Creek.** All structures adjacent to Meadow Creek shall have a minimum 50 foot setback.
- F. **Setback requirements for ESHA.** All structures adjacent to Environmentally Sensitive Habitat Areas (ESHA) shall have a minimum 50 foot setback. (Am. Ord. 14-04)

PART 7. Section 3.50.110, Residential Front and Street Side Setback Parking, is added to Chapter 3 of Article IX Development Code as follows:

3.50.110 Residential Front and Street Side Setback Parking

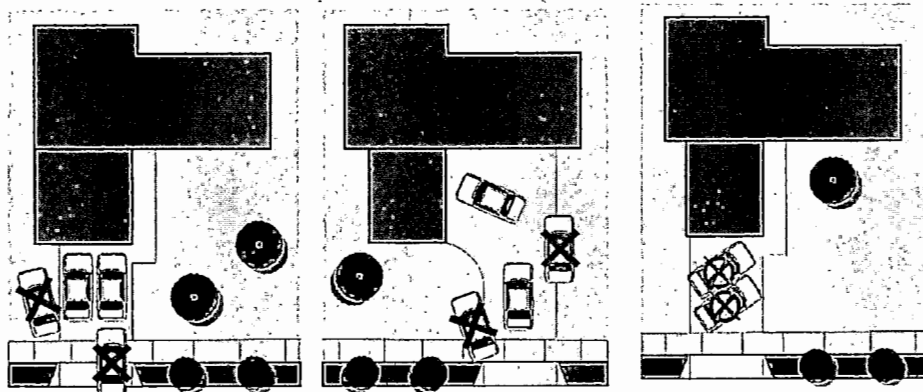
- A. **Applicability.** These regulations apply to vehicle parking in residential zones within the front and street side setback areas as defined in Section 9.10.020 (Definitions of specialized terms and phrases). No person shall park, stop, or leave standing any vehicle, operable or inoperable, unless consistent with the provisions of this Section.
- B. **Parking Allowed.** Vehicles parked in front and street side setback areas of residential lots shall conform to all of the following:
 1. Vehicle parking shall comply with the size, surface and other standards in Section 3.50.070.A (Location of Required Parking) and the maximum driveway areas in Subsection 3.30.040.D.
 2. Vehicles, including tires, shall be parked completely within the designated parking area.
 3. Vehicles may be parked in tandem (one vehicle behind the other) provided that no part of the vehicle encroaches into an existing sidewalk.

Figure 3.8 Examples of Allowed Parking on Driveways



- C. Parking Prohibited. Vehicle parking shall be prohibited within the front or street side setback areas under the following conditions:
1. Outside of the designated parking area or driveway. Vehicles shall not be parked outside the driveway width area leading to garage or allowed parking area or in any other manner inconsistent with Subsection B, including where vehicles are "straddling" or are partially on the driveway or designated parking area.
 2. On lawn, landscaped areas, dirt, or mulch.
 3. Diagonal Parking configuration. Vehicles shall not be parked diagonally or in any other configuration that would require vehicle circulation outside the width of the driveway area.

Figure 3.9 Examples of Prohibited Parking on Driveways



PART 8. Section 4.10.115, Mobile Vendors, is added to Chapter 4 of Article IX Development Code as follows:

4.10.115 Mobile Vendors

- A. **Purpose.** This Section provides standards for the operations of mobile vendors on private property, where allowed by Chapter 2 (Zones and Allowable Land Uses) to ensure the operations do not create an adverse impact on adjacent uses caused by noise, lighting, and litter.
- B. **Applicability.** This Section shall apply to the operation of mobile vendors operating greater than 10 days in a calendar month on private property. Mobile vendors operating on private

property for 10 days or less in a calendar month see Section 6.20.080 (Temporary Use Permit). Mobile vendors operating in the public right-of-way or public property see Municipal Code Article III, Chapter 3.

- C. **Permit Requirements.** An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
- D. **Development Standards**
 - 1. Parking requirements. Parking shall be provided on-site based on the type of use (e.g., restaurant) in compliance with Section 3.50.040 (Required Parking Spaces).
- E. **Operating Requirements.**
 - 1. Access and Circulation. Mobile vending operations shall be located in an area that does not impede safe vehicular, bicycle, or pedestrian traffic or does not provide adequate sight distance at a corner in compliance with Section 3.10.030.E. Obstruction of access or circulation through any parking lot, or obstruction of access to any public sidewalk or street is prohibited.
 - 2. Location of Mobile Vendor. A mobile vendor shall be parked, stopped, or standing on an asphalt, concrete, or all-weather surface (as approved by the City Engineer) and outside of any designated fire lane, or loading space. Mobile vendors are prohibited on undeveloped lots.
 - 3. Restrooms. A minimum of one-single stall restroom and one wash lavatory shall be provided for every four mobile vendors operating on the site.
 - 4. Seating Areas. Seating areas may be provided as authorized by the Administrative Development Permit.
 - 5. Display of merchandise. The display of merchandise is prohibited and includes placement of goods outside of the vehicle and attached to the vehicle.
 - 6. County Health Permit. Mobile vendors selling food or other consumable, ingestible products shall have a valid permit issued by the County Department of Public Health. All required County health permits must be in possession of the mobile vendor operator when operating in the city.
 - 7. Hours of operations. Mobile vendors shall be prohibited from operating between the hours of 10:00 p.m. to 7:00 a.m., including set up and clean up.
 - 8. Litter Removal. Mobile vendors shall remove litter caused by its operations from public and private property within a 25 foot radius of the vending vehicle's location.
 - 9. Noise. Mobile vendors shall comply with Municipal Code Article III, Chapter 1.01 (Noise Standards).
 - 10. Signage. Mobile vendors shall comply with Section 3.60 (Signs).
 - 11. Waste Management.
 - a. Mobile vendors shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the operator.
 - b. Mobile vending operations shall provide separate and clearly marked receptacles for trash, recycling and/or compost, according to the collection services available at the operating site. Operators shall properly dispose of all trash, recycling and/or compost generated by their operations daily.

12. Additional Conditions. The Director may impose additional conditions that are more restrictive than allowed in this Section to ensure safe operations and avoid adverse impacts to adjacent uses.

- F. **Failure to Comply with Permit Requirements.** Failure to comply with any of the requirements of this Section may result in permit revocation consistent with Section 6.30.080 (Permit Revocations).

PART 9. Section 6.20.080, Temporary Use Permit, is hereby amended as follows:

6.20.080 Temporary Use Permit

- A. **Purpose.** This Section establishes procedures and standards for Temporary Use Permits for the short-term activities specified in this Section. These are activities that may not comply with particular standards of the applicable zone, but may otherwise be acceptable because of their temporary nature, if reviewed and appropriately conditioned in compliance with this Section.
- B. **Applicability.** A Temporary Use Permit is required to permit the short-term activities specified in this Section.
- C. **Review Authority.** The Director is authorized to issue Temporary Use Permits. The Director shall approve, conditionally approve, or deny Temporary Use Permits.
- D. **Application requirements.** An application for a Temporary Use Permit shall be prepared, filed, and processed in compliance with Section 6.10 (Permit Application Filing and Processing).
- E. **Exempt short-term activities.** The following activities are allowed without a Temporary Use Permit, but may require other permits as specified.
1. Construction yards - On-site. On-site contractor's construction yard for an approved construction project including storage or cargo containers. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the project construction, whichever occurs first.
 2. Fund-raising events.
 - a. Fund raising events (e.g., bake sales, yard sales, car washes, etc.) conducted on property within a non-residential zone, limited to a maximum of two days per month for each sponsoring organization.
 - b. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.
 3. Garage sales. Garage sales may be held in compliance with Municipal Code Article X.
 4. Public right-of-way. Activities conducted within the public right-of-way that are authorized by an Encroachment Permit.
 5. Special Events. A Special Events Permit shall be required in compliance with Municipal Code Article III if an event is anticipated or planned to be attended by more than 100 people.
 6. Meeting halls or public assembly facilities. Events that occur at permanent meeting halls or public assembly facilities, unless the activity involves resale goods as defined in Chapter 9 (Definitions), which shall require a Temporary Use Permit to comply with the requirements of Section 4.10.140 (Resale Stores).

- F. **Allowed short-term activities.** A Temporary Use Permit may authorize the following short-term activities within the specified time limits, but in no event for more than 12 months. Other activities that are proposed to occur for no more than 12 months, but do not fall within the categories defined below shall instead comply with the development permit requirements and development standards that otherwise apply to the property.
1. Events. Art and craft exhibits, carnivals, circuses, fairs, farmer's markets, festivals, flea markets, food events, open-air theaters, outdoor entertainment/sporting events, promotional events, rummage sales, swap meets, and other special events.
 2. Seasonal sales lots. Seasonal sales activities (e.g., Christmas tree lots, pumpkins, agricultural products grown on the premises, etc.) including temporary residence/security trailers.
 3. Mobile Vendors on private property. A mobile vendor may operate a maximum of 10 days per calendar month on private property, subject to the following operating requirements:
 - a. Access and Circulation. Mobile vending operations shall be located in an area that does not impede safe vehicular, bicycle, or pedestrian traffic or does not provide adequate sight distance at a corner in compliance with Section 3.10.030.E. Obstruction of access or circulation through any parking lot, or obstruction of access to any public sidewalk or street is prohibited.
 - b. Location of Mobile Vendor. Mobile vendors shall be parked, stopped, or standing on an asphalt, concrete, or all-weather surface (as approved by the City Engineer) and outside of any designated fire lane, or loading space. Mobile vendors are prohibited on undeveloped lots except when operating as an ancillary use for a special event.
 - c. Seating Areas. Seating areas may be provided as authorized by the Temporary Use Permit.
 - d. Display of merchandise. The display of merchandise is prohibited and includes placement of goods outside of the vehicle and attached to the vehicle.
 - e. County Health Permit. Mobile vendors selling food or other consumable, ingestible products shall have a valid permit issued by the County Department of Public Health. All required County health permits must be in possession of the mobile vendor operator when operating in the city.
 - f. Hours of operations. Mobile vendors shall be prohibited from operating between the hours of 10:00 p.m. to 7:00 a.m., including set up and clean up.
 - g. Litter Removal. Mobile vendors shall remove litter caused by its products from any public and private property within a 25 foot radius of the vending vehicle's location.
 - h. Noise. Mobile vendors shall comply with Municipal Code Article III, Chapter 1.01 (Noise Standards).
 - i. Signage. Mobile vendors shall comply with Section 3.60 (Sign Regulations).
 - j. Events. The Director may allow more than one mobile vendor if associated with a special or promotional event of no greater than three consecutive days.
 - k. Waste Management.
 - i. Mobile vendors shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into city streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the operator.
 - ii. Mobile vending operations shall provide separate and clearly marked receptacles for trash, recycling and/or compost, according to the collection services available at the

operating site. Operators shall properly dispose of all trash, recycling and/or compost generated by their operations daily.

4. **Model homes & sales office.** A model home(s) and/or sales office associated with a residential project. This may include off-site directional signs located on private property with written permission from the property owners. The maximum sign area shall be 36 square feet for each sign and a maximum sign height of six feet.
 5. **Temporary structures.** A temporary classroom, office, or similar structure (not for storage), including a manufactured or mobile unit, may be approved as an accessory use for a maximum of 12 months.
 6. **Temporary storage containers.** A temporary storage or cargo container not associated with an active building permit may be approved for a maximum of 30 days. The storage container shall be located on-site.
 7. **Temporary office and living quarters.** A trailer or mobile home used as a temporary work and/or living quarters when associated with an active construction site.
 8. **Construction yards - Off-site.** Off-site contractors' construction yards, for an approved non-City construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the project, whichever occurs first.
 9. **Similar short-term activities.** A short-term activity that the Director determines is similar to the other activities listed in this Section, and compatible with the applicable zone and surrounding land uses.
- G. **Notice and hearing.** A public notice and hearing shall not be required for the Director's decision on a Temporary Use Permit.
- H. **Findings.** The Director may approve a Temporary Use Permit subject to making all of the following findings:
1. The location, operation and time period of the temporary use will not constitute a hazard to the public interest, health, safety, or general welfare.
 2. The operation of the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics.
 3. The proposed lot is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject lot.
 4. The proposed lot is adequately and safely served by streets having sufficient capacity and improvements to accommodate the quantity of traffic that the temporary use will or could reasonably be expected to generate.
 5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at an acceptable off-site location.
- I. **Conditions of Approval.** In approving a Temporary Use Permit application, the Director may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Subsection H. This may include conditions from other City departments (e.g., Police, Fire, and Public Works) that may have a direct effect on the operation of the temporary use. Conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:
1. Regulating the length of time for operations, operating hours and days.

2. Provision for adequate temporary pedestrian and vehicular circulation, and parking facilities.
3. Regulation of nuisance factors including mitigation of glare or direct illumination, dirt, dust, noise, odors, smoke, trash, and vibration on adjacent lots.
4. Regulation of temporary structures and facilities, including placement, height, size, and location of equipment.
5. Provision to meet City building and fire code requirements.
6. Provision for sanitary and medical facilities, as appropriate.
7. Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal.
8. Provision for police/security and safety measures, as appropriate.
9. Regulation of signs.
10. Other conditions that would ensure that the operation of the proposed temporary use would be conducted in an orderly manner, and in full compliance with the purpose of this Section.

PART 10. Section 9.10.020, Definitions of Specialized Terms and Phrases, of Chapter 9 of Article IX Development Code, is hereby amended with the following definitions:

- A. **Common Area Development.** A subdivision or development that constructs and shares facilities, including but not limited to shared driveways, drainage basins, utility lines and components that serve areas utilized for the benefit of residents, sidewalks, clubhouses, open space, trails, and other facilities, regardless of underlying lots or parcel ownership.
- B. **Fence.** A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Development Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site.
 1. **Transparent Fencing.** A barrier constructed of materials including rails, pickets, wrought iron, or wire, with the materials spaced that leaves at least 75 percent of the surface area open, allowing air and light to pass through the fence.
 2. **Razor or Concertina Wire.** Sharp fencing materials that are designed to lacerate unauthorized persons attempting to climb or cross the fence through other than a gate.
- C. **Mobile Vendor.** An entity that sells goods or food services from a stand that is intended to be temporary or is capable of being moved to various locations.
- D. **Multi-family Dwelling or Multi-family Development.** Two or more dwelling units attached or detached on a lot, or when each unit is attached to an adjacent dwelling located on individual lots or air space condominium, which does not include an accessory dwelling unit. Multi-family dwellings or development include a duplex, triplex, condominium, townhouse, common interest development, common area developments, and apartments. Multi-family dwellings or developments may also be combined with nonresidential uses as part of a mixed-use development.
- E. **Single Family Dwelling.** One detached residence designed for and occupied exclusively by one house keeping unit, whose members are an interactive group of persons jointly on a single lot, that does not include any shared facilities including but not limited to driveways, drainage basins, landscaping, etc. that is found in a common area development. A single family dwelling may also include, as an accessory use, a legally established Accessory Dwelling Unit. This definition also includes individual manufactured housing units installed on a foundation system pursuant to California Health and Safety Code Section 18551.

PART 11. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

PART 12. All ordinances and parts of ordinances in conflict with those sections amended or added herein are hereby repealed.

PART 13. Effective Date. This Ordinance shall not become effective and in full force and effect until 12:01 a.m. on the thirty first day after its final passage for the area outside of the Coastal Zone. This ordinance shall not become effective and in full force and effect until final certification by the California Coastal Commission for the area within the Coastal Zone. However, within fifteen (15) days after adoption by the City Council, the Ordinance shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.


INTRODUCED at a regular meeting of the City Council held on November 8, 2021 and **PASSED, APPROVED, and ADOPTED** by the City Council on November 22, 2021 on the following roll call vote, to wit:

AYES: Miller, Robert, Rushing, Mayor Pro Tem Bright and Mayor Lee
NOES: None
ABSENT: None
ABSTAIN: None



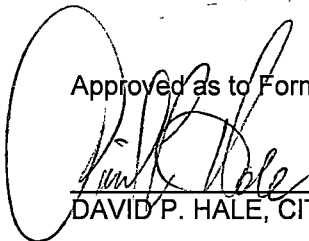
JEFF LEE, MAYOR

Attest:



WENDI B. SIMS, CITY CLERK

Approved as to Form:



DAVID P. HALE, CITY ATTORNEY