



City of Paso Robles Planning Commission Agenda Report

From: Darcy Delgado, Associate Planner

Subject: Comprehensive Zoning Code Update
For the Planning Commission to review a subset of proposed revisions to the Zoning Code.

Date: October 25, 2022

Facts

1. The City's Zoning Code (Title 21 of the Municipal Code) implements land use regulations established in the General Plan. Increasingly, State policies have also influenced land use regulations, such as the Subdivision Map Act, the California Environmental Quality Act (CEQA), and State laws that have affected how cities may process and approve housing projects.
2. The General Plan establishes citywide, high-level policy for land use; the Zoning Code aids the City in administering the implementation of these policies on a granular, parcel-by-parcel, and project-level basis (where not already addressed through a specific plan, such as the Uptown Town Centre Specific Plan or the Beechwood Specific Plan).
3. The Zoning Code is one of the most frequently used documents by City planners and Code Enforcement staff, who use it daily to guide public and private developments and ensure development and use regulations are adhered to. Its usability to residents, businesses, City officials, and City staff contributes to well-functioning City processes.
4. The Zoning Code has not been comprehensively updated since the 1970s. Over the years, revisions have been made to address evolving land use and development practices, incorporate Specific Plans and new zoning districts, and address changes in State law. However, this piecemeal update approach has resulted in internal inconsistencies and a somewhat disorganized structure.
5. MIG, Inc. (MIG) was retained by the City to assist with updates to the Zoning Code.
6. The main objectives of the update to the Zoning Code includes:
 - a. Providing intuitive and user-friendly development regulations;
 - b. Eliminating conflicts to create an internally consistent document;
 - c. Complying with recent legislation and case law; and
 - d. Modernizing the Zoning Code to reflect best practices, with a focus on streamlining housing entitlement and permitting processes, plus providing for flexibility and innovation.
7. Thus far, MIG has completed initial data collection, conducted stakeholder interviews, and provided an initial diagnostic summary of issues with the Zoning Code, including recommendations for reorganizing the Code (See Attachment 1, Paso Robles Zoning Code Diagnosis).
8. Administrative draft sections of Articles 3, 6, and 9 are ready for review by the Planning Commission in the form of a study session. The goal of this meeting is for the Planning Commission to provide feedback and to engage public comment. No formal action or adoption will take place.

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9. The Housing Constraints and Opportunities (HCOOC) met on October 11, 2022 to review these administrative draft Zoning Code sections. Various comments were incorporated into the draft document.
10. As part of the Zoning Code update, there will be additional opportunities for public input as additional sections of the Zoning Code are ready for review. These opportunities will occur as part of future HCOOC meetings, Planning Commission study sessions, and eventually at Planning Commission and City Council formal adoption hearings.

Analysis and Conclusions

The Zoning Code has not been comprehensively updated for over 50 years, and as a result, it is not user friendly, internally consistent, and it does not reflect best practices when it comes to streamlining housing entitlement and permitting processes. To address these issues and more, the City has hired MIG to perform a comprehensive update to the Zoning Code, including a proposed new structure:

- Article 1: Enactment, Applicability, and Enforcement
- Article 2: Code Administration and Permits
- Article 3: Zones, Allowable Uses, and Development Standards
- Article 4: Regulations and Standards Applicable to All Zones
- Article 5: Special Regulations
- Article 6: Standards for Specific Land Uses and Activities
- Article 7: Nonconformities
- Article 8: Environmental Hazards
- Article 9: Terms and Definitions

At this point in the update process, the Planning Commission is being asked to review administrative drafts for portions of Articles 3, 6, and 9. The following are key changes staff would like the Planning Commission to consider as part of their review, although the entire document is open for discussion.

Article 3: Zoning Districts, Allowable Uses, and Development Standards

Key Changes:

- Consolidated similar land uses
- Removed non-uses
- Added new uses

Article 6: Standards for Specific Land Uses and Activities

Key Changes/Highlights:

- Special standards have been added to reduce potential adverse impacts uses identified in Article 3. Some of these uses include, but are not limited to, Emergency Shelters, Mobile Home Parks, Self Storage Facilities, and Vehicle Fuel Sales / Accessory Service.

Article 9: Terms and Definitions

Key Changes:

- Added new land use definitions

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Next Steps

The Planning Commission is asked to review the administrative draft Articles and give feedback to staff on what should be added, kept as proposed, modified, and/or removed altogether to help frame next steps with the update process.

Remaining sections of the Zoning Code still needing to be reviewed will be packaged into future sets and brought back to the Planning Commission to follow a similar public comment process. It is important to note that public participation will be ongoing throughout this process, and the public is invited to contact staff directly at any point outside of these study sessions.

Once administrative drafts have been reviewed for public comment and changes made, the final Zoning Code document will be brought before the Planning Commission for review and recommendation to Council for review for final adoption. Staff anticipates these final adoption hearings to take place in Spring 2023.

Fiscal Impact

None identified at this time.

Attachments

1. Paso Robles Zoning Code Diagnosis
2. Administrative draft section of Article 3
3. Administrative draft section of Article 6
4. Administrative draft section of Article 9

Introduction

This memorandum provides a diagnosis of the current zoning regulations in effect in the City of Paso Robles and provides preliminary recommendations for reorganizing and undertaking focused updates to the Zoning Code. This memorandum includes a proposed draft outline, which will continue to be further refined as drafting progresses.

The Zoning Code (Title 21 of the Municipal Code) has not been comprehensively updated since the 1970s. Over the years, revisions have been made to address evolving land use and development practices, incorporate Specific Plans and new zoning districts, and address changes in State law. However, this piecemeal update approach has resulted in internal inconsistencies and a somewhat disorganized structure, with new provisions tacked onto the end of the Code or within an unrelated Article, rather than integrated into the most logical chapter or section. Outdated regulations and confusing administrative provisions have remained embedded in the Code, making it difficult to use. Also, over the years that the current Zoning Code has been in existence, City staff has identified several provisions that need clarification, standards that are conflicting, and other needed modifications. Undertaking a comprehensive approach to updating the Zoning Code gives the City the opportunity to evaluate the entire document and rewrite the Zoning Code so that it:

- Is intuitive, user friendly, and compact
- Maintains internal consistency by eliminating conflicting standards and unnecessary/antiquated sections
- Establishes modern, flexible land use regulations and development approaches
- Incorporates descriptive tables and graphics to make the Code easier to use
- Complies with and is up to date with current laws
- Addresses all of City staff's "fix it" provisions, including streamlining the Code to make it clearer and easier to use
- Reflects the City's objectives for good design and quality
- Creates performance standards that reflect conditions and objectives specific to Paso Robles
- Implements the 2020-2028 Housing Element and streamlines housing entitlement processes
- Establishes a logical overall structure that allows for future amendments to be placed in locations that make sense

Key Issues

The focus of the update is to improve procedures and create a more logical and transparent body of regulations. This memorandum diagnoses the City's current Zoning Code (Title 21 of the Municipal Code) and establishes preliminary recommendations for addressing deficiencies. The analysis has identified three key issues to address in the update:

- Code usability
- Clear administrative and legislative review processes
- General Plan Housing Element implementation and compliance with State and Federal laws

Each issue is addressed in detail in the subsequent sections of this memo.

Structure and Function of the Zoning Code

Purpose of the Zoning Code

The City's Zoning Code implements land use regulations established in the General Plan. Increasingly, State policies have also influenced land use regulations, such as the Subdivision Map Act, the California Environmental Quality Act (CEQA), and State laws that have affected how cities may process and approve housing projects. The General Plan establishes citywide, high-level policy for land use; the Zoning Code aids the City in administering the implementation of these policies on a granular, parcel-by-parcel, and project-level basis (where not already addressed through a specific plan, such as the Uptown Town Centre Specific Plan or the Beechwood Specific Plan). The Zoning Code is one of the most frequently used documents by City planners and Code Enforcement staff, who use it daily to guide public and private developments and ensure development and use regulations are adhered to. Its usability to residents, businesses, City officials, and City staff contributes to well-functioning City processes.

Overview of Zoning Code Format

The Paso Robles Zoning Code format is primarily Euclidean (also known as “use-based” zoning) that assigns a zoning designation to a parcel of land. Euclidean zoning is the predominant zoning approach used in California (and throughout the United States). Regulations found in the Zoning Code identify and regulate residential, commercial, industrial, and institutional/public facilities. These uses may also be combined (when housing is combined with non-residential uses it is often referred to as “mixed-use”). A mix of uses throughout an urban district such as Downtown creates walkability, variety, and character. Simply put, the intent of a zoning code is to establish clear regulations that can answer the following questions:

- Land Uses: Where are certain uses allowed and what standards must those uses adhere to?
- Development Standards: What types of structures can be built on an individual parcel?
- Review Process: What is the review process that allows for the approval of a particular use or building of a structure?

Zoning regulations for Paso Robles are organized largely within Title 21, Zoning, in the City of Paso Robles Municipal Code. Additional sections in the Municipal Code overlap certain Zoning Code regulations, such as Title 22 (Subdivisions), Title 10 – Chapter 10.01 (Oak Tree Preservation) and Title 10 – Chapter 10.04 (Street Planting and Maintenance), Title 19 (Signs) and even Title 8 (Animal Keeping). A complete overhaul of these Titles is not included in this work effort, but portions of some of these sections may be more appropriate to be folded into the Zoning Code—and at a minimum should be cross referenced in the Zoning Code.

Code Usability

A well-organized code is clear, user friendly, and straightforward. This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects of the existing Code.

Organization and Style

Overall, the Zoning Code lacks a user-friendly structure, clear hierarchy, and numbering system. The code is generally organized into Articles followed by subsections, but some Articles contain Chapters followed by subsections. There are a total of 10 Articles; however, the numbering of the Articles ranges

from Article I to Article V due to duplication in article numbering (e.g., Article II. – New Single Family Residential Lots and Article II. – School Facilities Fee/Dedication) and sub-articles (e.g., Article IIA.- Special Regulations). The sub-articles also do not present a clear connection to the main heading, which creates confusion around the relationship between them. This organization and grouping of regulations is disorienting and not user intuitive. Over the years, sections have been updated or added without a comprehensive reformat of the Code, resulting in a disorganized code format as well as inconsistent organization of each individual section.

These issues can be addressed by combining, consolidating, and reorganizing the numerous sections consistently into articles, chapters, and subsections for a more logical flow and consistent structure. (See Appendix A: Draft Outline.) Overall, the Code can progress from the most often referenced to the least—with the applicability and enforcement chapter in the beginning, followed by permit requirements, zoning regulations for each zoning district, development standards, use standards, nonconformities, and lastly terms and definitions. Definitions can be consolidated and moved to the end of the code as a reference tool, to be conveniently identified when needed. Certain items that are often referenced but outside of the standard procedures can be separately addressed in Articles (e.g., Special Regulations and Environmental Hazards). Improvements to the appearance of the text itself, including consistent capitalization of heading titles, correcting typos, as well as establishing a “format and style” structure, where terms are referred to consistently, will further support Zoning Code usability.

Code Complexity

The current Zoning Code places standards of development among various sections and creates uncertainty for code users as to whether they are seeing a comprehensive list of standards and completely accounting for all regulations that affect the viability of a project.

Overall, the Article and Chapter ordering of the code is not always intuitive, and sections that should be grouped together are often found far apart or grouped in other Chapters. For example, the Article III. - Development Standards contains several sections at the beginning of the Article that apply only to Single-Family Residential R-1 zoned lots (once created). These sections are then followed by either development standards for specific districts (e.g., Chapter 21.16I - Multiple-Family Residential Districts) or other regulations for specific uses, activities, or procedures (e.g., 21.20B – Wireless Communications Facilities and Chapter 21.23 Zoning Administrator – Permits, Variances, Applications, and Appeals).

Related content should be organized together. For example, standards that apply solely to a particular set of base districts, such as lot coverage in residential districts, should be grouped with the standards established for that set of districts. Standards and other requirements that are applicable to specific uses or development citywide, such as landscaping or density bonuses, should be grouped together in their own category, as well as grouping administrative procedures in another category. Consolidating related content ensures that regulations are logical and consistently interpreted and applied, and that the proper procedures are followed. Cross-references to supplemental provisions in the base district regulations also ensure that critical information is not missed.

The Code includes redundancies that results in conflicting information due to information being spread out over various chapters or sections. For example, sections 21.23.010, 21.23.020, 21.23.030 and 21.23.050 all relate to the role and responsibility of the Zoning Administrator but are mostly repetitive and in conflict with one another. The Zoning Code should function efficiently and be as compact as

necessary to achieve its goals. To this end, unnecessary Code sections should be removed to avoid ambiguity and reduce sheer bulk and repetition.

Minimal Use of Tables and Graphics

The existing Code relies heavily on text to convey applicable regulations. This makes it more difficult for users to easily identify and understand regulations that apply to their projects. Tables and graphics enhance Code usability and should be used more extensively to organize and convey the information.

Tables help summarize and organize information clearly and concisely, especially when conveying development standards and use regulations. Tables and cross-references greatly improve the readability of complex regulations. This method also helps to facilitate searching with hyperlinks in a Web-based version of the code.

Graphics can provide clarifying visual examples of information such as measurement standards, development standards, and other complex design provisions, which often can be highly vulnerable to misinterpretation without clear explanation. Graphics also lead to a more compact Code since they can communicate regulations in less space than written standards; however, the graphics should always supplement the text and not be used as a complete replacement. Visual tools are intended to provide additional clarity, which minimizes uncertainty and misinterpretation. For example, a graphic can better depict the rules for measuring building height or yard setbacks than long narrative text.

Lack of Clear Definitions and Rules of Measurement

While the Zoning Code does currently include a Definitions Chapter within the General Requirements Article, various definition subsections spread throughout the Code are either overly specific, redundant to those already listed in the Definitions Chapter, or contain development standards. Definitions should convey the meaning of a term in a straightforward manner; standards should be located in the body of the regulations. The definitions should be updated to include modern terminology and be made more general so that they will apply to terms as they are used throughout the Zoning Code and other City Codes and Ordinances. Also, we find it handy to group land use definitions in one Chapter of the definitions and all other definitions in another immediately following.

The Zoning Code provides some rules of measurement but does not group these all under one Chapter. Rules of measurement ensure that standards are uniformly applied so that all Code users arrive at the same conclusion, resulting in consistent interpretation and application of standards. The City's Zoning Code needs clearer definitions for certain development standards such as open spaces, heights, and density to minimize conflicting interpretations. The City may also want to codify existing interpretations to provide consistency and more certainty for applicants.

Inconsistent Purpose and Applicability Statements

Purpose and applicability statements are inconsistently included throughout the Code. Some regulations will either have only an applicability or purpose statement and a few will have both (e.g., Section 21.16I.010). Purpose and applicability statements for all regulations help convey where the regulation is applicable and the regulation's intent and relation to the General Plan and other City policies. These statements also serve as a basis for the required actions related to discretionary permits. Not having clearly defined intentions and applicability leads to inconsistent decisions made by planning staff and other decision-makers.

Unclear Allowed Uses

Permitted and conditional uses for all base zoning districts are organized in Chapter 21.16, District Use Tables, which is located outside of the article discussing development standards for each base zoning district. A preferred organization would group like districts together (e.g., residential districts) where a common use table would be found, followed by development standards for those similar zoning districts. The existing Chapter 21.16 contains unnecessary wordy sections that simply reference a consolidated table of permitted and conditional uses for all base zoning districts at the end of the chapter. The table is also too wordy, contains many exceptions and asterixis, needs clearer use definitions, and sometimes contains references to sections that do not exist.

A flexible system for use regulation groups all land uses and activities according to common characteristics. The current Code already does this but would benefit from tightening up the description of certain uses with clearer definitions.

Review Process

Zoning regulations relating to development review and administrative procedures allow a jurisdiction to achieve the goals and policies of their General Plan through a clear and predictable path to project approval. Unclear review and approval procedures can create uncertainty among developers and community members, which can ultimately impact a City's ability to attract and implement desirable projects.

The following section discusses general observations about the City's development review and administrative procedures.

Unclear Review and Approval Procedures

Several areas of the City's administrative procedures lack clarity and consistency. Various review authorities do not have clearly defined roles and responsibilities, particularly when it relates to permit administration. For example, several sections govern the Zoning Administrator's role and responsibilities; these are repetitive and sometimes in conflict with one another. The current Code also does not clarify whether the Development Review Committee (DRC) is allowed to approve modification requests, such as reduction of cubic feet storage, during site plan review. The thresholds for certain modification requests being elevated to the Planning Commission should be established in addition to a more defined division of power between the two authorities.

Consistent noticing time frames will also simplify processing for City staff. Current City practices should be codified pertaining to site notice requirements, mailing distance, and occupant notice. Thresholds to consider include 1,000-foot radius for large projects and 300-foot radius for small projects (with a clear definition for project size). Significant site plan reviews now reviewed by DRC (that were previously reviewed at the Planning Commission level, i.e., multi-family housing with two to 10 units) should also have clear noticing requirements.

We propose to create an Article dedicated to administrative procedures (see the detailed outline below). Common procedures, such as application filing, public noticing, appeals, conduct of hearings, and revocations, will be consolidated into one Chapter. We will look to standardize such things as appeal periods.

Inconsistent Interpretation of Regulations

During stakeholder interviews, several participants noted inconsistent interpretations of the Zoning Code that lead to uncertainty about project approval. This is largely due to certain regulations and procedures not being clearly defined. These issues could be addressed by having more clear and concise regulations throughout the Code.

Compliance with State and Federal Law

Several State and Federal laws will be reviewed against the Zoning Code to ensure ongoing conformity. Many new State housing laws have been enacted in recent years; the 2020 Housing Element outlines required updates to the Zoning Code.

Housing Element Implementation

Several Zoning Code updates identified in the 2021-2028 Housing Element have already been implemented:

- Amend the Mixed-Use Overlay to encourage housing production by increasing the allowed density in the overlay zone from 20 units per acre to 30 units per acre and allowing residential, commercial, or mixed-use development in the mixed-use overlay for maximum flexibility
- Implement the following zoning amendments:
 - Remove the number of stories limit in the multifamily residential zoning districts (R-2, R-3, R-4, and R-5) and regulate based on the existing height in feet
 - Revise the requirement for a community room/day care center for projects with 32 or more units in multifamily zoning districts, increasing the threshold to 40 or more units
 - Allow all properties within the R-3 zoning district to achieve three units if minimum lot sizes can be met.
 - Amend the Zoning Ordinance to add a definition of manufactured home, update the definition of mobile home, and remove the definition for modular home
 - Remove Footnote (b) under Table 21.161.060.A.2 affecting the R-3 zoned lots that are constrained to developing at R-2 densities
- Encourage smaller units that are affordable by design, by allowing fractional density units as follows:
 - Studio and one-bedroom dwellings < 600 square feet = 0.50 unit
 - Studio and one-bedroom dwellings 601 - 1,000 square feet = 0.66 unit
 - 2-bedroom+ dwelling units and all dwelling units over 1,000 square feet = 1.00 unit
- Revise the threshold of review for a Development Plan from 5 or more dwelling units per lot to more than 10 dwelling units per lot

In addition, the following amendments are underway under a separate contract:

- Update ADU ordinance to remain in compliance with latest State law provisions (including AB 2299 and SB 1069)
- Adopt objective design standards to ensure City can provide local guidance for by-right projects
- Update density bonus ordinance to remain in compliance with latest State law provisions and clarify an applicant's ability to consolidate certain concessions to facilitate affordable housing development and provide flexibility

Gov't Code Section (65915) Density Bonus and Other Incentives

The State's Density Bonus Law has been in effect for over forty years and the State Legislature has passed numerous changes since its inception. Assembly Bill (AB) 2345 amended Density Bonus Law (effective January 1, 2021) and expands and enhances development incentives for projects with affordable and senior housing components. The Density Bonus law allows developers to receive a density bonus that corresponds to specified percentages of units set aside for lower-income households. AB 2345 amends the law to increase the maximum density from 35 percent to 50 percent. The amendment also lowered the below market rate thresholds for concessions and incentives for projects with below market rate units. Projects with 17% low-income units can qualify for two concessions or incentives and projects with 24% low-income units can qualify for three. Lastly, density bonus projects within one-half mile of a major transit stop and with direct access to the stop may avoid minimum parking requirements.

SB 290 (effective January 1, 2022) adds additional measures including:

- Clarifies that the State Density Bonus Law more broadly applies to projects with for-sale housing by replacing prior references to "common interest developments" with references to for-sale housing
- Provides that an impact on the physical environment is no longer an appropriate basis for denying a concession or incentive, aligning the SDBL with the Housing Accountability Act's (HAA) basis for denying or reducing the density of a qualifying housing development project
- Provides that when determining the required percentage of units that must be affordable in order to qualify for SDBL benefits, the "total units" or "total dwelling units" excludes the units added pursuant to the SDBL or a local law granting a greater density bonus and includes the units designated to satisfy local inclusionary zoning requirements
- Impose a new parking maximum of 0.5 spaces per bedroom for a development that includes 40 percent moderate income, for-sale units and is within a half-mile of a major transit stop to which residents have unobstructed access
- Adds the ability to request one concession or incentive for projects that include at least 20 percent of the total units for lower-income students in a student housing development. It also requires the agency to report on student housing projects receiving density bonuses as part of a housing element annual report.

AB 1584 amends the HAA to clarify that any SDBL incentives, concessions, waivers and reductions in development standards – and not just the density bonus itself – are disregarded when considering a project's consistency with objective standards under the HAA. This amendment is intended to broaden the scope of density bonus projects eligible for the HAA's protections.

The update to the City's density bonus provisions will need to address the above and clarify an applicant's ability to consolidate certain concessions to facilitate affordable housing development and provide flexibility (as indicated in the City's Housing Element Program 10. Work on the density bonus is being undertaken by another/separate effort and will be incorporated into the comprehensive zoning code update.

Remaining implementation measures that will be accomplished through the Zoning Code update include:

- Review the Zoning Ordinance and make changes to ensure compliance with the Supportive Housing Streamlining Act (AB 1262) and Low Barrier Navigation Centers (AB 101).
- Provide regulatory incentives and concessions to projects targeted for persons with disabilities, including persons with developmental disabilities.
- Accommodating SB 35 streamlining applications or inquiries (including new AB 1174 requirements)
- Update Zoning Ordinance Table 21.6.200 (Permitted Land Uses for All Zoning Districts) as needed.
- In conjunction with the development of objective design standards, modify findings for multifamily residential units to remove subjective findings and rely on objective criteria for review and approval, consistent with the Housing Accountability Act.
- Review parking standards (outside of the Uptown/Towne Center Specific Plan) for smaller units (studios and one-bedroom units) and modify as needed to facilitate and encourage a variety of housing types including affordable lower income housing. Continue to allow for reduced parking for mixed use development, porous spaces, bicycle parking, and motorcycle parking.
- Evaluate the Zoning Ordinance definition of “family” to ensure it does not exclude allowed uses and is inclusive/nondiscriminatory. Modify/replace the definition as appropriate.

Additional State laws pertaining to housing and mixed-use developments have been enacted since the Housing Element was adopted, including Senate Bill (SB) 9 (by-right duplexes), SB 290, which reforms the State Density Bonus Law, SB 478, which limits floor area ratio (FAR) and lot coverage standards that limit multifamily housing, and AB 491, which requires integration of lower income units (if provided) within the structure and access to common amenities.

Housing Law Changes

[SB 35 – Streamline Approval Process](#) Senate Bill (SB) 35 (Gov’t Code Section 65913.4) requires cities and counties to streamline the review and approval of eligible affordable housing projects by providing a ministerial approval process, removing the requirement for a CEQA analysis, and removing the requirement for a Conditional Use Permit or other similar discretionary entitlements. When the State determines that jurisdictions have insufficient progress toward their lower-income Regional Housing Needs Allocation (RHNA), these jurisdictions are subject to the streamlined ministerial approval process (SB 35[Chapter 366, Statutes of 2017] streamlining) for proposed developments with at least 50 percent affordability. If the jurisdiction also has insufficient progress toward its above-moderate income RHNA, then it is subject to more inclusive streamlining for developments with at least 10 percent affordability. SB 35 will automatically sunset on January 1, 2026.

As of June 2021, the City of Paso Robles was subject to SB 35 streamlining for proposed developments with at least 10 percent affordability. The City has not received any applications or inquiries for SB 35 streamlining. To accommodate any future SB 35 applications or inquiries, Program 12 in the Housing Plan calls for the City to create and make available to interested parties an informational packet that explains the SB 35 streamlining provisions in Paso Robles and provides SB 35 eligibility information.

[AB 1174](#) makes technical changes to the streamlined ministerial process that was created by Senate Bill 35. The changes are applicable to existing projects and applied retroactively. Among the bill’s provisions

are clarifications that development activity includes permitted demolition and grading, subsequent approvals are subject to objective standards that were in place at the time of original application, and that project approval is valid for three years if construction activity has begun pursuant to a permit issued by the jurisdiction.

AB 491 requires that, for any residential structure with five or more residential dwelling units that include both affordable housing units and market-rate housing units, the affordable units must provide the same access to common entrances, areas, and amenities as non-affordable units, and the building "shall not isolate the affordable housing units within that structure to a specific floor or an area on a specific floor." This will ultimately affect the review/entitlement process for mixed-income multi-family developments to ensure all units are equitably distributed within the building.

SB 8 extends key provisions of the Housing Crisis Act of 2019 from 2025 to 2030. The act limits a jurisdiction's ability to prolong the housing approval process, gives housing applicants an opportunity to invoke vesting rights against later-adopted changes to local ordinance, limits a jurisdiction's ability to impose or enforce housing caps and development moratoria, and requires developers who demolish existing housing to provide replacement housing and relocation benefits. Specifically, SB 8 extends the act's provision that prohibits jurisdictions from conducting more than five hearings on a project, vesting rights for housing projects that submit a qualifying preliminary application, limits on imposing shifting and requirements as part of application completeness review. Key provisions of this legislation will be incorporated into the Article dedicated to review processes. We will want to discuss with staff how current processes need to be adjusted.

SB 9 streamlines the process for a homeowner to create a duplex or subdivide an existing lot. Any new housing is subject to a specific list of qualifications that ensure the protection of historic districts, environmental quality, and existing tenants vulnerable to displacement. The City drafted an emergency ordinance to address this new bill, which was adopted before the end of 2021. The emergency ordinance, and any necessary modifications identified in the meantime, will be incorporated into the Zoning Code update.

SB 478 establishes requirements for floor area ratios (FAR) and minimum lot sizes for land zoned for small multifamily housing development of up to 10 units. This includes projects comprised solely of residential units, mixed-use developments with at least two-thirds of the square footage attributed to residential uses, or transitional or supportive housing as defined in the HAA. The bill prohibits a local agency from requiring a FAR that is less than 1.0 for a development of three to seven homes, and less than 1.25 for a project of eight to 10 homes. A locality is prohibited from imposing a lot coverage requirement that would make it impossible to achieve these FARs.

Additionally, the bill prohibits a local agency from denying a housing development of three to 10 units solely on the basis that the area of the proposed lot does not meet the locality's requirements for minimum lot size and clarifies that nothing in the bill prohibits a local agency from imposing zoning and design standards, including height and setback requirements. To qualify, a project must consist of three to 10 units in a multifamily residential zone or mixed-use zone in an urbanized area and cannot be within a single-family zone or within a historic district. (See Government Code Section 65913.11.)

Typically, FAR measurements are not applied in residential zones. However, multifamily standards will need to be assessed to ensure compliance with this law.

Sign Regulations - Reed v. Town of Gilbert (2015)

The size, manner, and placement of signs are regulated by the Zoning Code. Signs may be temporary or permanent, commercial (advertising a business), and noncommercial (political or espousing an idea). The *Reed v. Town of Gilbert* US Supreme Court decision places an enhanced burden on sign regulations to observe “content neutrality.”

In this case, the Town of Gilbert, Arizona prohibited the display of outdoor signs without a permit but had exemptions for 23 categories of signs, including ideological, political, and temporary directional signs. Temporary directional signs had stricter restrictions than the three mentioned here. Pastor Clyde Reed of a local church posted signs in various locations throughout town indicating the times of church services. The church had left the signs up for a period of time that was longer than allowed and was subsequently cited. The church was also cited for not including the date of the event on the signs. The Town and the church were unable to reach an accommodation, so a suit was filed claiming their freedom of speech had been violated. The suit was elevated to the U.S. Supreme Court, where Justice Thomas’ majority opinion held that the Gilbert sign regulation was content-based and not content-neutral because it treated signs differently.

Ultimately, the U.S. Supreme Court decision of *Reed v. Town of Gilbert* clarifies and significantly changes the way local governments can regulate signs. The implications of *Reed v. Town of Gilbert* can be summarized as follows:

- **Content Neutrality.** This decision confirmed that, in nearly all circumstances, regulation of noncommercial signs must be content-neutral. This means that codes may not regulate non-commercial signs based on the message of the sign. Instead of providing regulations for political signs, open houses, directional signs, etc., sign codes may only provide standards based on the sign type (e.g., wall sign, freestanding sign, temporary sign, etc.). Content-based regulations of commercial signs may still be allowed if they serve a substantial government interest, such as consumer protection and public safety. The sign regulations should exclude any reference to message, category, subject, topic, or viewpoint.
- **Time, Place, and Manner Restrictions.** Signs can still be regulated without having to read them. The following parameters are available: maximum size/height, maximum number, specific location, lighting/neon/animation.
- **Sign Exemptions Should Be Minimized.** Sign codes should be written to minimize categories (temporary signs and “other” signs) because a municipality should not exempt certain categories of signs to avoid review based on content. Exempting a category of signs—such as political or real estate signs—is regulating them differently than other categories of signs containing noncommercial speech, and thus could be considered unconstitutional unless adequate provisions are included to allow noncommercial speech on these categories of signs. This topic will be explored in detail in this sign regulations update.
- **Sign Codes Should Provide Clarity and Clear Intent.** Sign regulations should contain a substitution clause and a severability clause. For example, a substitution clause could state: “Signs containing *noncommercial speech* are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.” The Zoning Code should have a general severability clause, and the sign section should reference the severability

clause or duplicate it, stating if a section of the sign code is found unlawful, that section can be removed without invalidating the entire code.

The Zoning Code sign regulations will be evaluated for consistency with the implications of the *Reed v. Town of Gilbert*.

SB 234 – Family Daycare Homes

Senate Bill 234 (Skinner), Chapter 244, Statutes of 2019 prohibits cities and counties from requiring any Family Child Care Home licensed by the Department of Social Services, Community Care Licensing Division, large or small as defined in Health and Safety Code 1596.78, from having to obtain a land use/zoning permit and/or business license for their operation. Health and Safety Code Section 1597.45, effective January 1, 2020, states that Large Family Child Care Homes (caring for up to 14 children) shall be treated the same as Small Family Child Care Homes (caring for up to eight children) under all local laws. Cities and counties shall consider the operation of a Large Family Child Care Home as a residential use of property as they have done with Small Family Child Care Homes.

SB 1383 – Short-Lived Climate Pollutant Reduction Act

SB 1383 requires CalRecycle to develop regulations to reduce organic waste in landfills as a source of methane. Effective January 1, 2022, all California residences (single family and multi-family) and businesses are required to separate organic waste from other trash and non-organic recyclables and participate in an organics collection program. Organic waste includes both food waste and other green waste, such as yard trimmings.

Multi-family complexes of five units or more must:

- Subscribe to and participate in their jurisdiction’s organics curbside collection service or self-haul organic waste to a specified composting facility, community composting program, or other collection activity or program.
- Supply and allow access to an adequate number, size, and location of containers with the correct labels or container colors.
- Annually educate employees and tenants on how to properly sort organic waste into the correct bins and provide information to new tenants within 14 days of occupation of the premises.

In addition, all new development with a certain amount of landscaping will be required to use a certain amount of compost and mulch (which will affect the City’s Water Efficient Landscaping Ordinance). Business, government, and school properties must follow similar requirements.

The City of San Luis Obispo serves as a model ordinance for implementing the requirements of SB 1383. For compliance with CALGreen, the ordinance requires at least three different containers, one each for recyclables, landfill waste, and organics and require new multi-family developments or additions resulting in more than 30 percent of the floor areas must provide readily accessible areas for the storage and collection of these containers. For compliance with Model Water Efficient Landscaping Ordinance (MWELo), new projects with a landscape area greater than 500 square feet or rehabilitation of existing landscape area of 2,500 square feet are subject to compost to use a certain amount of compost and mulch. Paso Robles’ Zoning Code update will need to ensure compliance with CALGreen and MWELo requirements.

[Solar Energy Systems \(Civil Code §714, Government Code §65850.5 and AB 1414\)](#)
Civil Code §714, Government Code §65850.5 requires a jurisdiction to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

AB 1414 revises and caps the maximum permit fees for photovoltaic and thermal systems. Permit fees cannot exceed \$500 for 15kW residential permits and \$1,000 for 50kW commercial permits. This bill allows permit fees to exceed these charges if the jurisdiction provides substantial evidence, as part of a written finding and adopted resolution or ordinance, of the reasonable cost to issue the permit. The bill requires the written finding to include consideration of any reduction in permit or inspection costs.

[Telecommunications \(Government Code §65850.6, 65964.1 and SB 649\)](#)

Government Code §65850.6 regulations address large cell towers, small and large satellite dishes, and antennas for wireless telecommunication facilities. A collocation facility is a permitted use not subject to discretionary review if the facility is consistent with the requirements of the wireless facility where located and the wireless facility where located was subject to a discretionary permit. Government Code §65964.1 requires collocation or siting applications for wireless telecommunications facilities to be deemed approved within certain time periods.

SB 649 amends existing law to allow small cell (as an allowed use not subject to a discretionary permit) if the small cell meets specified requirements. Small cells must be no larger than 24 inches in length, 15 inches in width, and 12 inches in height and any exterior antenna must be no longer than 11 inches. The bill authorizes the jurisdiction to require an encroachment permit or a building permit and any additional ministerial permits for a small cell as specified. Jurisdictions are allowed to charge three types of fees relating to these small cells: an annual charge for each small cell attached to city or county vertical infrastructure, an annual attachment rate, and a one-time reimbursement fee. Jurisdictions must also comply with Federal and State notice and hearing requirements before imposing the annual attachment rate. Wireless service providers are required to submit a report to the Legislature specifying the number of, and geographical location by ZIP code of, the small cells that the wireless service provider has commenced operating within the State during the 18 months preceding the date of each report.

[Religious Land Use and Institutionalized Persons Act \(RLUIPA\)](#)

42 U.S.C. § 2000c prohibits land use regulations from imposing “substantial burden” on churches or other religious institution’s ability to serve the needs of their members. The Zoning Code Update must ensure regulations are not overly restrictive to the right to assembly and religious practice. Best practices remove reference to types of religion and focus on assembly type.

Appendix A: Draft Zoning Code Outline

Article 1: Enactment, Applicability, and Enforcement

Chapter 21.02 – Purpose and Applicability of the Zoning Ordinance

Chapter 21.04 – Interpretation of the Zoning Ordinance

Chapter 21.06 – Zoning Map and Zones

Article 2: Code Administration and Permits

Chapter 21.XX – Planning Authorities

Chapter 21.XX – Permit Decisions and Actions

Chapter 21.XX – Application Processing Procedures

Chapter 21.XX – Amendments to the Zoning Code, Zoning Map, and General Plan

Chapter 21.XX – Conditional Use Permits and Minor Use Permits

Chapter 21.XX – Development Review

Chapter 21.XX – Development Agreements

Chapter 21.XX – Historic Preservation

Chapter 21.XX – Home Occupation Permits

Chapter 21.XX - Minor Modification Permits

Chapter 21.XX – Planned Development Permits

Chapter 21.XX – Reasonable Accommodations

Chapter 21.XX – Specific Plans

Chapter 21.XX – Temporary Use Permits

Chapter 21.XX – Variances

Chapter 21.XX – Zoning Clearance

Chapter 21.XX – Permit Implementation, Extensions, Modifications, and Revocations

Chapter 21.XX – Appeals and Calls for Review

Chapter 21.XX – Public Hearings and Notice

Article 3: Zoning Districts, Allowable Uses, and Development Standards

Chapter 21.XX – Residential Zones (R-A, R-1, R-2, R-3, R-3-O, R-4, R-5)

Chapter 21.XX – Commercial, Industrial, and Airport Zones (CP, OP, C-1, C-2, C-3, RC, M, PM, AP)

Chapter 21.XX – Public, Parks, Open Space, and Agricultural Zones (PF, POS, OS, AG)

Chapter 21.XX – Overlay Zones (HOS, HP, MU, OP, PD, RL, SP)

Chapter 21.XX – Reserved

Article 4: Regulations and Standards Applicable to All Zones

Chapter 21.XX – Rules of Measurement

Chapter 21.XX – Site Planning and General Development Standards

Chapter 21.XX – Accessory Structures

Chapter 21.XX – Awnings and Canopies

Chapter 21.XX – Fences, Walls, and Hedges

Chapter 21.XX – Landscaping and Open Space

Chapter 21.XX – Mechanical Equipment

Chapter 21.XX – Parking and Loading Regulations

Chapter 25.XX – Performance Standards

Chapter 21.XX – Signs

Chapter 21.XX – Swimming Pools

Article 5: Special Regulations

Chapter 21.XX – Accessory Dwelling Units

Chapter 21.XX – Adult Business Uses

Chapter 21.XX – Cannabis

Chapter 21.XX – Density Bonus

Chapter 21.XX – Murals

Chapter 21.XX – Short-Term Rentals

Chapter 21.XX – Wireless Communications Facilities

Article 6: Standards for Specific Land Uses and Activities

Chapter 21.XX – Standards for Specific Land Uses and Activities

Article 7: Nonconformities

Chapter 21.XX – General Nonconforming Provisions

Chapter 21.XX – Nonconforming Lots

Chapter 21.XX – Nonconforming Structures

Chapter 21.XX – Nonconforming Uses

Chapter 21.XX – Other Nonconforming Provisions

Article 8: Environmental Hazards and Preservation

Chapter 21.XX – Floodplain Management

Chapter 21.XX – Grading and Hillside Development

Chapter 21.XX – Noise

Chapter 21.XX – Oak Tree Preservation

Chapter 21.XX – Surface Mining and Reclamation

Article 9: Terms and Definitions

Chapter 21.XX – Land Use Definitions

Chapter 21.XX – General Definitions

Introduction

This memorandum provides a diagnosis of the current zoning regulations in effect in the City of Paso Robles and provides preliminary recommendations for reorganizing and undertaking focused updates to the Zoning Code. This memorandum includes a proposed draft outline, which will continue to be further refined as drafting progresses.

The Zoning Code (Title 21 of the Municipal Code) has not been comprehensively updated since the 1970s. Over the years, revisions have been made to address evolving land use and development practices, incorporate Specific Plans and new zoning districts, and address changes in State law. However, this piecemeal update approach has resulted in internal inconsistencies and a somewhat disorganized structure, with new provisions tacked onto the end of the Code or within an unrelated Article, rather than integrated into the most logical chapter or section. Outdated regulations and confusing administrative provisions have remained embedded in the Code, making it difficult to use. Also, over the years that the current Zoning Code has been in existence, City staff has identified several provisions that need clarification, standards that are conflicting, and other needed modifications. Undertaking a comprehensive approach to updating the Zoning Code gives the City the opportunity to evaluate the entire document and rewrite the Zoning Code so that it:

- Is intuitive, user friendly, and compact
- Maintains internal consistency by eliminating conflicting standards and unnecessary/antiquated sections
- Establishes modern, flexible land use regulations and development approaches
- Incorporates descriptive tables and graphics to make the Code easier to use
- Complies with and is up to date with current laws
- Addresses all of City staff's "fix it" provisions, including streamlining the Code to make it clearer and easier to use
- Reflects the City's objectives for good design and quality
- Creates performance standards that reflect conditions and objectives specific to Paso Robles
- Implements the 2020-2028 Housing Element and streamlines housing entitlement processes
- Establishes a logical overall structure that allows for future amendments to be placed in locations that make sense

Key Issues

The focus of the update is to improve procedures and create a more logical and transparent body of regulations. This memorandum diagnoses the City's current Zoning Code (Title 21 of the Municipal Code) and establishes preliminary recommendations for addressing deficiencies. The analysis has identified three key issues to address in the update:

- Code usability
- Clear administrative and legislative review processes
- General Plan Housing Element implementation and compliance with State and Federal laws

Each issue is addressed in detail in the subsequent sections of this memo.

Structure and Function of the Zoning Code

Purpose of the Zoning Code

The City's Zoning Code implements land use regulations established in the General Plan. Increasingly, State policies have also influenced land use regulations, such as the Subdivision Map Act, the California Environmental Quality Act (CEQA), and State laws that have affected how cities may process and approve housing projects. The General Plan establishes citywide, high-level policy for land use; the Zoning Code aids the City in administering the implementation of these policies on a granular, parcel-by-parcel, and project-level basis (where not already addressed through a specific plan, such as the Uptown Town Centre Specific Plan or the Beechwood Specific Plan). The Zoning Code is one of the most frequently used documents by City planners and Code Enforcement staff, who use it daily to guide public and private developments and ensure development and use regulations are adhered to. Its usability to residents, businesses, City officials, and City staff contributes to well-functioning City processes.

Overview of Zoning Code Format

The Paso Robles Zoning Code format is primarily Euclidean (also known as “use-based” zoning) that assigns a zoning designation to a parcel of land. Euclidean zoning is the predominant zoning approach used in California (and throughout the United States). Regulations found in the Zoning Code identify and regulate residential, commercial, industrial, and institutional/public facilities. These uses may also be combined (when housing is combined with non-residential uses it is often referred to as “mixed-use”). A mix of uses throughout an urban district such as Downtown creates walkability, variety, and character. Simply put, the intent of a zoning code is to establish clear regulations that can answer the following questions:

- Land Uses: Where are certain uses allowed and what standards must those uses adhere to?
- Development Standards: What types of structures can be built on an individual parcel?
- Review Process: What is the review process that allows for the approval of a particular use or building of a structure?

Zoning regulations for Paso Robles are organized largely within Title 21, Zoning, in the City of Paso Robles Municipal Code. Additional sections in the Municipal Code overlap certain Zoning Code regulations, such as Title 22 (Subdivisions), Title 10 – Chapter 10.01 (Oak Tree Preservation) and Title 10 – Chapter 10.04 (Street Planting and Maintenance), Title 19 (Signs) and even Title 8 (Animal Keeping). A complete overhaul of these Titles is not included in this work effort, but portions of some of these sections may be more appropriate to be folded into the Zoning Code—and at a minimum should be cross referenced in the Zoning Code.

Code Usability

A well-organized code is clear, user friendly, and straightforward. This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects of the existing Code.

Organization and Style

Overall, the Zoning Code lacks a user-friendly structure, clear hierarchy, and numbering system. The code is generally organized into Articles followed by subsections, but some Articles contain Chapters followed by subsections. There are a total of 10 Articles; however, the numbering of the Articles ranges

from Article I to Article V due to duplication in article numbering (e.g., Article II. – New Single Family Residential Lots and Article II. – School Facilities Fee/Dedication) and sub-articles (e.g., Article IIA.- Special Regulations). The sub-articles also do not present a clear connection to the main heading, which creates confusion around the relationship between them. This organization and grouping of regulations is disorienting and not user intuitive. Over the years, sections have been updated or added without a comprehensive reformat of the Code, resulting in a disorganized code format as well as inconsistent organization of each individual section.

These issues can be addressed by combining, consolidating, and reorganizing the numerous sections consistently into articles, chapters, and subsections for a more logical flow and consistent structure. (See Appendix A: Draft Outline.) Overall, the Code can progress from the most often referenced to the least—with the applicability and enforcement chapter in the beginning, followed by permit requirements, zoning regulations for each zoning district, development standards, use standards, nonconformities, and lastly terms and definitions. Definitions can be consolidated and moved to the end of the code as a reference tool, to be conveniently identified when needed. Certain items that are often referenced but outside of the standard procedures can be separately addressed in Articles (e.g., Special Regulations and Environmental Hazards). Improvements to the appearance of the text itself, including consistent capitalization of heading titles, correcting typos, as well as establishing a “format and style” structure, where terms are referred to consistently, will further support Zoning Code usability.

Code Complexity

The current Zoning Code places standards of development among various sections and creates uncertainty for code users as to whether they are seeing a comprehensive list of standards and completely accounting for all regulations that affect the viability of a project.

Overall, the Article and Chapter ordering of the code is not always intuitive, and sections that should be grouped together are often found far apart or grouped in other Chapters. For example, the Article III. - Development Standards contains several sections at the beginning of the Article that apply only to Single-Family Residential R-1 zoned lots (once created). These sections are then followed by either development standards for specific districts (e.g., Chapter 21.16I - Multiple-Family Residential Districts) or other regulations for specific uses, activities, or procedures (e.g., 21.20B – Wireless Communications Facilities and Chapter 21.23 Zoning Administrator – Permits, Variances, Applications, and Appeals).

Related content should be organized together. For example, standards that apply solely to a particular set of base districts, such as lot coverage in residential districts, should be grouped with the standards established for that set of districts. Standards and other requirements that are applicable to specific uses or development citywide, such as landscaping or density bonuses, should be grouped together in their own category, as well as grouping administrative procedures in another category. Consolidating related content ensures that regulations are logical and consistently interpreted and applied, and that the proper procedures are followed. Cross-references to supplemental provisions in the base district regulations also ensure that critical information is not missed.

The Code includes redundancies that results in conflicting information due to information being spread out over various chapters or sections. For example, sections 21.23.010, 21.23.020, 21.23.030 and 21.23.050 all relate to the role and responsibility of the Zoning Administrator but are mostly repetitive and in conflict with one another. The Zoning Code should function efficiently and be as compact as

necessary to achieve its goals. To this end, unnecessary Code sections should be removed to avoid ambiguity and reduce sheer bulk and repetition.

Minimal Use of Tables and Graphics

The existing Code relies heavily on text to convey applicable regulations. This makes it more difficult for users to easily identify and understand regulations that apply to their projects. Tables and graphics enhance Code usability and should be used more extensively to organize and convey the information.

Tables help summarize and organize information clearly and concisely, especially when conveying development standards and use regulations. Tables and cross-references greatly improve the readability of complex regulations. This method also helps to facilitate searching with hyperlinks in a Web-based version of the code.

Graphics can provide clarifying visual examples of information such as measurement standards, development standards, and other complex design provisions, which often can be highly vulnerable to misinterpretation without clear explanation. Graphics also lead to a more compact Code since they can communicate regulations in less space than written standards; however, the graphics should always supplement the text and not be used as a complete replacement. Visual tools are intended to provide additional clarity, which minimizes uncertainty and misinterpretation. For example, a graphic can better depict the rules for measuring building height or yard setbacks than long narrative text.

Lack of Clear Definitions and Rules of Measurement

While the Zoning Code does currently include a Definitions Chapter within the General Requirements Article, various definition subsections spread throughout the Code are either overly specific, redundant to those already listed in the Definitions Chapter, or contain development standards. Definitions should convey the meaning of a term in a straightforward manner; standards should be located in the body of the regulations. The definitions should be updated to include modern terminology and be made more general so that they will apply to terms as they are used throughout the Zoning Code and other City Codes and Ordinances. Also, we find it handy to group land use definitions in one Chapter of the definitions and all other definitions in another immediately following.

The Zoning Code provides some rules of measurement but does not group these all under one Chapter. Rules of measurement ensure that standards are uniformly applied so that all Code users arrive at the same conclusion, resulting in consistent interpretation and application of standards. The City's Zoning Code needs clearer definitions for certain development standards such as open spaces, heights, and density to minimize conflicting interpretations. The City may also want to codify existing interpretations to provide consistency and more certainty for applicants.

Inconsistent Purpose and Applicability Statements

Purpose and applicability statements are inconsistently included throughout the Code. Some regulations will either have only an applicability or purpose statement and a few will have both (e.g., Section 21.16I.010). Purpose and applicability statements for all regulations help convey where the regulation is applicable and the regulation's intent and relation to the General Plan and other City policies. These statements also serve as a basis for the required actions related to discretionary permits. Not having clearly defined intentions and applicability leads to inconsistent decisions made by planning staff and other decision-makers.

Unclear Allowed Uses

Permitted and conditional uses for all base zoning districts are organized in Chapter 21.16, District Use Tables, which is located outside of the article discussing development standards for each base zoning district. A preferred organization would group like districts together (e.g., residential districts) where a common use table would be found, followed by development standards for those similar zoning districts. The existing Chapter 21.16 contains unnecessary wordy sections that simply reference a consolidated table of permitted and conditional uses for all base zoning districts at the end of the chapter. The table is also too wordy, contains many exceptions and asterixis, needs clearer use definitions, and sometimes contains references to sections that do not exist.

A flexible system for use regulation groups all land uses and activities according to common characteristics. The current Code already does this but would benefit from tightening up the description of certain uses with clearer definitions.

Review Process

Zoning regulations relating to development review and administrative procedures allow a jurisdiction to achieve the goals and policies of their General Plan through a clear and predictable path to project approval. Unclear review and approval procedures can create uncertainty among developers and community members, which can ultimately impact a City's ability to attract and implement desirable projects.

The following section discusses general observations about the City's development review and administrative procedures.

Unclear Review and Approval Procedures

Several areas of the City's administrative procedures lack clarity and consistency. Various review authorities do not have clearly defined roles and responsibilities, particularly when it relates to permit administration. For example, several sections govern the Zoning Administrator's role and responsibilities; these are repetitive and sometimes in conflict with one another. The current Code also does not clarify whether the Development Review Committee (DRC) is allowed to approve modification requests, such as reduction of cubic feet storage, during site plan review. The thresholds for certain modification requests being elevated to the Planning Commission should be established in addition to a more defined division of power between the two authorities.

Consistent noticing time frames will also simplify processing for City staff. Current City practices should be codified pertaining to site notice requirements, mailing distance, and occupant notice. Thresholds to consider include 1,000-foot radius for large projects and 300-foot radius for small projects (with a clear definition for project size). Significant site plan reviews now reviewed by DRC (that were previously reviewed at the Planning Commission level, i.e., multi-family housing with two to 10 units) should also have clear noticing requirements.

We propose to create an Article dedicated to administrative procedures (see the detailed outline below). Common procedures, such as application filing, public noticing, appeals, conduct of hearings, and revocations, will be consolidated into one Chapter. We will look to standardize such things as appeal periods.

Inconsistent Interpretation of Regulations

During stakeholder interviews, several participants noted inconsistent interpretations of the Zoning Code that lead to uncertainty about project approval. This is largely due to certain regulations and procedures not being clearly defined. These issues could be addressed by having more clear and concise regulations throughout the Code.

Compliance with State and Federal Law

Several State and Federal laws will be reviewed against the Zoning Code to ensure ongoing conformity. Many new State housing laws have been enacted in recent years; the 2020 Housing Element outlines required updates to the Zoning Code.

Housing Element Implementation

Several Zoning Code updates identified in the 2021-2028 Housing Element have already been implemented:

- Amend the Mixed-Use Overlay to encourage housing production by increasing the allowed density in the overlay zone from 20 units per acre to 30 units per acre and allowing residential, commercial, or mixed-use development in the mixed-use overlay for maximum flexibility
- Implement the following zoning amendments:
 - Remove the number of stories limit in the multifamily residential zoning districts (R-2, R-3, R-4, and R-5) and regulate based on the existing height in feet
 - Revise the requirement for a community room/day care center for projects with 32 or more units in multifamily zoning districts, increasing the threshold to 40 or more units
 - Allow all properties within the R-3 zoning district to achieve three units if minimum lot sizes can be met.
 - Amend the Zoning Ordinance to add a definition of manufactured home, update the definition of mobile home, and remove the definition for modular home
 - Remove Footnote (b) under Table 21.161.060.A.2 affecting the R-3 zoned lots that are constrained to developing at R-2 densities
- Encourage smaller units that are affordable by design, by allowing fractional density units as follows:
 - Studio and one-bedroom dwellings < 600 square feet = 0.50 unit
 - Studio and one-bedroom dwellings 601 - 1,000 square feet = 0.66 unit
 - 2-bedroom+ dwelling units and all dwelling units over 1,000 square feet = 1.00 unit
- Revise the threshold of review for a Development Plan from 5 or more dwelling units per lot to more than 10 dwelling units per lot

In addition, the following amendments are underway under a separate contract:

- Update ADU ordinance to remain in compliance with latest State law provisions (including AB 2299 and SB 1069)
- Adopt objective design standards to ensure City can provide local guidance for by-right projects
- Update density bonus ordinance to remain in compliance with latest State law provisions and clarify an applicant's ability to consolidate certain concessions to facilitate affordable housing development and provide flexibility

Gov't Code Section (65915) Density Bonus and Other Incentives

The State's Density Bonus Law has been in effect for over forty years and the State Legislature has passed numerous changes since its inception. Assembly Bill (AB) 2345 amended Density Bonus Law (effective January 1, 2021) and expands and enhances development incentives for projects with affordable and senior housing components. The Density Bonus law allows developers to receive a density bonus that corresponds to specified percentages of units set aside for lower-income households. AB 2345 amends the law to increase the maximum density from 35 percent to 50 percent. The amendment also lowered the below market rate thresholds for concessions and incentives for projects with below market rate units. Projects with 17% low-income units can qualify for two concessions or incentives and projects with 24% low-income units can qualify for three. Lastly, density bonus projects within one-half mile of a major transit stop and with direct access to the stop may avoid minimum parking requirements.

SB 290 (effective January 1, 2022) adds additional measures including:

- Clarifies that the State Density Bonus Law more broadly applies to projects with for-sale housing by replacing prior references to "common interest developments" with references to for-sale housing
- Provides that an impact on the physical environment is no longer an appropriate basis for denying a concession or incentive, aligning the SDBL with the Housing Accountability Act's (HAA) basis for denying or reducing the density of a qualifying housing development project
- Provides that when determining the required percentage of units that must be affordable in order to qualify for SDBL benefits, the "total units" or "total dwelling units" excludes the units added pursuant to the SDBL or a local law granting a greater density bonus and includes the units designated to satisfy local inclusionary zoning requirements
- Impose a new parking maximum of 0.5 spaces per bedroom for a development that includes 40 percent moderate income, for-sale units and is within a half-mile of a major transit stop to which residents have unobstructed access
- Adds the ability to request one concession or incentive for projects that include at least 20 percent of the total units for lower-income students in a student housing development. It also requires the agency to report on student housing projects receiving density bonuses as part of a housing element annual report.

AB 1584 amends the HAA to clarify that any SDBL incentives, concessions, waivers and reductions in development standards – and not just the density bonus itself – are disregarded when considering a project's consistency with objective standards under the HAA. This amendment is intended to broaden the scope of density bonus projects eligible for the HAA's protections.

The update to the City's density bonus provisions will need to address the above and clarify an applicant's ability to consolidate certain concessions to facilitate affordable housing development and provide flexibility (as indicated in the City's Housing Element Program 10. Work on the density bonus is being undertaken by another/separate effort and will be incorporated into the comprehensive zoning code update.

Remaining implementation measures that will be accomplished through the Zoning Code update include:

- Review the Zoning Ordinance and make changes to ensure compliance with the Supportive Housing Streamlining Act (AB 1262) and Low Barrier Navigation Centers (AB 101).
- Provide regulatory incentives and concessions to projects targeted for persons with disabilities, including persons with developmental disabilities.
- Accommodating SB 35 streamlining applications or inquiries (including new AB 1174 requirements)
- Update Zoning Ordinance Table 21.6.200 (Permitted Land Uses for All Zoning Districts) as needed.
- In conjunction with the development of objective design standards, modify findings for multifamily residential units to remove subjective findings and rely on objective criteria for review and approval, consistent with the Housing Accountability Act.
- Review parking standards (outside of the Uptown/Towne Center Specific Plan) for smaller units (studios and one-bedroom units) and modify as needed to facilitate and encourage a variety of housing types including affordable lower income housing. Continue to allow for reduced parking for mixed use development, porous spaces, bicycle parking, and motorcycle parking.
- Evaluate the Zoning Ordinance definition of “family” to ensure it does not exclude allowed uses and is inclusive/nondiscriminatory. Modify/replace the definition as appropriate.

Additional State laws pertaining to housing and mixed-use developments have been enacted since the Housing Element was adopted, including Senate Bill (SB) 9 (by-right duplexes), SB 290, which reforms the State Density Bonus Law, SB 478, which limits floor area ratio (FAR) and lot coverage standards that limit multifamily housing, and AB 491, which requires integration of lower income units (if provided) within the structure and access to common amenities.

Housing Law Changes

[SB 35 – Streamline Approval Process](#) Senate Bill (SB) 35 (Gov’t Code Section 65913.4) requires cities and counties to streamline the review and approval of eligible affordable housing projects by providing a ministerial approval process, removing the requirement for a CEQA analysis, and removing the requirement for a Conditional Use Permit or other similar discretionary entitlements. When the State determines that jurisdictions have insufficient progress toward their lower-income Regional Housing Needs Allocation (RHNA), these jurisdictions are subject to the streamlined ministerial approval process (SB 35[Chapter 366, Statutes of 2017] streamlining) for proposed developments with at least 50 percent affordability. If the jurisdiction also has insufficient progress toward its above-moderate income RHNA, then it is subject to more inclusive streamlining for developments with at least 10 percent affordability. SB 35 will automatically sunset on January 1, 2026.

As of June 2021, the City of Paso Robles was subject to SB 35 streamlining for proposed developments with at least 10 percent affordability. The City has not received any applications or inquiries for SB 35 streamlining. To accommodate any future SB 35 applications or inquiries, Program 12 in the Housing Plan calls for the City to create and make available to interested parties an informational packet that explains the SB 35 streamlining provisions in Paso Robles and provides SB 35 eligibility information.

[AB 1174](#) makes technical changes to the streamlined ministerial process that was created by Senate Bill 35. The changes are applicable to existing projects and applied retroactively. Among the bill’s provisions

are clarifications that development activity includes permitted demolition and grading, subsequent approvals are subject to objective standards that were in place at the time of original application, and that project approval is valid for three years if construction activity has begun pursuant to a permit issued by the jurisdiction.

AB 491 requires that, for any residential structure with five or more residential dwelling units that include both affordable housing units and market-rate housing units, the affordable units must provide the same access to common entrances, areas, and amenities as non-affordable units, and the building "shall not isolate the affordable housing units within that structure to a specific floor or an area on a specific floor." This will ultimately affect the review/entitlement process for mixed-income multi-family developments to ensure all units are equitably distributed within the building.

SB 8 extends key provisions of the Housing Crisis Act of 2019 from 2025 to 2030. The act limits a jurisdiction's ability to prolong the housing approval process, gives housing applicants an opportunity to invoke vesting rights against later-adopted changes to local ordinance, limits a jurisdiction's ability to impose or enforce housing caps and development moratoria, and requires developers who demolish existing housing to provide replacement housing and relocation benefits. Specifically, SB 8 extends the act's provision that prohibits jurisdictions from conducting more than five hearings on a project, vesting rights for housing projects that submit a qualifying preliminary application, limits on imposing shifting and requirements as part of application completeness review. Key provisions of this legislation will be incorporated into the Article dedicated to review processes. We will want to discuss with staff how current processes need to be adjusted.

SB 9 streamlines the process for a homeowner to create a duplex or subdivide an existing lot. Any new housing is subject to a specific list of qualifications that ensure the protection of historic districts, environmental quality, and existing tenants vulnerable to displacement. The City drafted an emergency ordinance to address this new bill, which was adopted before the end of 2021. The emergency ordinance, and any necessary modifications identified in the meantime, will be incorporated into the Zoning Code update.

SB 478 establishes requirements for floor area ratios (FAR) and minimum lot sizes for land zoned for small multifamily housing development of up to 10 units. This includes projects comprised solely of residential units, mixed-use developments with at least two-thirds of the square footage attributed to residential uses, or transitional or supportive housing as defined in the HAA. The bill prohibits a local agency from requiring a FAR that is less than 1.0 for a development of three to seven homes, and less than 1.25 for a project of eight to 10 homes. A locality is prohibited from imposing a lot coverage requirement that would make it impossible to achieve these FARs.

Additionally, the bill prohibits a local agency from denying a housing development of three to 10 units solely on the basis that the area of the proposed lot does not meet the locality's requirements for minimum lot size and clarifies that nothing in the bill prohibits a local agency from imposing zoning and design standards, including height and setback requirements. To qualify, a project must consist of three to 10 units in a multifamily residential zone or mixed-use zone in an urbanized area and cannot be within a single-family zone or within a historic district. (See Government Code Section 65913.11.)

Typically, FAR measurements are not applied in residential zones. However, multifamily standards will need to be assessed to ensure compliance with this law.

Sign Regulations - Reed v. Town of Gilbert (2015)

The size, manner, and placement of signs are regulated by the Zoning Code. Signs may be temporary or permanent, commercial (advertising a business), and noncommercial (political or espousing an idea). The *Reed v. Town of Gilbert* US Supreme Court decision places an enhanced burden on sign regulations to observe “content neutrality.”

In this case, the Town of Gilbert, Arizona prohibited the display of outdoor signs without a permit but had exemptions for 23 categories of signs, including ideological, political, and temporary directional signs. Temporary directional signs had stricter restrictions than the three mentioned here. Pastor Clyde Reed of a local church posted signs in various locations throughout town indicating the times of church services. The church had left the signs up for a period of time that was longer than allowed and was subsequently cited. The church was also cited for not including the date of the event on the signs. The Town and the church were unable to reach an accommodation, so a suit was filed claiming their freedom of speech had been violated. The suit was elevated to the U.S. Supreme Court, where Justice Thomas’ majority opinion held that the Gilbert sign regulation was content-based and not content-neutral because it treated signs differently.

Ultimately, the U.S. Supreme Court decision of *Reed v. Town of Gilbert* clarifies and significantly changes the way local governments can regulate signs. The implications of *Reed v. Town of Gilbert* can be summarized as follows:

- **Content Neutrality.** This decision confirmed that, in nearly all circumstances, regulation of noncommercial signs must be content-neutral. This means that codes may not regulate non-commercial signs based on the message of the sign. Instead of providing regulations for political signs, open houses, directional signs, etc., sign codes may only provide standards based on the sign type (e.g., wall sign, freestanding sign, temporary sign, etc.). Content-based regulations of commercial signs may still be allowed if they serve a substantial government interest, such as consumer protection and public safety. The sign regulations should exclude any reference to message, category, subject, topic, or viewpoint.
- **Time, Place, and Manner Restrictions.** Signs can still be regulated without having to read them. The following parameters are available: maximum size/height, maximum number, specific location, lighting/neon/animation.
- **Sign Exemptions Should Be Minimized.** Sign codes should be written to minimize categories (temporary signs and “other” signs) because a municipality should not exempt certain categories of signs to avoid review based on content. Exempting a category of signs—such as political or real estate signs—is regulating them differently than other categories of signs containing noncommercial speech, and thus could be considered unconstitutional unless adequate provisions are included to allow noncommercial speech on these categories of signs. This topic will be explored in detail in this sign regulations update.
- **Sign Codes Should Provide Clarity and Clear Intent.** Sign regulations should contain a substitution clause and a severability clause. For example, a substitution clause could state: “Signs containing *noncommercial speech* are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.” The Zoning Code should have a general severability clause, and the sign section should reference the severability

clause or duplicate it, stating if a section of the sign code is found unlawful, that section can be removed without invalidating the entire code.

The Zoning Code sign regulations will be evaluated for consistency with the implications of the *Reed v. Town of Gilbert*.

SB 234 – Family Daycare Homes

Senate Bill 234 (Skinner), Chapter 244, Statutes of 2019 prohibits cities and counties from requiring any Family Child Care Home licensed by the Department of Social Services, Community Care Licensing Division, large or small as defined in Health and Safety Code 1596.78, from having to obtain a land use/zoning permit and/or business license for their operation. Health and Safety Code Section 1597.45, effective January 1, 2020, states that Large Family Child Care Homes (caring for up to 14 children) shall be treated the same as Small Family Child Care Homes (caring for up to eight children) under all local laws. Cities and counties shall consider the operation of a Large Family Child Care Home as a residential use of property as they have done with Small Family Child Care Homes.

SB 1383 – Short-Lived Climate Pollutant Reduction Act

SB 1383 requires CalRecycle to develop regulations to reduce organic waste in landfills as a source of methane. Effective January 1, 2022, all California residences (single family and multi-family) and businesses are required to separate organic waste from other trash and non-organic recyclables and participate in an organics collection program. Organic waste includes both food waste and other green waste, such as yard trimmings.

Multi-family complexes of five units or more must:

- Subscribe to and participate in their jurisdiction’s organics curbside collection service or self-haul organic waste to a specified composting facility, community composting program, or other collection activity or program.
- Supply and allow access to an adequate number, size, and location of containers with the correct labels or container colors.
- Annually educate employees and tenants on how to properly sort organic waste into the correct bins and provide information to new tenants within 14 days of occupation of the premises.

In addition, all new development with a certain amount of landscaping will be required to use a certain amount of compost and mulch (which will affect the City’s Water Efficient Landscaping Ordinance). Business, government, and school properties must follow similar requirements.

The City of San Luis Obispo serves as a model ordinance for implementing the requirements of SB 1383. For compliance with CALGreen, the ordinance requires at least three different containers, one each for recyclables, landfill waste, and organics and require new multi-family developments or additions resulting in more than 30 percent of the floor areas must provide readily accessible areas for the storage and collection of these containers. For compliance with Model Water Efficient Landscaping Ordinance (MWELo), new projects with a landscape area greater than 500 square feet or rehabilitation of existing landscape area of 2,500 square feet are subject to compost to use a certain amount of compost and mulch. Paso Robles’ Zoning Code update will need to ensure compliance with CALGreen and MWELo requirements.

[Solar Energy Systems \(Civil Code §714, Government Code §65850.5 and AB 1414\)](#)
Civil Code §714, Government Code §65850.5 requires a jurisdiction to adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

AB 1414 revises and caps the maximum permit fees for photovoltaic and thermal systems. Permit fees cannot exceed \$500 for 15kW residential permits and \$1,000 for 50kW commercial permits. This bill allows permit fees to exceed these charges if the jurisdiction provides substantial evidence, as part of a written finding and adopted resolution or ordinance, of the reasonable cost to issue the permit. The bill requires the written finding to include consideration of any reduction in permit or inspection costs.

[Telecommunications \(Government Code §65850.6, 65964.1 and SB 649\)](#)

Government Code §65850.6 regulations address large cell towers, small and large satellite dishes, and antennas for wireless telecommunication facilities. A collocation facility is a permitted use not subject to discretionary review if the facility is consistent with the requirements of the wireless facility where located and the wireless facility where located was subject to a discretionary permit. Government Code §65964.1 requires collocation or siting applications for wireless telecommunications facilities to be deemed approved within certain time periods.

SB 649 amends existing law to allow small cell (as an allowed use not subject to a discretionary permit) if the small cell meets specified requirements. Small cells must be no larger than 24 inches in length, 15 inches in width, and 12 inches in height and any exterior antenna must be no longer than 11 inches. The bill authorizes the jurisdiction to require an encroachment permit or a building permit and any additional ministerial permits for a small cell as specified. Jurisdictions are allowed to charge three types of fees relating to these small cells: an annual charge for each small cell attached to city or county vertical infrastructure, an annual attachment rate, and a one-time reimbursement fee. Jurisdictions must also comply with Federal and State notice and hearing requirements before imposing the annual attachment rate. Wireless service providers are required to submit a report to the Legislature specifying the number of, and geographical location by ZIP code of, the small cells that the wireless service provider has commenced operating within the State during the 18 months preceding the date of each report.

[Religious Land Use and Institutionalized Persons Act \(RLUIPA\)](#)

42 U.S.C. § 2000c prohibits land use regulations from imposing “substantial burden” on churches or other religious institution’s ability to serve the needs of their members. The Zoning Code Update must ensure regulations are not overly restrictive to the right to assembly and religious practice. Best practices remove reference to types of religion and focus on assembly type.

Appendix A: Draft Zoning Code Outline

Article 1: Enactment, Applicability, and Enforcement

Chapter 21.02 – Purpose and Applicability of the Zoning Ordinance

Chapter 21.04 – Interpretation of the Zoning Ordinance

Chapter 21.06 – Zoning Map and Zones

Article 2: Code Administration and Permits

Chapter 21.XX – Planning Authorities

Chapter 21.XX – Permit Decisions and Actions

Chapter 21.XX – Application Processing Procedures

Chapter 21.XX – Amendments to the Zoning Code, Zoning Map, and General Plan

Chapter 21.XX – Conditional Use Permits and Minor Use Permits

Chapter 21.XX – Development Review

Chapter 21.XX – Development Agreements

Chapter 21.XX – Historic Preservation

Chapter 21.XX – Home Occupation Permits

Chapter 21.XX - Minor Modification Permits

Chapter 21.XX – Planned Development Permits

Chapter 21.XX – Reasonable Accommodations

Chapter 21.XX – Specific Plans

Chapter 21.XX – Temporary Use Permits

Chapter 21.XX – Variances

Chapter 21.XX – Zoning Clearance

Chapter 21.XX – Permit Implementation, Extensions, Modifications, and Revocations

Chapter 21.XX – Appeals and Calls for Review

Chapter 21.XX – Public Hearings and Notice

Article 3: Zoning Districts, Allowable Uses, and Development Standards

Chapter 21.XX – Residential Zones (R-A, R-1, R-2, R-3, R-3-O, R-4, R-5)

Chapter 21.XX – Commercial, Industrial, and Airport Zones (CP, OP, C-1, C-2, C-3, RC, M, PM, AP)

Chapter 21.XX – Public, Parks, Open Space, and Agricultural Zones (PF, POS, OS, AG)

Chapter 21.XX – Overlay Zones (HOS, HP, MU, OP, PD, RL, SP)

Chapter 21.XX – Reserved

Article 4: Regulations and Standards Applicable to All Zones

Chapter 21.XX – Rules of Measurement

Chapter 21.XX – Site Planning and General Development Standards

Chapter 21.XX – Accessory Structures

Chapter 21.XX – Awnings and Canopies

Chapter 21.XX – Fences, Walls, and Hedges

Chapter 21.XX – Landscaping and Open Space

Chapter 21.XX – Mechanical Equipment

Chapter 21.XX – Parking and Loading Regulations

Chapter 25.XX – Performance Standards

Chapter 21.XX – Signs

Chapter 21.XX – Swimming Pools

Article 5: Special Regulations

Chapter 21.XX – Accessory Dwelling Units

Chapter 21.XX – Adult Business Uses

Chapter 21.XX – Cannabis

Chapter 21.XX – Density Bonus

Chapter 21.XX – Murals

Chapter 21.XX – Short-Term Rentals

Chapter 21.XX – Wireless Communications Facilities

Article 6: Standards for Specific Land Uses and Activities

Chapter 21.XX – Standards for Specific Land Uses and Activities

Article 7: Nonconformities

Chapter 21.XX – General Nonconforming Provisions

Chapter 21.XX – Nonconforming Lots

Chapter 21.XX – Nonconforming Structures

Chapter 21.XX – Nonconforming Uses

Chapter 21.XX – Other Nonconforming Provisions

Article 8: Environmental Hazards and Preservation

Chapter 21.XX – Floodplain Management

Chapter 21.XX – Grading and Hillside Development

Chapter 21.XX – Noise

Chapter 21.XX – Oak Tree Preservation

Chapter 21.XX – Surface Mining and Reclamation

Article 9: Terms and Definitions

Chapter 21.XX – Land Use Definitions

Chapter 21.XX – General Definitions

CHAPTER 21.XX – LAND USE REGULATIONS

A. Allowed Uses. Table 21.XX.XXX-X (Zone Use Regulations) indicates the uses allowed within each zone and any permits required to establish the use, pursuant to Article 2 (Code Administration and Permits). Land uses are defined in Article 8 (Definitions). Uses defined in Article 8 and not listed in Table 21.XX.XXX-X are prohibited. Additional permits may be required for development projects and construction.

B. Director Determination. Land uses are defined in Article 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses listed in the table are prohibited.

C. Specific Use Regulations. Where the last column in 21.XX.XXX-X (Zone Use Regulations) includes a Section, subsection, or Chapter number, the regulations in the referenced Section, Subsection, or Division shall apply to the use. Additionally, there may be limits and restrictions within overlay zones and specific plan areas.

**TABLE 21.XX.XXX-X
(As amended through Ordinance 1098 N.S.)
Zoning District Use Regulations**

EXPLANATION OF CODES USED IN THIS CHART

A (administrative use permit)

P (permitted use) denotes a land use which is permitted.

C (conditional use) denotes a land use which requires approval of a conditional use permit (CUP).

-- (non-permitted use) denotes a land use which is not permitted.

T (temporary use permit) denotes a land use which requires approval of a temporary use permit per Chapter 21.23C.

Land Use	R-A	R-1	R-2	R-3	R-3-O	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Residential Uses																						
Dwellings																						
Single-Unit Dwelling	P	P	P	P	P	P	P	P*	--	--	--	--	--	--	--	--	--	P	P**	--	--	* DRC approval required (see Section 21.18.090) ** C if lot less than 1 acre (see Section 21.16F.020)
Multi-Unit Dwelling	--	--	P	P	P	P	P	C	--	--	--	--	--	--	--	--	--	--	--	--	--	
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	P	P	--	--	See Section 21.XX.XXX (Accessory Dwelling Units)
Two-Unit Dwelling	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Per Government Code Section 65852.21. See Section 21.16P (Two-Unit Dwellings)

Land Use	R-A	R-1	R-2	R-3	R-3-O	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Mobile Home Park	--	--	--	--	--	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	See Section 21.XX.XXX (Mobile Home Parks)
Special Residential Uses																						
Communal Housing	--	--	C	C	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Employee Housing - Small	P*	P*	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	P*	--	--	--	* Employee housing is not permitted on properties within the Airport Land Use Plan
Employee Housing - Large	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	--	
Family Day Care Home	P	P	P	P	P	P	P	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	--	--	* In permitted residential units.
Senior Housing	--	--	P	P	P	P	P	C	--	--	--	--	--	--	--	--	--	--	--	--	--	
Supportive Housing	P	P	P	P	P	P	P	C	--	--	--	--	--	--	--	--	--	P	--	--	C	
Transitional Housing	P	P	P	P	P	P	P	C	--	--	--	--	--	--	--	--	--	P	--	--	C	
Residential Care Facilities																						
Residential Care - General	--	C	C	C	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Residential Care - Limited	P	P	P	P	P	P	P	P	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	--	--	* When accessory to a permitted residential unit
Residential Care - Assisted Living	--	--	C	C	C	C	C	C	--	--	--	--	--	--	--	--	--	--	--	--	--	
Caretaker Residence																						
One per business	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--
More than one per business	--	--	--	--	--	--	--	C	C	C	C	C	--	--	C	C	C	C	C	C	--	--
Commercial – Retail																						
Restaurants	--	--	--	--	--	--	--	PE**	P*	P*	P*	P*	P*	P***	P*	P*	P*	C	--	--	--	* P if 5,000 sq ft or less in gross floor area; or if more than 5,000 gross sq ft and located between 6th and 16th Streets and between Riverside Avenue and Vine Street ; C if more than 5,000 sq ft with a finding that such a restaurant will not be detrimental to the city's efforts to revitalize the downtown **P with frontage on 1st Street only ***P when accessory use to a hotel/resort development
Restaurants - Drive-through	--	--	--	--	--	--	--	--	--	C	P*	P*	P*	--	P*	P*	P*	--	--	--	--	* P if more than 300 feet from the nearest residential zone; C if 300 feet or less from the nearest residential zone

Land Use	R-A	R-1	R-2	R-3	R-3-O	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Cocktail Lounges and Bars	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	--	C	--	--	--	--	
Tasting Rooms	C	G --	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	--	--	
Food and Beverage Sales	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	--	--	
Certified Farmers Market and Year-Round Roadside Produce Stands	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	C	--	--	
Retail - General	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	--	P*	--	P*	--	--	--	--	* C if includes permanent outdoor storage or display. See Section 21.92.XXX. Note: For commercial buildings with greater than 90,000 square feet of gross floor area, non-taxable merchandise floor area shall not exceed 8 percent of the total gross floor area of the building
Retail - Secondhand Goods with Donation Drop Off	--	--	--	--	--	--	--	--	--	--	C	C	C*	--	C	--	--	--	--	--	--	* Facilities shall be located no closer than 1,000 feet from each other
<u>Nurseries and Garden Centers - Heavy Equipment</u>	--	--	--	--	--	--	--	--	--	--	--	<u>C</u>	<u>C</u>	--	<u>C</u>	--	--	<u>C</u>	<u>C</u>	--	--	
<u>Nurseries and Garden Centers - Retail</u>	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P --	--	P	P	--	--	Outdoor storage and display limited to 10% of lot area without a CUP. See Section 21.92.XXX (Outdoor Storage)
Vehicle Sales	--	--	--	--	--	--	--	--	--	C P	C P	C P	C P	--	C P	--	C P	C	--	--	--	Including auto service as accessory use
Vehicle Fuel Sales and Accessory Service	--	--	--	--	--	--	--	C	C	C	C	C	--	C	--	C	C	--	--	--	--	
Mobile Home Sales	--	--	--	--	--	--	--	--	--	--	--	C	C	--	P	--	C	--	--	--	--	
Home Occupation Business	P	P	P	P	P	P	P	P	P	P*	P*	P*	P*	P*	P*	P*	P*	P	P	--	--	See Section 21.23.070 * When accessory to a permitted residential unit
Commercial – Services and Recreation																						
Animal Care Services																						
Animal Husbandry	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	See Section 21.92.XXX (Animal Husbandry)
Grazing, Temporary	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	
Equestrian Facilities	--	--	--	--	--	--	--	--	--	--	--	C	--	C	--	--	C	--	--	--	--	See Section 21.92.XXX (Equestrian Facilities)
Kennels, Pet Boarding	C	--	--	--	--	--	--	--	--	--	C	C	--	--	C	--	--	P	--	--	--	

Land Use	R-A	R-1	R-2	R-3	R-3-O	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations	
Veterinarian	C	--	--	--	--	--	--	C *	C	C	C	C	--	--	C	--	--	P	--	--	--	* See Section 21.18.040, allowed in OP zone with CUP in the Gateway Center only (small animals only)	
Cemeteries	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	--	--	--	C	*Allowed outside Airport Land Use Plan Safety Zone 1 only	
Commercial Recreation Facility - Indoor	--	--	--	--	--	--	--	--	P	P	P	P	P	C*	--	--	--	--	--	--	--	* Accessory to a hotel/resort development only, subject to approval of CUP	
Commercial Recreation Facility - Outdoor	--	--	--	--	--	--	--	--	--	--	C	C	C	C*	C	--	--	C*	C	--	C		
Cardrooms	--	--	--	--	--	--	--	--	--	C	C	C	--	C *	--	--	--	--	--	--	--		
Contracted Services	--	--	--	--	--	--	--	--	--	--	P	P	--	--	P	--	P	--	--	--	--		
Day Care Center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	--	C	See Section 21.21.140
Equipment Rental	--	--	--	--	--	--	--	--	--	--	--	C	C	--	C	--	C	--	--	--	--		
Financial Institution	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	--	P	--	--	--	--		
Funeral Services	--	--	C*	C*	C*	C*	C*	--	--	C	C	C	C	--	C	--	C	--	--	--	C	(* if located within 300 feet of existing cemetery)	
Medical Services - Doctor Office	--	--	--	--	--	--	--	P	P	P	P	P	P*	--	P	C	P	--	--	--	--	* Subject to a limitation that the floor area shall not exceed 10 percent of the total floor area of a commercial center	
Medical Services - Hospitals	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--		
Medical Services - Clinics, Urgent Care	--	--	--	--	--	--	--	C*	--	C	C	C	--	--	--	--	C	--	--	--	--	* Allowed S _s outh of 1 st Street only. See Section 21.18.040.	
Office - Professional/ Administrative	--	--	--	--	--	--	--	P	P	P	P	P	P*	--	P	P	P	--	--	--	--	* Subject to a limitation that the floor area shall not exceed 10 percent of the total floor area of a commercial center	
Personal and Business Support Services	--	--	--	--	--	--	--	--	P	P	P	P	P	P*	P	--	P	--	--	--	--	* Accessory use to a hotel/resort development	
Tattoo Parlor	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	See Section 21.92.XXX (Tattoo and Body Art Establishments)	
Theaters	--	--	--	--	--	--	--	--	C*	PC *	C*	C*	C*	--	--	--	--	--	--	--	--	* With a finding that a theater will not be detrimental to the city's efforts to revitalize the downtown	
Educational Uses																							

Land Use	R-A	R-1	R-2	R-3	R-3-O	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Schools																						
Public	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>CP</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	--	<u>PC</u>	
Private	--	C	C	C	C	C	C	--	C	C	C	C	--	--	C	C	C	--	--	--	C	
Business, Trade	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	C	--	--	C	
Industry, Manufacturing and Processing, Warehousing, and Wholesaling Uses																						
Composting, Green Waste Facility	--	--	--	--	--	--	--	--	--	--	--	<u>-C</u>	--	--	--	--	--	C	--	--	<u>-C</u>	
Crop Production and Processing	P	P	--	--	--	--	--	--	--	--	--	C	C	C	C	C	P	P	--	--	--	
Food and Kindred Products Processing	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	P	P	--	--	--	--	
Industrial - Heavy	--	--	--	--	--	--	--	--	--	--	--	<u>P-C</u>	--	--	<u>P-C</u>	<u>P-C</u>	<u>P-C</u>	--	--	--	--	
Industrial - Light	--	--	--	--	--	--	--	--	--	--	--	P ₋ *	--	--	P ₋ *	P ₋ *	P ₋ *	--	--	--	--	* Subject to approval of a conditional use permit if includes outdoor activities
Recycling Collection Centers	--	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	C	--	--	--	--	Shall not include collection of hazardous/toxic items
Resources Extraction	--	--	--	--	--	--	--	--	--	--	--	C	C	--	C	C	--	C	C	--	--	See Chapter 21.112 (Surface Mining and Reclamation)
Self Storage Facility	--	--	--	--	--	--	--	--	--	--	C*	C	--	--	C	<u>E--</u>	<u>E--</u>	--	--	--	--	See Section 21.92.XXX (Self Storage Facilities) *Only allowed south of Highway 46E.
Vehicle Services and Repair																						
Major Repair/Body Work	--	--	--	--	--	--	--	--	--	--	C	C	--	--	C	--	C	--	--	--	--	
Minor Repair/Maintenance	--	--	--	--	--	--	--	--	--	--	P	P	C	--	P	--	P	--	--	--	--	
Vehicle Rental and Accessory Services	--	--	--	--	--	--	--	--	--	--	P	P	P	--	P	--	P	--	--	--	--	
Car Wash	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	--	C	--	--	--	--	
Warehousing, Wholesale or Distribution	--	--	--	--	--	--	--	--	--	--	P	P	--	--	P	P	P	--	--	--	--	
Wineries, Breweries, and Distilleries	C	--	--	--	--	--	--	--	--	--	--	P	--	--	P	P	P	P	C	--	--	
Lodging																						
Bed and Breakfast Inns	C	C	C	C	C	C	C	C*	--	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	--	<u>PC</u>	C	--	--	--	See Section 21.152.XXX (Historical and Architectural Preservation Overlay) and Chapter 21.34 (Short-Term Rentals)

Land Use	R-A	R-1	R-2	R-3	R-3-O	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Hotels and Motels	--	--	--	--	--	--	--	--	--	P	P	P	C*	P	P	--	P	C	--	--	--	* Requires a finding that a hotel or motel will not be detrimental to the city's efforts to revitalize the historic downtown
Recreational Vehicle Parks	--	--	--	--	--	--	--	--	--	--	PC	CP	C	-C	CP	--	C	-C	C	--	--	
Public and Quasi-Public Uses																						
Assembly Facility - General (Small)	--G	--G	--G	--G	--G	--G	--G	C	C-	C	C	C	-C	C-	C	C	C-	C-	C	--	C	
Assembly Facility - General (Large)	--	--	--	--	--	--	--	--	C	C	C	C	C	--	--	--	--	--	--	--	--	C
Assembly Facility - Religious	C	C	C	C	C	C	C	C	C-	C	C	C	-C	C-	C	C	C-	C	C-	--	C-	
Cultural Institutions	C	C	C	C	C	C	C	P*	P	P	P	P	P	P	P	P	P	C	C	--	C	* See Section 21.18.020(e)
Government Buildings and Facilities	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	C	P	--	P	
Emergency Shelter – General	--	--	--G	--G	--G	--G	--G	--	--	--	--	-C	--	--	--	P*	--	--	--	--	C	*Only in Commerce Industrial Park (on properties facing Sherwood Road, Commerce Way, Fontana Road, and Linne Road. See Section 21.92.XXX (Emergency Homeless Shelters - General).
Emergency Shelter - Low Barrier Navigation Center	--	--	--	--	--	--	--	P	--*	--*	--*	--*	--*	--*	--*	--*	--*	--	--	--	--	*P only on properties in the Mixed-Use Overlay district
Emergency Shelter - Domestic Violence	--	--	P	P	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	C	
Public Parks and Recreation Facilities ₇	GP	GP	GP	GP	GP	GP	GP	--	P	P	P	P	P	P	P	P	P	--	P	P*	P	* Limited to passive recreation including pedestrian and equestrian trails
Transportation, Communication, and Infrastructure Uses																						
Airport, Landing Strip, Helicopter, Spaceport Operations	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	G-	
Broadcasting Studios	--	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	P	C	--	--	--	
Electrical Generation and Storage Facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	-C	-C	-C	-C	-C	--	-C	See Section X21.92.XXX (Electrical Generation and Storage Facilities)
Parking Facilities	--	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	--	--	--	--	
Transit Facility	--	--	--	--	--	--	--	P*N	P	P	P	P	P	P	P	P	P	--	--	--	--	* South of 1 st Street only
Truck Terminals	--	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	C	--	--	--	--	
Truck Stops	--	--	--	--	--	--	--	--	--	--	C	C	--	--	C	--	--	--	--	--	--	
Public Utilities Facilities, Minor	P	C	C	C	C	C	C	--	P	P	P	P	P	P	P	P	P	P	P	--	P	
Public Utilities Facilities, Major	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	C	C	C	--	C	

Land Use	R-A	R-1	R-2	R-3	R-3-O	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations	
Vehicle Storage Lots	--	--	--	--	--	--	--	--	--	--	--	C	--	--	C	--	C	--	--	--	--	Vehicle storage lots are prohibited along Spring Street and Creston Road	
Wireless Communication Facilities	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	Allowed with an Administrative Use Permit in the ROW. See Chapter 21.90 (Wireless Communications Facilities)
Specific Uses																							
Drive-Through or Drive-Up Facilities	--	--	--	--	--	--	--	--	--	P	P	P	P	--	P	P	P	--	--	--	--		
Outdoor Storage as an Accessory Use																							
If property and adjacent streets are improved and storage is screened	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	--	--	--	See Section 21.21.110	
If property and adjacent streets are not improved and storage is screened	--	--	--	--	--	--	--	--	C	C	C	C	C	--	C	C	C	P	--	--	--	See Section 21.21.110	
Temporary Uses																							
Circuses, Carnivals, Fairs, Festivals, and Concerts	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	T	T	T	T	See Chapter 21.23C (Temporary Use Permits)	
Mobile Homes, As Temporary Caretaker Units During Construction of a Permanent Building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	--	--	See Chapter 21.23C (Temporary Use Permits)	
Outdoor Temporary and/or Seasonal Sales	--	--	--	--	--	--	--	T	T	T	T	T	T	T	T	T	T	T	T	--	--	May also include a temporary caretaker unit. See Chapter 21.23C (Temporary Use Permits)	
Parking Lot Sales and Other Promotional Events	--	--	--	--	--	--	--	--	T	T	T	T	T	--	T	T	T	--	--	--	--	Where only on-site businesses are participating (if longer than 7 days) See Chapter 21.23C (Temporary Use Permits)	
Temporary Food Service	--	--	--	--	--	--	--	--	T	T	T	T	T	T	T	T	T	T	--	--	--	When located at the business' permanent location or in conjunction with a non-profit fundraising event (greater than seven days) See Chapter 21.23C – Temporary Use Permits	
Temporary Off-Site Construction Yards	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	--	T	T	In conjunction with a valid building (unless on the immediately adjacent property) See Chapter 21.23C – Temporary Use Permits	

Land Use	R-A	R-1	R-2	R-3	R-3-O	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Temporary Real Estate Sales Offices	T	T	T	T	T	T	T	T	T	T	T	T	T	--	T	T	T	--	--	--	--	Within approved development projects See Chapter 21.23C – Temporary Use Permits
Trailer/Temporary Building Use																						
In conjunction with an existing on-site business (two year maximum)	T	T	--	--	--	--	--	--	T	T	T	T	T		T	T	T	T	T	--	--	See Chapter 21.23C – Temporary Use Permits
In conjunction with the construction of a building and with available paved parking (maximum of one year)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	--	T	See Chapter 21.23C – Temporary Use Permits

ARTICLE 6: STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

CHAPTER 21.92 – STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES

21.92.XXX – Purpose and Applicability

The purpose of this Chapter is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed within individual or multiple zones, as set forth in Article 3 (Zones, Allowable Uses, and Development Standards), and for activities that require special standards to reduce their potential adverse impacts.

21.92.XXX – Accessory Dwelling Units

The provisions of Chapter 21.78 (Accessory Dwelling Units) of Title 21 (Zoning) shall apply. **REVISIONS IN PROGRESS.**

21.92.XXX – Adult Business Uses

The provisions of Chapter 21.80 (Adult Business Uses) of Title 21 (Zoning) shall apply.

21.92.XXX – Animal Husbandry

- A. **Purpose.** The purpose of this Section is to provide reasonable standards for the commercial keeping and raising of animals to avoid and minimize adverse impacts on adjacent properties and to preserve the city's quality and character, where animal husbandry as defined in Chapter 21.114 (Land Use Definitions) is allowed by Table 21.XX (Zoning District Use Regulations).
- B. **Standards.** The minimum lot size and setbacks of Table 21.92.XXX-1 apply for all animal husbandry uses.

TABLE 21.92.XXX-1: Animal Husbandry Standards

Type of Animal	Minimum Lot Size	Required Setbacks ¹
Bees	0.5 acre	100 feet
Poultry	0.5 acre	25 feet
Rabbits	0.5 acre	25 feet
Sheep	1 acre	50 feet
Goats	1 acre	50 feet
Cattle	1 acre	50 feet

Notes:

¹ As measured from all animal enclosures and pasture areas to occupied structures on adjacent properties.

- C. **Maintenance.** All buildings housing domestic animals, animal enclosures, and pasture areas shall be maintained free from litter, garbage, and the accumulation of manure. Premises shall be maintained in a neat and sanitary manner and shall not create a nuisance.

21.92.XXX – Animal Keeping, Accessory to Residential Use

- A. **Purpose.** Animal keeping is allowed as an accessory use to a primary residential use. Animals may be kept in compliance with Title 8, Animal Control, of the Municipal Code, and the following standards:
- B. **Horses in Residential Districts.** The maintenance of horses (including horses, mules, burros and ponies) for private use in residential zones shall be permitted subject to the following procedures, regulations and

requirements, the general requirements of this Chapter, and only after first obtaining approval by the Zoning Administrator.

1. **Minimum Lot Area.** The minimum lot area upon which a horse may be kept shall be one acre without the need for a conditional use permit. To keep a horse on a lot less than one acre (but no smaller than twenty thousand square feet) a conditional use permit must first be obtained.
2. **Maximum Animal or Acreage Ratio.** A maximum of two adult horses and their immature offspring may be kept on a one-acre parcel. One additional adult animal and their immature offspring may be kept for each additional half acre (Note: immature offspring shall be defined as a colt or a foal which has not yet been weaned—typically up to one year of age).
3. **Density Cap.** No more than four horses may be kept on any given parcel unless a conditional use permit is first obtained.
4. **Structures and Setbacks.** Stables, corrals and similar buildings incidental to the keeping of such animals are permitted, provided that none shall be located nearer than one hundred feet from the front property line or fifty feet from any existing dwelling on an adjacent lot.
5. **Drainage.** Every parcel of land upon which such animals are maintained shall be well drained. The surface of corrals or enclosures shall be graded to prevent the accumulation of storm or nuisance water. In no case shall surface runoff with manure or associated debris be diverted onto or across surrounding properties.
6. **Maintenance.** It is unlawful to keep such animals or the premises in an offensive, obnoxious or unsanitary condition. It is the intention that no nuisance, private or public, be maintained.
7. **Nonpermitted Activities.** The operation of commercial animal-related activities shall be prohibited within residential districts. Such prohibited activities shall include, but may not be limited to: boarding of a horse(s) other than those owned by the resident of the property, public riding stables, rental of animals, breeding services, and arenas.
8. **Visiting Horses.** Transient visits by horses to a property (e.g., for joint riding ventures or loading and unloading in trailers) shall not exceed twelve hours in any one calendar month. Cumulative visits exceeding this time frame shall be cause for revocation of the approval by the zoning administrator.
9. **Approval by the Zoning Administrator.** Approval by the zoning administrator shall be required to be obtained by the owners/keeper of said animal(s) prior to commencing with the keeping of horses on a parcel. Planning Application for the approval shall include pertinent information related to compliance with this code Section, in addition to a cost recovery fee for the processing of a Planning application.
10. **Conformity Required.** No horse shall be kept within the city for any periods of time unless the requirements of this Section are met. Noncompliance with these regulations shall be deemed a public nuisance and shall be handled within the authority and scope of this Chapter. Consistent with provisions for dealing with public nuisance abatement, the cost for the abatement of such nuisance shall be the responsibility of the property owner.
11. **When a Conditional Use Permit is Required.** When a conditional use permit is required by this Section, the standards applied to such conditional use permit shall be, at a minimum, subject to the

same standards noted within this Section, but may also include additional standards and/or controls in order to maintain neighborhood compatibility. Such controls may include, but may not be limited to, increased setbacks of structures from dwellings, improved structural integrity of fencing, specialized schedules or techniques for site maintenance and/or development.

- C. **Other Animals in Residential Districts.** The maintenance of other large animals other than horses (including cows, sheep, and goats, but specifically excluding swine, which are prohibited) may be permitted only after first obtaining a conditional use permit. The keeping of such animals shall, at a minimum, be subject to the same standards as applicable to horse keeping, but additional standards and/or controls may be applied through the conditional use permit process in order to maintain neighborhood compatibility. Such additional standards may include, but may not be limited to, increased setbacks of structures from dwellings, improved structural integrity of fencing, specialized schedules or techniques for site maintenance and/or development.

21.92.XXX – Cannabis

The provisions of Chapter 21.82 (Cannabis) of Title 21 (Zoning) shall apply.

21.92.XXX – Electricity Generation and Storage Facilities.

- A. **Purpose.** This Section provides standards for siting and operating electricity generation and storage facilities, as defined in Chapter 21.114 (Land Use Definitions) and where allowed by Table 21.XX (Zoning District Use Regulations).
- B. **Battery Energy Storage System Requirements.**
 - 1. **Hazardous Materials Plan.** Applicant/operator shall submit for Review Authority approval a hazardous materials business/reclamation plan for decayed batteries at they near the end of their useful life.
 - 2. **Vegetation.** Areas within 10 feet on each side of Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

21.92.XXX – Emergency Shelters - General

- A. **Purpose.** This Section provides standards for siting and operating emergency shelters - general, as defined in Chapter 21.114 (Land Use Definitions) and where allowed by Table 21.XX (Zoning District Use Regulations), consistent with Government Code Section 65660.
- B. **Applicability.**
 - 1. The requirements of this Section apply only to emergency shelters where permitted or conditionally permitted pursuant to Article 3 (Zones, Allowable Uses, and Development Standards) and within the Uptown/Town Centre Specific Plan Chapter 5 Development Code, where permitted or conditionally permitted pursuant to Table 5.3-1 (Allowed Land Uses and Permit Requirements) and subject to approval of a site plan in accordance with Section 21.23B.030.B.

2. In the PM district on Commerce Way, Niblick Road, Fontana Road, and Linne Road, emergency homeless shelters shall be subject to approval of a site plan in accordance with section 21.23B.030.B.

C. Site Development Standards.

1. **Maximum Number of Persons/Beds.** Emergency homeless shelters may have a maximum of 50 beds/persons for overnight occupants per facility.
2. **Operator.**
 - a. Each shelter shall be operated by a responsible agency or organization, with experience in managing and/or providing social services.
 - b. Staff and services shall be provided to assist residents to obtain permanent shelter and provide referral information and/or services for health or mental health services, educational opportunities, job training/employment and life skills training.
 - c. There shall be at least one on-site supervisor per 25 persons during the hours of operation.
 - d. The operator of an emergency shelter or daytime service facility shall submit a management plan for approval by the Director including, as applicable, provisions for staff training, neighborhood outreach, security, screening to ensure compatibility with services provided at the facility, affirmative measures to discourage loitering at the facility, and hours of operation.
3. **Concentration of Use.** In accordance with Subsection (a)(4)(A)(v) of California Government Code Section 65583 regarding the standards a city may establish for proximity of one emergency shelter to another, no emergency shelter shall be established within 200 feet of another emergency shelter.
4. **Parking.** One vehicle parking space for each staff working in the emergency shelter; however, in no case shall more parking be required than other residential or commercial uses within the same zone.
5. **Waiting Area.** For facilities with on-site client intake, an enclosed or screened waiting area must be provided within the premises for clients and prospective clients to ensure that public sidewalks or private walkways are not used as queuing or waiting area. A minimum of 200 square feet shall be provided for the waiting area, unless the Director determines that additional waiting space is required to meet the needs of the anticipated client load.
6. **Length of Stay.** Individuals and families may not stay at an emergency homeless shelter for more than a total of 180 days per calendar year.
7. **Lighting.** Exterior lighting may be installed for security purposes. Lighting shall be directed away from adjacent properties and shall be shielded and downcast consistent with Section 21.21.040 (H).
8. **Outdoor Cleanliness.** The outdoor areas (yards) of shelters and surrounding areas shall be kept clean and free of debris, litter, and personal effects shall not be stored outdoors.

- 9. **Security.** Security systems shall be installed prior to issuance of certificate of occupancy. Security systems shall include an alarm system to detect unrecorded or unauthorized entry or exiting of a facility, and a camera surveillance system which shall be installed in locations to the satisfaction of the police chief.
- 10. **Uptown/Town Center Specific Plan.** Emergency homeless shelters proposed in the Riverside Corridor (RSC) zone shall comply with site development standards of the RSC zone, Section 5.5.8 in the Uptown/Town Center Specific Plan, except for parking requirements, which shall be provided in compliance with subsection C.4 (Parking) above.

21.92.XXX – Emergency Shelters - Low Barrier Navigation Centers

- A. **Purpose and Applicability.** The purpose of this Section is to ensure that low barrier navigation centers, as defined in Chapter 21.114 (Land Use Definitions) and where allowed by Table 21.XX (Zoning District Use Regulations), are allowed consistent with Government Code Section 65660.
- B. **Standards.** Low Barrier Navigation Centers shall meet the following specific requirements:
 - 1. **Services.** Offer services to connect people to permanent housing through a services plan that identifies services staffing.
 - 2. **Coordinated Entry System.** Link to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those Sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
 - 3. **Homeless Management Information System.** Use a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.65664.
 - 4. **Housing First.** Comply with Housing First according to Welfare and Institutions Code Section 8255 et seq.
 - 5. **Process.** Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the Director shall notify the applicant of application completeness pursuant to Section 65943. Within 60 days of receipt of a completed application for a Low Barrier Navigation Center development, the Director shall act upon review of the application.

21.92.XXX – Equestrian Facilities

- A. **Purpose.** The purpose of this Section is to provide reasonable standards for the commercial keeping, training, and maintaining of horses to avoid and minimize adverse impacts on adjacent properties and to preserve the city’s quality and character, where equestrian facilities as defined in Chapter 21.114 (Land Use Definitions) is allowed by Table 21.XX (Zoning District Use Regulations).

- B. **Structures and Setbacks.** Stables, corrals and similar buildings incidental to the keeping of horses are permitted, provided that none shall be located nearer than one hundred feet from the front property line or fifty feet from any existing dwelling on an adjacent lot.

21.92.XXX – Manufactured Homes

- A. **Purpose and Applicability.** This Section provides standards for manufactured homes where single-unit dwellings are allowed as defined in Chapter 21.114 (Land Use Definitions) and where allowed by Table 21.XX (Zoning District Use Regulations). Where more than two mobile homes are located on one lot, refer to Section 21.92.XXX (Mobile Home Parks).
- B. **Standards.** The following standards apply to manufactured homes:
 1. **Permit Requirement.** Manufactured homes are a permitted use on any lot in which the Zoning Code permits single-unit residential uses. Except as otherwise provided in this Chapter, manufactured homes shall be subject to the same regulations as conventional single-family homes.
 2. **Parking.** Manufactured homes shall be subject to the same parking requirements as single-family residential uses.
 3. **Height.** Requirements for building height, lot coverage, side yard setbacks, front yard setbacks, rear yard setbacks, and usable open space shall be subject to the same requirements as the zoning district in which the manufactured home is located.
 4. **Roofing.** Roof overhangs, roofing materials and siding materials shall be in character with the overhangs and materials that are commonly used in conventional single-family homes in the subject subdivisions (or in adjacent subdivisions if there are not sufficient examples in the subject subdivision).
 5. **Skirting.** The space beneath a manufactured home and the ground shall be screened with a skirt or by a combination of skirts, decks and/or grading with ventilation and access in accordance with State law.
 6. **Design.** Manufactured homes shall be subject to the same design guidelines and standards as conventional single-family homes in the same zoning district.
- C. **Foundation Systems.**
 1. All manufactured homes constructed on a foundation system shall comply with the requirements of Health and Safety Code Section 18551 and California Code of Regulations, Title 25, Division 1, as they may be amended from time to time.
 2. Prior to installing a manufactured home on a foundation system as a fixture or improvement to real property, the owner or a licensed contractor shall obtain a building permit from the City, provide the City with the information required under Health and Safety Code Section 18551, and pay any applicable permit fees.
 3. No manufactured home currently on private property or located in a mobile home park shall be required to be placed on a foundation system.

21.92.XXX – Mobile Home Parks

- A. **Purpose and Applicability.** This Section provides standards for the location and development for mobile home parks where allowed in Article 3 (Zones, Allowable Uses, and Development Standards).
- B. **Development Standards.** All development in any mobile home park shall comply with the development standards for multi-unit dwellings in residential zones, except for the general architectural requirements in Section 21.16I.210.B. The standards listed below also supersede any of the standards required for multi-unit dwellings in residential zones:
 - 1. **Building Site.** The minimum building site shall be one acre and the minimum lot width shall be not less than two hundred feet.
 - 2. **Fences and Walls.** A solid masonry or concrete fence ~~or similar type~~ not less than six feet in height shall be placed and maintained on perimeter property lines.
 - 3. **Access.** Mobile home parks must be served from internal streets within the mobile home or trailer park, and there shall be no direct access from a mobile home space to a public street or road.
 - 4. **Fire Protection.** Fire protection devices, hydrants, and alarm systems shall be installed as approved by the Fire Department.
 - 5. **Landscaping.** Landscaping shall be provided at least 10 feet deep between the perimeter wall and the public right-of-way as required by the Review Authority.
 - 6. **Minimum Setbacks.** Minimum setback requirements for the zoning district shall apply to the mobile home park's comprehensive development, rather than each individual mobile home. In addition, the following standards are required:
 - a. No mobile home space shall be located closer than 25 feet from the property line when said line is a public street.
 - b. No mobile home space shall be closer than five feet from any other portion of the property line of said mobile home park.
 - c. No mobile home space shall be placed closer than five feet from its side lot line or space boundary line.
 - 7. **Vehicle Storage.** Storage areas shall be provided for boat trailers and other recreation vehicles as required by the Review Authority.

21.92.XXX – Self Storage Facilities

- A. **Purpose and Applicability.** This Section provides standards for self storage facilities as defined in Chapter 21.114 (Land Use Definitions) and where allowed by Table 21.XX (Zoning District Use Regulations).
- B. **Standards.**
 - 1. **Minimum Lot Size.** The minimum lot size shall be 5,000 square feet.

2. **Setback in C-2 Zone.** In the C-2 zone, a minimum 300-foot setback is required from a state highway or from frontage roads adjacent to state highways.
3. **Prohibited Locations.** Self storage facilities are prohibited along Spring Street and Creston Road.
4. **Sanitary Facilities.** At least two restrooms shall be provided and shall be available at all times to renters and employees. The restrooms shall be maintained in a clean and sanitary condition at all times.
5. **Landscaping and Screening.** The building site shall be landscaped in a manner approved by the Review Authority. Landscaping standards will be required as follows:
 - a. A minimum of 25 feet of landscaped setback shall be required for projects that front or back to a collector, arterial, state highway, state highway frontage road or residentially zoned property.
 - b. A minimum of 15 feet of landscape setback shall be required for all other streets less significant than a collector.
 - c. Up to 50 percent of the landscape setback can be used for off-street parking, but minimum of a 10-foot landscape setback shall be required between the property line and the parking area. The purpose and intent is to ensure adequate screening is provided and the Review Authority shall have the option of requiring parking to be located in other areas if needed to address the need to provide adequate screening.
 - d. Self storage facilities shall be prohibited at the city gateways identified in the Paso Robles Gateway Plan: Design Standards.
6. **Commercial Uses Prohibited.** The use of all rental units shall be limited to storage. Renters may conduct minor maintenance such as cleaning, minor repairs, and spot painting to their privately owned boats, trailers, and other recreation vehicles. However, no rental spaces shall be used for any retail or service commercial uses including business or professional offices, retail sales, services provided for a fee, or fabrication of any products intended for sale.
7. **Required Findings.** The Review Authority shall make the following findings in approving a personal storage facility:
 - a. The project is designed to be aesthetically pleasing, through the use of good quality materials and architecture, and/or fully screened.
 - b. The project will not be detrimental to economic vitality goals in place on a citywide basis.
 - c. The project will not diminish community character, critical gateways, or the downtown.

21.92.XXX – Outdoor Sales, Displays, and Storage

- A. **Purpose and Applicability.** The purpose of this Section is to provide areas for the outdoor display of merchandise for sale and outdoor storage areas as an accessory use as defined in Chapter 21.114 (Land Use Definitions) and where allowed ~~by Table 21.XX (Zoning District Use Regulations), in compliance with Article 3 (Zones, Allowable Uses, and Development Standards).~~

~~B. **Review and Approval.** All uses that initiate, expand, or intensify an outdoor display of merchandise shall file an application to be reviewed and approved by the Community Development Department. Applications may be referred by the Director to the Planning Commission or its designated subcommittee.~~

C. Outdoor Display of Merchandise.

1. **Definition.** The outdoor display of merchandise for sale is defined as finished products that are temporarily displayed on the site.
2. **Standards.** All outdoor display of merchandise for sale shall conform to the following regulations:
 - a. No displayed merchandise shall be located within the public right-of-way. No displayed merchandise shall be located within parking aisles, required parking spaces, landscaped areas or within required fire or handicapped access ways, unless otherwise permitted with a conditional use permit for permanent displays. For displays lasting more than 7 days but less than 60 days, a temporary use permit is required.
 - b. The products shall be limited to the primary merchandise sold by the principal business that occupies the site. No merchandise shall be displayed for sale on an undeveloped or vacant site, unless otherwise permitted with a temporary use permit.
 - c. In multi-tenant centers, the displayed merchandise should be limited to the area directly in front of the store displaying the merchandise.
 - d. No merchandise shall be displayed that is unsightly or creates any other condition that is detrimental to the appearance of the premises or surrounding property or in any other manner is detrimental to the public health, safety, welfare or causes a public nuisance.

D. Outdoor Storage Areas.

1. Sites that do not have dedicated public right-of-way, in conformance with the City's street master plan, or other legal access in a form acceptable to the City Engineer, or existing public improvements such as curb, gutter, sidewalk, street lights, and street trees in conformance with the City's Street Master Plan shall require a conditional use permit, unless the applicant voluntarily installs or posts the appropriate security for such improvements, in a manner to be approved by the Public Works Director.
2. All outdoor storage areas shall conform to the following regulations:
 - a. All outdoor storage areas within commercial and industrial zones shall be thoroughly screened from public view and adjacent properties by a combination of walls or fences and landscaping. Landscaping requirements shall be as follows:
 - (1). A minimum of 25 feet of landscaped setback shall be required for projects that front or back to a collector, arterial, state highway, state highway frontage road or residentially zoned property.
 - (2). A minimum of 15 foot of landscape setback shall be required for all other streets less significant than a collector.

- (3). Up to 50 percent of the landscape setback can be used for off-street parking, but a minimum of a 10-foot landscape setback shall be required between the property line and the parking area. The purpose and intent is to ensure adequate screening is provided and the Review Authority shall have the option of requiring parking to be located in other areas if needing to address the need to provide adequate screening.
- (4). Outdoor Storage shall be prohibited at the city gateways identified in the Paso Robles Gateway Plan: Design Standards, unless project is fully screened by architecturally designed walls and treatments.
- b. The stored materials shall be limited to those normally associated with the principal use on the site.
- c. All walls or fences shall be at least six feet but no greater than eight feet in height.
- d. Landscape planters shall be a minimum of five feet wide (interior dimensions) unless an existing planter is less. In no cases shall the planter be less than three feet wide. The landscaping should be placed adjacent to the wall or fence to create interest and deter graffiti and vandalism.
- e. In cases where unusual topographical conditions, land use conflicts, or zone boundaries exist, the outdoor storage areas may require additional screening structures and/or materials as determined by the Review Authority.
- f. Storage materials or equipment that exceed the height of the wall or fence shall be stored on the rear 50 percent of the site unless otherwise approved by the Review Authority.
- g. All arterial streets shall have a combination of decorative masonry wall and landscaping along outdoor storage areas adjacent to the right-of-way unless otherwise approved by the Review Authority.
- h. All screening materials shall be installed and finalized prior to the commencement of storage onsite.

21.92.XXX – Recreational Vehicle Parks

- A. **Purpose and Applicability.** This Section provides standards for the location and development for recreational vehicle parks where allowed in Article 3 (Zones, Allowable Uses, and Development Standards).
- B. **Development Plan.** Recreational vehicle parks shall be subject to review and approval of a Development Plan.
- C. **Development Standards.** The standards listed below supersede any of the standards required for the zoning district in which a recreational vehicle proposed:
 - 1. **Building Site.** The minimum building site shall be one acre and the minimum lot width shall be not less than two hundred feet.
 - 2. **Access.** Recreational vehicle parks must be served from internal streets within the park, and there shall be no direct access from a recreational vehicle space to a public street or road.

3. **Setbacks.** No part of a recreational vehicle shall be located closer than 25 feet to any street property line, and no closer than 15 feet to any interior property line. No recreational vehicle shall be located closer than 10 feet to any other recreational vehicle.
4. **Fire Protection.** Fire protection devices, hydrants, and alarm systems shall be installed as approved by the Fire Department.
5. **Permanent/Nonmobile Spaces.** No more than 20 percent of the recreational vehicle spaces may be reserved for permanent/nonmobile structures rented out to the public by the operator.

21.92.XXX – Religious Assembly Facility

- A. **Purpose and Applicability.** This Section provides standards for Religious Assembly Facilities, as defined in Chapter 21.114 (Land Use Definitions) and where allowed in compliance with Article 3 (Zones, Allowable Uses, and Development Standards).
- B. **Property Development Standards.** Development shall comply with the Property Development Standard of the zoning district in which the project is located.
- C. **Affordable Housing.** Up to 50 percent of parking spaces required for the religious institution may be eliminated or reduced for a proposed housing development per Government Code Section 65913.6.

21.92.XXX – Residential Care Facilities

- A. **Purpose and Applicability.** This Section provides standards for the location, development, and operation of General Residential Care Facilities and Assisted Living Residential Care Facilities, where allowed in compliance with Article 3 (Zones, Allowable Uses, and Standards).
- B. **Development Standards.**
 1. **Density.** General Residential Care Facilities and Assisted Living Residential Care Facilities shall comply with the maximum allowed residential care facility density per Table 21.92.XXX-1: Residential Care Bed Density Correlation.

TABLE 21.92.XXX-1: Residential Care Bed Density Correlation

General Plan Land Use Category	Correlated Zoning District	General Plan Density du/ac	Residential Care beds / ac ⁽¹⁾	UTSP Zoning
Agriculture	AG		**	
<i>Residential Categories</i>				
Residential Rural (1 du/5 acres)	RA	0.2	**	
Residential Suburban (1 du/2.5 acres)	R1	0.4	**	
Residential - Single Family - 1 (1 du/acre)	R1	1	**	
Residential - Single Family - 2 (2 du/acre)	R1	2	**	
Residential - Single Family - 3 (3 du/acre)	R1	3	8	
Residential - Single Family - 4 (4 du/acre)	R1	4	10	
Residential - Single Family - 6 (6 du/acre)	R1	6	16	
Residential - Multiple Family - 8 (8 du/acre)	R2	8	21	T-3N

TABLE 21.92.XXX-1: Residential Care Bed Density Correlation

General Plan Land Use Category	Correlated Zoning District	General Plan Density du/ac	Residential Care beds / ac ⁽¹⁾	UTSP Zoning
Residential - Multiple Family - 9 (9 du/acre)	R2	9	24	
Residential - Multiple Family - 12 (12 du/acre)	R3	12	32	T-4N
Residential - Multiple Family - 16 (16 du/acre)	R4	16	43	
Residential - Multiple Family - 20 (20 du/acre)	R5	20	53	
Mobile Home Park (5 du/acre)	R4	5	**	
<i>Commercial Categories</i>				
Neighborhood Commercial	NC	N/A	53	T-4NC
Office Professional	OP	N/A		
Downtown Commercial		N/A	53	TC-1
Community Commercial	various	N/A	53	TC-2
Regional Commercial	RC	N/A		
Commercial Service	various	N/A	21	RCS
<i>Mixed Use Categories</i>				
Mixed Use 8 (Commercial & Multi-Family - 8)	MU Overlay	8	21	T-3F
Mixed Use 12 (Commercial & Multi-Family - 12)	MU Overlay	12	32	T-4F
<i>Industrial Categories</i>				
Business Park	PM	0	0	
Industry	M	0	0	RCS
<i>Other Categories</i>				
Public Facilities	PF	0	0	C
Parks and Open Space	OS	0	0	OS
Notes: ** State pre-emption allowing six residential care beds in residential zones applies. 1. Residential Care density only applies if the use is permitted under the corresponding zoning district. 2. Total units constructed must be consistent with Land Use build out assumptions.				

2. **Fire Protection.** Fire protection devices, hydrants, and alarm systems shall be installed as approved by the Fire Department.
3. **Development Plan.** General residential care facilities and assisted living residential care facilities shall be subject to review and approval of a Development Plan.
4. **State Approval.** Where a facility is required to be licensed by the State, written proof shall be submitted to the City that the appropriate State licensing agency will be able to issue all required licenses and specifying the maximum number of beds for which a license will be issued by such agency.

21.92.XXX – Short-Term Rentals

The provisions of Chapter 21.88 (Short-Term Rentals) of Title 21 (Zoning) shall apply.

21.92.XXX – Tattoo and Body Art Establishments

- A. Purpose.** The purpose and intent of this chapter is to prohibit tattooing within the city, except for in those zones specifically authorized in this Chapter. Due to concerns about the potential unsanitary conditions and the public image projected by tattoo parlors, and in order to protect the pedestrian-friendly and welcoming character of other areas in the City, including the historic downtown core, the City desires to allow operation of tattoo parlors only in the C-3 and Riverside Corridor zones.
- B. Definitions.**
1. "Body piercing" means to puncture, perforate, or penetrate a human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. This includes, but is not limited to, creating such an opening in the lip, tongue, nose, eyebrow, or navel for the purpose of inserting jewelry or other decorative items. Body piercing does not include piercing of the ear lobe or outer portion of the ear.
 2. "Tattoo parlors" means any establishment where the act of tattooing or body piercing humans takes place. This includes tattooing or body piercing as a primary or ancillary use. Tattoo parlors do not include permanent makeup of the face as an ancillary use to a beauty shop or paramedical tattooing ancillary to a medical clinic.
 3. "Tattoo" or "tattooing" means the act or process of inserting pigment under the surface of the skin of a human being by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.
 4. "Permanent makeup" means the application of pigments in human skin tissue for the purpose of permanently changing the color or other appearance of the skin. This includes microblading, micropigmentation, lip liner tattoos, and similar procedures.
- C. Tattoo Parlors Permitted in Specified Zones.** Operation of tattoo parlors is permitted only in the Riverside Corridor zoning district of the Uptown/Town Centre Specific Plan and C-3 zoning district. Tattoo parlors are expressly prohibited from operating in all other zoning districts.
- D. Tattoo Parlors; Standards and Limitations.** Every tattoo parlor shall be subject to the following conditions, in addition to all other requirements imposed by law:
1. The exterior walls of the tattoo parlor are to be located at least 1,000 feet from the exterior walls of any other tattoo parlor.
 2. The exterior walls of the tattoo parlor are to be located at least 500 feet from the outer boundary of any city-owned park facilities.
 3. The exterior walls of the tattoo parlor are to be located at least 500 feet from the outer boundary of any kindergarten through 12th grade school facilities.
 4. The operator of the tattoo parlor and all tattoo practitioners operating therein shall obtain and maintain all required state and/or county permits, licenses and registrations for operation of a tattoo parlor.
 5. Tattoo parlors shall not operate between the hours of 11:00 A.M. and 07:00 P.M.
 6. Live animals, except for service animals, shall not be allowed on the premises.

7. Once established, tattoo parlors shall not be permitted to expand into another tenant space or building otherwise on the site, or any contiguous site.
8. Temporary or mobile tattoo establishments or events are not authorized by this section.

21.92.XXX – Vehicle Fuel Sales and Accessory Service

- A. **Purpose and Applicability.** This Section establishes standards for the location, development, and operations for vehicle fuel sales and accessory services, as defined in Chapter 21.114 (Land Use Definitions) and where allowed in compliance with Article 3 (Zones, Allowable Uses, and Development Standards).
- B. **Combining Uses.** Vehicle fuel sales may be permitted as the primary use of a site or may be combined with other retail or service commercial uses such as mini-marts or auto repair.
- C. **Landscaping and Screening.** The Review Authority may require construction of a six-foot high decorative masonry wall along interior boundaries of the site where it deems it necessary to provide a durable and aesthetically-pleasing screen wall adjacent to existing or planned land uses of a more-sensitive nature (e.g., residential, restaurants, hotels, or other visitor-serving commercial). Street frontages between driveways shall be landscaped with planters that are at least five feet deep exclusive of curbs (raised or flat) that define or contain planter areas.

ARTICLE 9: TERMS AND DEFINITIONS

21.114.XXX – Purpose and Applicability

This article provides definitions of the technical and other terms and phrases used in this Title (Zoning Code) as a means of providing consistency in its interpretation. Where any definition in this article may conflict with definitions in other titles of the municipal code, these definitions shall prevail for the purposes of this Code, except for as specified in Section 21.114.XXX (Other Definition Sections). If a word is not defined in this chapter or in other provisions of the municipal code, the most common dictionary definition in the American Heritage Dictionary is presumed to be correct.

21.114.XXX – Organization

This article is subdivided into the following chapters:

- A. Chapter 21.114 (Land Use Definitions) applies to land uses and activities identified in Table XX: Uses Allowed by Zone of Section XXX (Use regulations by zone).
- B. Chapter 21.116 (General Definitions) applies to all other terms used in Title 21.

21.114.XXX – Other Definition Section

In addition to the definitions provided in this chapter, definitions are contained in the following sections of this title. Where any definition of this Article may conflict with definitions in other Titles of the Municipal Code, these definitions shall prevail.

- A. Section 21.XXX (Adult Business Uses)
- B. Section 21.XXX (Signs)

CHAPTER 21.114 – LAND USE DEFINITIONS

21.114.XXX – General Land Use Classifications

This chapter provides definitions of the land uses and activities identified in Table XX: Uses Allowed by Zone of Section XXX(Use Regulations by Zone).

21.114.XXX – “A” Definitions

Accessory Dwelling Unit. Dwelling unit accessory to a primary dwelling unit with complete kitchen and bathroom for one or more persons regulated by Government Code Sections 65852.2 and 65852.21.

Accessory Land Use. See Use, Accessory.

Adult Entertainment Uses. Any establishment which as a regular or substantial course of conduct performs or operates as an adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult motion picture arcade, adult cabaret, adult hotel or motel, adult theater, adult model studio, body painting studio, and any other business establishment which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matter depicting, describing or relating specified sexual activities or display of specified anatomical areas. “Adult-oriented business” does not include those uses or activities, the regulation of which is preempted by state law. “Adult-oriented business” shall also include any

establishment which, as a regular or substantial course of conduct, provides or allows performers, models, actors, actresses or employees to appear in any place in lingerie or similar attire which does not opaquely cover specified anatomical parts.

Airport, Landing Strip, Helicopter, Spaceport Operations. Supply of air terminal, airfield, spaceport (site used for launching and receiving spacecrafts), and other airport, helicopter, or spaceport infrastructure operation services on a fee or contract basis.

Assembly Facility - General (Large). A facility with 50,000 square feet or more where large groups of people gather for public or private meetings, such as convention centers. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiums or other sports facilities uses that represent more than 20 percent of overall square footage, or facilities such as day care centers and schools that are separately classified and regulated.

Assembly Facility - General (Small). A facility with less than 50,000 square feet or more where small groups of people gather for public or private meetings, including ~~convention centers~~, community centers, banquet centers, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiums or other sports facilities uses that represent more than 20 percent of overall square footage, or facilities such as day care centers and schools that are separately classified and regulated.

Assembly Facility - Religious. Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other related operations, are classified according to their respective activities.

Animal Husbandry. The commercial maintenance and caring for farm animals including bees, poultry, rabbits, sheep, goats, and cattle. Does not include feedlots, pigs, hogs or swine, which are prohibited. Does not include "Equestrian Facilities", which is defined separately.

Auto Repair. See "Vehicle Services and Repair".

21.114.XXX – "B" Definitions

Bed and Breakfast Inn. A residential dwelling operated as a homeshare short-term rental with three to five bedrooms. May include a permit issued by the county health department for food service (not constituting a restaurant operation providing for persons other than guests). and which may be used for special events only when special events are authorized by a conditional use permit issued in compliance with this Code. See Chapter 21.34 (Short Term Rentals) for definition of "homeshare" and applicable regulations.

Boardinghouse. See "Communal Housing".

Business, Retail. See "Retail, General".

Business, Wholesale. See "Warehousing, Wholesale, or Distribution".

Broadcasting Studios. An establishment containing one or more studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio

or television programs or motion pictures. Does not include "Wireless Communication Facilities", which are defined separately.

21.114.XXX – "C" Definitions

Car Wash. Washing, waxing, detailing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities as a primary use.

Cardrooms. Any building or structure, or any portion of a building or structure, or any premises or place where any person or persons are allowed to play commercial gambling card games as regulated by the California Gambling Control Act (Business and Professions Code Section 19800).

Caretaker Residence. A permanent dwelling unit that is secondary or accessory to a nonresidential use of the property and used for housing a caretaker employed on the site where needed for security purposes or to provide 24-hour care or monitoring of people, animals, equipment, or other conditions on the site.

Certified Farmers Markets and Year-Round Roadside Produce Stands. Open air markets or roadside produce stands, approved by the County Agricultural Commissioner and County Health Department, in which farmers sell their crops directly to the public. Certified Farmers Markets are generally conducted once weekly. To participate in these markets, farmers must obtain a certificate from the County Agricultural Commissioner verifying that they grow the items they sell. Does not include "Outdoor Temporary and/or Seasonal Sales", which are defined separately.

Cemeteries. Land primarily used for interment of human remains.

Cocktail Lounges and Bars. Any establishment that sells or serves alcoholic beverages for consumption on the premises as the primary use. Includes establishments that may operate as a different use during portions of the day and as a cocktail lounge or bar during another portion of the day. Includes any connected area that is owned, leased, or rented, or controlled by the licensee. May include dancing and live amplified entertainment. Includes stand-alone tasting rooms where alcoholic beverages from multiple vendors are sold and consumed on-site. Does not include "Adult Entertainment Businesses", which are defined separately.

Commercial Recreation Facility, Indoor. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including bowling alleys, coin-operated amusement arcades, dance halls, clubs and ballroom, electronic game arcades (video games, pinball, etc.), ice skating and roller skating, pool and billiard rooms as primary uses. Does not include "Adult Entertainment Uses", "Cardrooms", or "Theatres", which are defined separately.

Commercial Recreation Facility, Outdoor. Establishments providing permanent outdoor amusement and entertainment services for a fee or admission charge, including amusement parks, amphitheaters, stadiums, golf course, driving ranges, hot springs resort/spa, go-cart courses, tennis courts, pools and waterslides. Does not include "Temporary Uses" (e.g., Circuses, Carnivals, Fairs, Festivals and Concerts), or "Public Parks and Recreation Facilities", which are defined separately.

Communal Housing. Shared living quarters without separate kitchen facilities for each room or unit, where five or more rooms or beds are rented individually to tenants under separate rental agreements, with or without meal service included. This classification includes convents and monasteries, rooming and boarding houses, dormitories, heavy cooperatives, and other types of organizational housing intended for long-term occupancy (more than 30 consecutive calendar days) but excludes transient occupancy uses, and "Residential Care Facilities", "Supportive Housing", and "Transitional Housing", which are defined separately.

Composting, Green Waste Facility. A solid waste facility that utilizes a controlled biological process of degrading non-hazardous solid waste. A facility may include materials processing and hauling equipment; structures to control drainage; and structures to collect and treat leachate; and storage areas for the incoming waste, the final products, and residual materials.

Contracted Services. Establishments or places of business primarily engaged in construction and maintenance activities, such as plumbing, heating and air conditioning, janitorial, and pest extermination.

Crop Production and Processing. Raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing, but not cooking. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. Excludes uses for which other garden, nursery or landscape merchandise are stored and sold on the site. This use classification excludes "Food and Kindred Products Processing" and "Wineries, Breweries and Distilleries", which are defined separately.

Cultural Institutions. Institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes buildings of an educational, charitable, or philanthropic nature; libraries; museums; historical sites; art galleries, and art studios for painters, sculptors, and other artists. This use classification excludes "Broadcasting Studios", which is defined separately.

21.114.XXX – "D" Definitions

Day Care Center. Establishments providing non-medical care for persons on a less than 24-hour basis other than "Family Day Care Home". This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California. Such use must comply with all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a Day Care Center. See also "Family Day Care Home".

Domestic Violence Shelter. See "Emergency Shelters - Domestic Violence."

Drive-Through Restaurants. See "Restaurants - Drive Through"

Drive-Through Facilities. Facilities where services and purchases of minor items may be obtained by motorists without leaving their vehicles. Examples of such facilities include drive-up bank teller windows, pharmacies, dry cleaners, coffee kiosks and other similar uses. Excludes "Drive-Through Restaurants", which are defined separately.

Dwelling. See "Single-Unit Dwelling", "Multi-Unit Dwelling", "Accessory Dwelling Unit", and "Two-Unit Dwelling"

21.114.XXX – "E" Definitions

Electrical Generation and Storage Facilities. Solar farms, battery energy storage systems (BESS), and similar uses as a primary use. Does not include standard electrical transmission poles and lines, which are defined as "Public Utilities Facilities, Major or Minor". Does not include solar panels or other accessory electrical generation that is accessory to an approved residential use.

Equestrian Facility. Commercial establishment for the maintenance, boarding, training, or competing of horses.

Equipment Rental. Outdoor storage of construction, special event, and similar equipment for rental together with incidental maintenance. Does not include outdoor storage without rental as a primary use.

Employee Housing - Small. Employee housing per Section 17021.5 of the California Health and Safety Code for six or fewer employees. See Employee Housing Act, Sections 17000 et seq. of the California Health and Safety Code.

Employee Housing - Large. Employee housing per Section 17021.6 of the California Health and Safety Code consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household. See Employee Housing Act, Sections 17000 et seq. of the California Health and Safety Code.

Emergency Shelter - General. Housing with minimal supportive services for homeless persons that is limited to occupancy of 180 days per calendar year or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (California Health and Safety Code Section 50801(e).

Emergency Shelter - Domestic Violence. A residential facility serving as a center to receive and house persons who are victims of domestic violence, including dependents of the victim, to provide temporary boarding, lodging, counseling, and day care, limited to occupancy of six months or less.

Emergency Shelter - Low Barrier Navigation Center. A Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy. See Government Code Section 65660.

21.114.XXX – “F” Definitions

Family Day Care Home. A day-care facility for children under the age of 18 for periods of fewer than 24 hours a day licensed by the State, which is located in a dwelling unit, where a resident of the dwelling provides care and supervision for 14 or fewer children (or capacity limits as set forth by the State, including children who reside at the home and are under the age of 10. See Health and Safety Code Section 1596.78. For larger and commercial facilities see “Day Care Center”.

Farmers’ Market. See “Certified Farmers Market and Year-Round Roadside Produce Stands”.

Financial Institutions. A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses. These uses include only those institutions engaged in the on-site circulation of cash money. Does not include check cashing stores.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption including groceries, supermarkets, mini-marts, delis, liquor stores, bakeries, specialty food stores.

Food and Kindred Products Processing. Facilities that cook, manufacture, package, label, or store food and related products including animal processing for consumption off site and does not provide products directly to a consumer. Uses do not include any retail components unless such retail sales are permitted in the applicable zoning district. This use classification excludes “Wineries, Breweries and Distilleries”, which is defined separately.

Fuel Sales. See “Vehicle Fuel Sales.”

Funeral Services. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses may include crematories, columbaria, mausoleums, mortuaries, funeral chapels, and funeral homes.

21.114.XXX – “G” Definitions

Garage, Automotive. See “Vehicle Services and Repair.”

Gasoline Service Station. See “Vehicle Fuel Sales and Accessory Service.”

Government Buildings and Facilities. A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public; in some circumstances, government buildings and facilities may not be open to the public. Does not include government operated day cares, schools, hospitals and similar uses.

Grazing, Temporary. The temporary use of animals for vegetation management typically for fire prevention, not exceeding 6 months in any year.

Group Care Homes. See “Residential Care Facilities – Limited”.

21.114.XXX – “H” Definitions

Home Occupation Business. The conduct of a business within a dwelling unit or residential site with the business activity being subordinate to the residential use of the property.

Homeless Shelter. See “Emergency Shelter”.

Hospital. See “Medical Services, Hospitals”.

Hotels and Motels. Any building or portion thereof containing six or more guest units rented for compensation for an occupancy period of 30 consecutive calendar days or less. Each guest unit shall include its own restroom facility.

21.114.XXX – “I” Definitions

Industrial - Light. The manufacture and/or processing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, or other environmental effects, and that has limited associated trucking activity. Light industries generally require limited amounts of raw materials to produce goods. Examples of light industries include, but are not limited to, the manufacture of electronic instruments, equipment, and appliances; pharmaceutical manufacturing; and production apparel manufacturing. Includes activities such as processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, and distribution of the parts or products.

Industrial - Heavy. The manufacture and/or processing of materials and goods utilizing large quantities of raw materials, and generally requiring high capitalization and production of large quantities of output. Heavy industry often sells output to other business users rather than consumers. Characteristics of heavy industry include, but are not limited to, heavy trucking activity, noise, emissions requiring federal or state environmental permits, use of large quantities of hazardous materials as defined the U.S. Environmental Protection Agency, and requirement for specialized permits from federal and state occupational health and safety agencies. Includes activities such as processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, and distribution of the parts or products This classification does not include “Recycling Collection Centers”, which is defined separately.

21.114.XXX – “J” Definitions

Junkyard. The use of more than one hundred square feet of the area of any lot for the storage of junk, including scrap metals, salvage, or other scrap materials, or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage.

21.114.XXX – “K” Definitions

Kennel - Pet Boarding. The commercial provision of shelter/kenneling for dogs, cats, and other household animals, including activities associated with such shelter (e.g., feeding, exercising, grooming, and incidental medical care).

21.114.XXX – “L” Definitions

Living Groups. See Communal Housing.

Low Barrier Navigation Center. See Emergency Shelter - Low Barrier Navigation Center.

21.114.XXX – “M” Definitions

Massage Parlor. See “Personal and Business Support Services.”

Medical Services, Clinic, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples include medical offices of five or more licenses practitioners and/or medical specialties, out-patient care facilities, urgent care facilities, and other allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under “Offices, Professional/Administrative”

Medical Services, Doctor Office. A facility other than a hospital where medical, dental, mental health, surgical, paramedical tattooing ancillary to a medical clinic, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under “Medical Services, Clinic, Urgent Care.”

Medical Services, Hospitals. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Mobile Home Park. A place, area, or tract of land for the long-term accommodation of two or more mobile homes, including habitation by households. This use does not include ‘Recreational Vehicle Parks’ or ‘Mobile Home Sales’ or ‘Vehicle Storage Lots’, which are defined separately.

Mobile Home Sales. The sale of new or used mobile, manufactured, or modular housing. Does not include the sale of recreational vehicles, which is included in ‘Vehicle Sales’, defined separately.

Motel. See “Hotels and Motels”.

Multi-Unit Dwelling. A building or portion thereof used and designed as a residence for two or more households living in separate dwelling units each with a kitchen. Types of multi-unit dwellings include apartments, rowhouses, townhouses, flats, and senior housing developments.

21.114.XXX – “N” Definitions

Nurseries and Garden Centers - Retail. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale. This classification also includes farm supply and feed stores, with products stored and solid in package form.

Nurseries and Garden Centers - Heavy Equipment. Establishments primarily engaged in retailing nursery and garden products in bulk (not packaged), including soil, fertilizer, hay, etc. This classification also includes farm supply and feed stores that deliver or provide fertilizer and soil products in bulk, nonpackaged form.

21.114.XXX – “O” Definitions

Offices, Professional/Administrative. Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, real estate agents, insurance agents, architectural, computer software design, engineering, graphic design, interior design, investment advisors and brokers, insurance offices, legal offices, real estate and mortgage offices and services, and tax preparation offices. This use classification excludes “Financial Institutions”, which is defined separately

Outdoor Display of Merchandise for Sale. Finished products that are temporarily displayed on the site.

Outdoor Storage as an Accessory Use. Any materials, products, vehicles, equipment of supplies that are not totally enclosed within a building.

Outdoor Temporary and/or Seasonal Sales. The temporary outdoor use of property for retail sales for a specified duration of time including but not limited to Christmas tree and pumpkin sales.

21.114.XXX – “P” Definitions

Parking Facilities. A public or private space dedicated to accommodating vehicle parking stalls, backup area, driveways, and aisles and in which vehicle parking is the primary use of the site. Includes surface parking lots and parking structures/garages.

Personal and Business Support Services Establishments providing non-medical services as a primary use. Examples of these uses include barber and beauty shops (with or without permanent makeup and ear piercing as ancillary uses), clothing, rental, dry cleaners, laundromats (self-service laundries), home electronics and small appliance repair, locksmiths, massage parlors (licensed, therapeutic, non-sexual), fortune tellers, parcel services, blueprinting, duplication, photographic services (including portraiture and retail photo processing), pet grooming with no boarding, psychics, shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided.

Professional Office. See Offices, Professional/Administrative.

Public Parks and Recreation Facilities. Non-commercial parks, playgrounds, recreation facilities, trails, wildlife preserves and related open spaces, playing fields, courts, gymnasiums, public swimming pools, picnic facilities, tennis courts, and public golf courses, botanical gardens, as well as related food concessions or community centers within the facilities, which are open to the public, maintained by a public entity, and intended for neighborhood or community use. Does not include “Commercial Recreation Facilities, Indoor” and “Commercial Recreation Facilities, Outdoor”, which are defined separately.

Public Utilities Facilities - Minor. Facilities necessary to support established public utilities involving only minor structures, such as substations, pump stations, switching and relay boxes, transmission lines, poles, towers, and public underground water and sewer lines.

Public Utilities Facilities - Major. Electrical substations, generating plants, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

21.114.XXX – “Q” Definitions

Reserved.

21.114.XXX – “R” Definitions

Recreational Vehicle Parks. Recreational areas operated and used as transient lodging and overnight stays for recreational vehicles for a period of 30 consecutive calendar days or less. Does not include “Mobile Home Parks”, which are defined separately.

Recycling Collection Centers. A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing or other items for recycling purposes conducted totally within an enclosed structure or container. The term does not include processing (except for “can banks” that crush cans as they are deposited), which is included in “Industrial, Heavy”, defined separately.

Residential Care Facilities. Facilities that are licensed by the State to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, or assistance with daily tasks. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions. Does not include “Transitional Housing” and “Supportive Housing” which are defined separately.

Residential Care - General. A facility that is located in a residence and licensed by the State to provide care for more than six persons.

Residential Care - Limited. A facility that is located in a residence and licensed by the State to provide care for six or fewer persons.

Residential Care - Assisted Living. A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, and recreational and social activities. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. These facilities may include medical services. Examples include assisted living facilities, convalescent care, nursing homes, skilled nursing, retirement homes, and retirement communities. The residents in these facilities may require varying levels of assistance. Facilities with six or fewer persons are included in “Residential Care, Limited”, which is defined separately.

Resource Extraction. Removal (or mining) of resources from the land including the extraction of sand, gravel, clay, shale, limestone, or any other deposit for profit.

Restaurants. A facility where food is prepared and served on the premises, which may include the sales of alcoholic beverages for consumption on the premises at the same time as food is consumed. Takeout or delivery service may be provided. This use includes micro-breweries, where the sale and consumption of alcoholic beverages are accessory to on-site food service. This classification also includes catering businesses or bakeries that have a storefront retail component. Does not include “Cocktail Lounges and Bars”, “Tasting Rooms”, or Restaurants - Drive-through”, which are defined separately.

Restaurants - Drive-through. A facility where food is prepared and served on the premises, and which also allows motorists to order and purchase food without leaving their vehicles.

Retail - General. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, and businesses retailing goods such as: clothing, furniture, pet supplies, hardware, toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, medical supplies and

equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, appliances, antiques, secondhand goods, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Does not include "Retail, Secondhand Goods with Donation Drop Off", which is defined separately.

Retail - Secondhand Goods with Donation Drop Off. The retail sale of secondhand goods that also includes a donation drop-off on the same premises.

Roominghouse. See "Communal Housing".

RV Parks. See "Recreational Vehicle Parks".

21.114.XXX – "S" Definitions

School - Business, Trade. Public or private post-secondary schools providing occupational or job skills training for specific occupations, including business and computer schools, trade schools and apprenticeship programs, management training, and technical training schools. Excludes personal instructional services such as music lessons and tutoring.

School - Private. Any private institution of learning, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education, including any preschool, kindergarten, elementary school, junior high school, senior high school, community or junior college, four-year college or university, or any special institution of learning under the jurisdiction of the State Department of Education.

School - Public. Any public institution of learning, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education, including any preschool, kindergarten, elementary school, junior high school, senior high school, community or junior college, four-year college or university, or any special institution of learning under the jurisdiction of the State Department of Education.

Self-Service Petroleum Sales. See "Vehicle Fuel Sales and Accessory Services."

Self Storage Facility. A facility divided into individual compartments offering enclosed storage with individual access for personal effects and household goods intended to be used principally to provide rental spaces to the general public, including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Senior Housing. Senior housing is a congregation of age-restricted "apartment-type" living units with kitchen facilities in each unit of which there is at least one occupant who is a minimum age of 55.

Single-Unit Dwelling. A building designed for occupancy by one household with only one indoor kitchen, which is not attached to other dwelling units, other than an accessory dwelling unit, and not located on a lot with commercial uses. This definition also includes individual manufactured housing units installed on a foundation system pursuant to Health and Safety Code Section 18551.

Supportive Housing. Housing with no limit on length of stay that is occupied by the target population, and linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community as defined by Government Code Section 65582(f), as may be amended from time to time). A target population means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health

conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Welfare and Institutions [W&I] Code Section 4500) and may include—among other populations—adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. Supportive housing may be designed as a residential group living facility or as a regular residential use and includes both facilities that provide on-site and offsite services.

21.114.XXX – “T” Definitions

Tasting Room. An establishment that offers wine, beer, cider, or liquor from a single vendor for consumption on the premises, where those products are not manufactured or rectified on the premises. Tasting Rooms may include food sales as an ancillary use. For manufacturing, see “Wineries, Breweries and Distilleries”, which is defined separately

Tattoo Parlor. An establishment where the act of tattooing or body piercing of humans takes place. This includes tattooing or body piercing as a primary or ancillary use. For permanent makeup and ear piercing as an ancillary use, see “Personal and Business Support Services”.

Temporary Uses. A use that is designed, operated, and occupies a site for a limited specified period of time.

Theater. An indoor facility where movies or live performances are shown for public entertainment.

Transit Facility. A facility or location with the primary purpose of transfer, loading, and unloading of passengers and baggage. May include facilities for the provision of passenger services such as ticketing, restrooms, lockers, waiting areas, passenger vehicle parking and bus bays, for layover parking, and interior bus cleaning and incidental repair. Includes rail and bus terminals but does not include terminals serving airports, heliports, or spaceports.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the program as defined by Government Code Section 65582(h), as may be amended from time to time.

Truck Stop. Any establishment engaged in the maintenance, servicing, storage or repair of commercial vehicles or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodation and restaurant facilities solely for the use of truck crews.

Truck Terminals. A building, structure or place where, for the purpose of a common carrier, trucks or transports are rented, leased, kept for hire, or stored, or parked for remuneration or from which trucks or transports are dispatched.

Two-Unit Dwelling. Two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of Government Code section 65852.21.

21.114.XXX – “U” Definitions

Reserved.

21.114.XXX – “V” Definitions

Vehicle Fuel/Electricity Sales and Accessory Service. An establishment engaged in the retail sale of vehicle fuels (gasoline, diesel fuel, compressed natural gas, or other fuels for motor vehicles are sold to the public on a retail or

wholesale basis) or electric vehicle charging stations as a primary use; or the retail sale of these fuels/electricity in combination with activities, such as providing minor vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or ancillary retail and grocery sales and automated vehicle washing. Does not include body and fender work or "heavy" repair of trucks or other motor vehicles (see "Vehicle Services and Repair"). Does not include electric vehicle charging stations that are located within a parking area associated with and accessory to another allowed use.

Vehicle Sales. A retail establishment selling new or used automobiles, motorcycles, recreational vehicles, trucks, boats, farm equipment, and similar vehicles, as well as any use that requires approval from the California Department of Motor Vehicles for vehicles displayed outdoors. May also include the sale, installation, and servicing of related equipment and parts incidental to vehicle dealerships.

Vehicle Services and Repair - Car Wash. See "Car Wash".

Vehicle Services and Repair - Major Repair/Body Work. Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light-duty trucks (i.e., gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; servicing of cooling and air conditioning, electrical, fuel and exhaust systems; wheel alignment and balancing; tire sales, service, and installation shops; shock absorber replacement; chassis lubrication; engine tune-ups; brake shops; machine shops, painting shops; towing services, and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.

Vehicle Services and Repair - Minor Repair/Maintenance. Minor repair and maintenance of automobiles, motorcycles, recreational vehicles, or light trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including detailing as an accessory use, installation of electronic equipment (e.g., alarms, audio equipment, etc.); relining and repairs; oil and air filter replacement; smog checks; and installation of window film, and similar accessory equipment.

Vehicle Rental and Accessory Services. Rental of automobiles, motorcycles, mopeds, motorized scooters, recreational vehicles, trucks, and similar vehicles and equipment powered by a motor, including on-site storage and incidental maintenance that does not require pneumatic lifts or tools.

Vehicle Storage Lots. The storage of operative or inoperative vehicles. These uses include storage of towed vehicles, impound yards, and storage lots for buses and recreational vehicles, but does not include vehicle dismantling or offsite parking, which are separately defined as "Parking Facilities".

Veterinarian. Establishments where household animals receive medical and surgical treatment and may be temporarily boarded indoors in association with such medical or surgical treatment only. Does not include "Kennels, Pet Boarding", which is defined separately.

21.114.XXX – "W" Definitions

Warehousing, Wholesale and Distribution. Facilities for indoor storage; distribution; or sale of goods to other firms for resale, business-to-business sales, and sales to individual consumers through mail or internet orders without sales to the public on-site or direct public access. . . This use normally operates from a warehouse or office having little or no display of merchandise and are not designed to solicit walk-in traffic. This classification excludes the storage of hazardous chemical, mineral, and explosive materials. Does not include personal storage (mini storage) facilities offered for rent or lease to the public ("Self Storage").

Wineries, Breweries, and Distilleries. An establishment, which as the primary use produces ales, beers, meads, hard ciders, wine, liquor and/or similar beverages on-site. Also includes incidental sale of beverages for on-site and

off-site consumption in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Establishments may provide food service that is subordinate to the production and sale of alcoholic beverages.

Wireless Communication Facilities. Facilities that transmit and/or receive electromagnetic or radio frequency waves, including, but not limited to towers, antennas, monopoles, distributed antenna systems, wireless utility monitoring and control services, support or accessory structures and related equipment. Amateur radio operators are not included in this definition.

21.114.XXX – “X” Definitions

Reserved.

21.114.XXX – “Y” Definitions

Reserved.

21.114.XXX – “Z” Definitions

Reserved.

CHAPTER 21.114 – GENERAL DEFINITIONS

[FORTHCOMING]