City of San Marcos

Zoning Ordinance

Adopted November 13, 2012

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City of San Marcos

Public FINAL Zoning Ordinance

Adopted November 13, 2012

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CHAPTER 20.100 GENERAL PROVISIONS

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Section 20.100.010 Title

The provisions of Title 20 of the San Marcos Municipal Code (Code) shall be referred to as the "Zoning Ordinance." The Zoning Ordinance is based on the official Zoning Map of the City of San Marcos.

This Title supersedes any zoning ordinance enacted before the effective date of this Zoning Ordinance.

Section 20.100.020 Purpose of the Zoning Ordinance

The purpose of this Zoning Ordinance is to protect and promote the public health, safety, comfort, convenience, and general welfare of the San Marcos community; to implement the policies of the General Plan; and to provide the physical, environmental, economic, and social advantages that result from the orderly planned use of land resources. More specifically, the purposes of this Zoning Ordinance are as follows:

A. Establish regulations for the development of land uses and improvements within zoning districts (Zones) in accordance with the goals and policies of the General Plan.

B. Ensure the orderly, attractive, and efficient growth and development of the City of San Marcos for the maximum benefit of its citizens.

C. Strengthen the economic conditions and vitality of commercial centers to maintain and promote existing business and generate opportunities to attract new business.

D. Enable flexibility in development type and scale by location to provide for emerging economic and social trends.

E. Ensure compatibility between different types of development and land uses.

Section 20.100.030 Authority

This Zoning Ordinance is enacted based on the authority vested in the City of San Marcos (City) and by the State of California, including the State Constitution, the Planning and Zoning Law (Government Code

Sections 65000 et seq.), the Subdivision Map Act (Government Code Sections 66410 et seq.), and the California Health and Safety Code.

Section 20.100.040 Applicability

This Zoning Ordinance applies to all land uses, activities, structures, subdivisions, and development within the City, owned, leased, or otherwise controlled by any private person(s), private or public corporations or partnerships, or any municipal body or agency, except as provided by this section.

A. **New Land Uses or Structures; Changes to Land Uses or Structures.** Compliance with the requirements of this Zoning Ordinance is necessary for any person or public agency to lawfully establish, construct, occupy, maintain, reconstruct, alter, expand, or replace any use of land or structure, except as provided in chapter 20.345 (Nonconforming Uses and Structures).

B. **Issuance of Building or Grading Permits.** The City may issue building, grading, or other construction permits only after all applicable requirements of this Zoning Ordinance and all other applicable statues, ordinances, and regulations of this Code have been met.

C. **Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Zoning Ordinance shall be consistent with the minimum lot size requirements established by this Zoning Ordinance; all other applicable requirements of this Zoning Ordinance; and the City's subdivisions regulations, Title 19 of this Code.

D. **Public Utility Lines.** The provision of this Zoning Ordinance shall not be construed to limit or interfere with the installation, maintenance, or operation of water lines; sewer lines; gas lines; other public utility pipelines; or electric, telephone, or telegraph transmission lines when installed, maintained, and operated in accordance with all other applicable laws.

E. **Effect of Zoning Ordinance on Existing Uses and Structures.** An existing land use or structure is lawful only when it was legally established in compliance with all of the applicable regulations at the time of establishment, and is operated and maintained in compliance with all applicable regulations of this Zoning Ordinance, including chapter 20.345 (Nonconforming Uses and Structures). Existing land uses or structures that were in violation of City zoning regulations applicable before the effective date of this Zoning Ordinance are in violation of this Zoning Ordinance and shall continue to be in violation until they conform to the current requirements of this Zoning Ordinance. The basis for complaints and enforcement actions for such violations, including discontinuance of use or removal of structures, shall persist until such violations conform to the current requirements of this Zoning Ordinance.

F. **Other Requirements May Apply.** Nothing in this Zoning Ordinance eliminates the need for obtaining any permit, approval, or entitlement required by other provisions of this Code or San Diego County Code, or complying with the regulations of any City department, or any San Diego County, regional, state, or federal agency.

G. **Effect of Zoning Ordinance Changes on Projects in Progress.** Approved development projects that received administrative, discretionary, or building permits on or before the effective date of

this Zoning Ordinance shall not be required to be altered because of adoption of this Zoning Ordinance or future Zoning Ordinance amendments, in accordance with the following conditions:

1. Construction of the permitted structure(s) commences within sixty (60) days of the building permit issuance and is completed within one (1) year from the effective date of this Zoning Ordinance.
2. Projects under construction on the effective date of this Zoning Ordinance shall complete permitted construction within one (1) year from the effective date of this Zoning Ordinance.
3. Construction of the structure does not violate any other ordinance or law on the effective date of this Zoning Ordinance.

Section 20.100.050 Relationship to the General Plan

The purpose of this Zoning Ordinance is to provide the legislative framework for implementation of the General Plan. The Zones established herein implement the land use designations of the General Plan for the public health, safety, comfort, convenience, and general welfare of the San Marcos community. To achieve the stated purpose, each officer or employee of the City having the responsibility and authority to issue licenses or permits, and any officer or official body having the authority or responsibility to approve plans or specifications for private or public projects, shall issue no license or permit, or authorize by approval any project, plan, or specification that does not conform in purpose or form to the adopted General Plan and its elements.

Section 20.100.060 Responsibility for Administration

This Zoning Ordinance shall be administered by the City Council, the Planning Commission, the Planning Division Director (Director), the Development Services Department, and any other departments, groups, or individuals identified in compliance with Title 2 (Administration and Personnel) of this Code.

A. **Planning Commission.** The Planning Commission shall have all the powers, rights, and duties provided and given to the Planning Commission by the laws of the state, and shall perform all duties as specified by this Zoning Ordinance or by resolution of the City Council.
   1. Planning Commission. The Planning Commission is a body of seven (7) regular commissioners and two (2) alternate commissioners appointed by the Mayor who reside in the City and serve at the pleasure of the City Council.
   2. Terms. All regular and alternate commissioners serve a two (2)-year term. Alternative commissioners may be appointed to regular seats for full or unexpired terms of office.
   3. Vacancies.
      a. A commissioner position shall be deemed to be vacant when a commissioner is absent from three (3) successive regular meetings of the Planning Commission without cause; their term shall be terminated and appointment to the vacancy shall take place.

b. Absence for cause is permitted due to illness or unavoidable absence where written notice is given to the Planning Commission on or before the day of the missed regular meeting.

c. Where vacancies occur other than by the expiration of a term, the vacancy shall be filled by appointment by the Mayor with the consent of the City Council.

d. Compensation. Each commissioner shall receive compensation as established by a City Council adopted resolution.

4. Meeting. The Planning Commission shall hold at least two (2) regular meetings each month. A regular meeting is as provided by law and by rule of the Planning Commission, or any regular, advertised public meeting.

5. Responsible to the City Council. The Planning Commission shall report to the City Council on any matter referred to it for such an action by the City Council, and shall keep the City Council advised and current on all matters pending, including specific information, reports, or materials that may be needed or requested by the City Council.

6. Organization. The Planning Commission shall make and adopt its own rules and regulations, and conduct itself in conformance with state law. The Planning Commission shall elect a chair and vice-chair from the appointed commissioners, and shall appoint a secretary who may be a noncommissioner and shall serve without compensation.

7. Facilities and Funding. The City Council shall provide the funds, equipment, and accommodations necessary for the work of the Planning Commission. The expenditures of the Planning Commission, exclusive of gifts, shall not exceed the amounts appropriated by the City Council.

8. Staff Service. The City Manager or his/her designated representative shall act as secretary to the Planning Commission. The City Manager shall provide for staff services to assist the Planning Commission in the performance of its duties.

Section 20.100.070 Severability

This Title 20 – Zoning Ordinance, including individual parts and sections of the Title, are severable. Should any section of this Title be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Title as a whole, or any portion thereof, other than the section declared to be unconstitutional or invalid.

Chapter and section headings contained in this Zoning Ordinance shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any other section of the Zoning Ordinance.

Section 20.100.080 Terminology

Terminology used in this Zoning Ordinance are as follows:

A. **Mandatory Language.** The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory.

B. **Encourage Language.** "Should" indicates that the passage is a standard, not a regulatory requirement. "Should" indicates the standard is not mandatory but is strongly recommended. "May" is permissive and does not represent a regulatory requirement.

C. **Indicative Language.** The words "include," "includes," and "including" mean "including, but not limited to." The word "and" means that all connected words or provisions apply; the word "or" means that the connected words or provisions shall apply singly or in any combination. Use of "either … or" indicates that the connected words or provisions shall apply singly, but not in combination.

D. **State Law Requirements.** References to applicable provisions of state law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code) shall be construed to refer to the applicable state law provisions, as they may be amended from time to time.

Section 20.100.090 Interpretation of Regulations

The Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Zoning Ordinance. Whenever the Director determines that the meaning or applicability of any of the requirements of this Zoning Ordinance are subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation or refer the question to the Planning Commission for determination.

A. **Minimum Requirements.** The provisions of this Zoning Ordinance shall be regarded and applied as the minimum requirements and maximum potential limits for the promotion of public health, safety, comfort, convenience, and general welfare of the City and its residents. When this Zoning Ordinance provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than identified in this Zoning Ordinance, as may be necessary to promote orderly land use development and the purposes of this Zoning Ordinance.

B. **Provisions.** The provisions of this Zoning Ordinance are not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties. This Zoning Ordinance applies to all land uses and development, regardless of the extent of the regulation imposed in relation to an applicable private agreement or restriction, without affecting the applicability of such agreement or restriction. The City shall not enforce any private covenant or agreement unless the City is a party to the covenant or agreement.

C. **Clarification of Ambiguity.** If ambiguity arises concerning the appropriate classification of a particular use or regulation within the meaning or intent of this Zoning Ordinance based on established or unforeseen circumstances, including technological changes in processing or application of materials, the Director shall have the authority to interpret the regulation based on understanding of the Zoning Ordinance. Applicants may appeal the Director's interpretation to the Planning Commission for review and interpretation, which shall be final; thereafter, such interpretation shall govern.

Section 20.100.100 Sale of Copies

Copies of maps, charts, plats, and other descriptive matter made and provided for in this Zoning Ordinance may be sold by the City at the cost of printing, binding, and distributing the same. All moneys received from the sale of Zoning Ordinance materials shall be paid into the City's General Fund, as provided by law.

CHAPTER 20.200 ESTABLISHMENT OF ZONES

Sections:

Section 20.200.010 Purpose of Chapter
Section 20.200.020 Establishment of Zones and Map
Section 20.200.030 Interpretation of Zone Boundaries

Section 20.200.010 Purpose of Chapter

The purpose of this chapter is to establish the Zones applied to property within the City and to adopt the City's Zoning Map. Zones are intended to implement orderly classification and regulation of uses of land and buildings. Use of Zones promotes the development of the built environment in an orderly, aesthetically appropriate, safe, and healthy manner through the regulation of height, bulk, yards and other open spaces, lots and parcels, and density.

Section 20.200.020 Establishment of Zones and Map

The City Council hereby adopts the City of San Marcos Zoning Map, herein referred to as the "Zoning Map." All Zoning Ordinance regulations shall be applied and implemented based on the Zone designations delineated by the Zoning Map. This Zoning Ordinance uses Zones to implement the goals and policies of the General Plan. Each Zone contains the development standards and regulations to implement the Land Use Plan.

A. **Zones Established.** The City shall be divided into Base Zones and Overlay Zones, as established and delineated by the Zoning Map; all Zones and Overlays are identified in Table 20.200-1.

1. Mixed Use Zones are delineated in further detail on and regulated by the "Regulating Plan" (Figure 20.225-2).

2. Overlay Zones may be combined with any Base Zone, as determined by the applicable Chapter in this Zoning Ordinance (for base zones see chapters 20.210 through 20.250, for overlay zones see chapters 20.255 through 20.265).

3. Specific Plan Area Zones identify areas of the City where a Specific Plan has been adopted by ordinance, or areas that require the adoption of a Specific Plan prior to development to implement the General Plan and regulate development through the land uses and standards established by the applicable Specific Plan. Refer to the applicable Specific Plan document on file with the City for further information.

B. **Zone Mapping.** The Zoning Map and Regulating Plan may, for convenience, be divided into parts, and each part may, for purposes of identification, be subdivided into sections. Zoning Map sections may be separately and successively adopted by means of an amendment to this Zoning Ordinance; as adopted, such parts shall become part of this Zoning Ordinance. See chapter 20.530 (Amendments) for amendment procedures.

C. **Planned Residential Development (land use).** Planned Residential Development (PRD), as regulated by chapter 20.435 (Planned Residential Development), can be used as a residential

planning tool in conjunction with any R-1 Zone to achieve a compact development configuration at a density of one (1) to eight (8) dwelling units per acre (du/ac). The use of the PRD in a single-family residential Zone can achieve the General Plan land use designation Low-Density Residential (LDR).

Table 20.200-1
Zone Details and General Plan Consistency

Zones	Zone Symbol	Density / Floor Area Ratio (FAR)	General Plan Land Use Classification	Zoning Chapter Reference
Agricultural Zones				
Agricultural-1	A-1	0.125–1.0 du/ac	Agriculture/Residential (AG)	20.210
Agricultural-2	A-2	0.125–1.0 du/ac	Agriculture/Residential (AG)	20.210
Agricultural-3	A-3	0.05–0.25 du/ac	Agriculture/Residential (AG), Hillside Residential 1 (HR1)	20.210
Residential Zones				
Estate	R-1-20	1.0–2.0 du/ac	Rural Residential (RR)	20.215
Residential-Low	R-1-10	2.0–4.0 du/ac	Very Low Density Residential (VLDR)	20.215
Residential-1	R-1-7.5	4.1–8.0 du/ac	Low Density Residential (LDR)	20.215
Residential-2	R-2	8.1–12.0 du/ac	Low Medium Density Residential (LMDR)	20.215
Residential-3-10	R-3-10	12.1–20.0 du/ac	Medium High Density Residential (MHDR)	20.215
Residential-3-6	R-3-6	20.0–30.0 du/ac	Medium Density Residential 1 (MDR1) Medium Density Residential 2 (MDR2)	20.215
Residential Manufactured Home Park	R-MHP	8.0 du/ac	Low Density Residential (LDR)	20.245
Planned Residential Development	PRD	1.0–8.0 du/ac	Very Low Density Residential (VLDR)	20.435
Commercial Zones				
Commercial	C	0.7 FAR	Commercial (C)	20.220
Neighborhood Commercial	NC	0.30 FAR	Neighborhood Commercial (NC)	20.220
Office Professional	OP	1.50 FAR	Office Professional (OP)	20.220
Senior Residential	SR	1.0 FAR	Commercial (C)	20.220
Mixed-Use Zones				
Mixed-Use-1	MU-1	20.0–30.0 du/ac FAR 1.75	Mixed Use 1 (MU1)	20.225
Mixed-Use-2	MU-2	30.1–45.0 du/ac FAR 2.25	Mixed Use 2 (MU2) High Density Residential (HDR)	20.225
Mixed-Use-3	MU-3 (SP)	1.5 FAR	Mixed Use 3 (MU3) (Non-Residential)	20.225, 20.250
Mixed-Use-4	MU-4 (SP)	1.5 FAR	Mixed Use 4 (MU4) (Non-Residential)	20.225, 20.250
Industrial Zones				
Business Park	B-P	1.2 FAR	Business Park (BP)	20.230
Light Manufacturing	L-I	0.6 FAR	Light Industrial (LI)	20.230
Industrial	I	0.5 FAR	Industrial (I)	20.230
Industrial-2	I-2	0.5 FAR	Industrial (I)	20.230
Special Purpose Zones				
Public-Institutional	P-I	3.0 FAR	Public/Institutional (PI)	20.240
Open Space	O-S	n/a	Open Space (OS), Parks (P)	20.240
Specific Plan Area	SPA	Varies	High Density Residential (HDR), Specific Plan Area (SPA)	20.250
Transitional Zones				
I / B-P	I / B-P	Varies	BP	20.235

Table 20.200-1
Zone Details and General Plan Consistency

Zones	Zone Symbol	Density / Floor Area Ratio (FAR)	General Plan Land Use Classification	Zoning Chapter Reference
I / L-I	I / L-I	Varies	LI	20.235
I / C	I / C	Varies	C	20.235
I / I (SP)	I / I (SP)	Varies	I	20.235
I / MU-1	I / MU-1	Varies	MU1	20.235
I / MU-4	I / MU-4	Varies	I and MU4	20.235
L-I / L-I & NC	L-I / L-I & NC	Varies	LI and C	20.235
L-I / I	L-I / I	Varies	I	20.235
L-I / MU-1	L-I / MU-1	Varies	MU1	20.235
L-I(DZ) / MU-1	L-I(DZ) / MU-1	Varies	MU1	20.235
L-I / NC	L-I / NC	Varies	C	20.235
L-I / OP	L-I / OP	Varies	OP	20.235
C & I / MU-3	C & I / MU-3	Varies	MU3	20.235
Overlay Zones				
Flood Damage Prevention	FL	Per Zone	n/a	20.255
Ridgeline Protection and Management	RPM	Per Zone	n/a	20.260
Airport Overlay	AO	Per Zone	n/a	20.265

Notes: All real property development, redevelopment, expansion, demolition, and remodeling shall be subject to the applicable Zone regulations as established by this table and the Zoning Map.

Section 20.200.030 Interpretation of Zone Boundaries

Where uncertainty exists about the location of any Zone boundary shown on the Zoning Map and Regulating Plan, the precise location of the boundary shall be determined by the Director. Generally, the following boundary guidelines shall be used as a guide for reading the Zoning Map and for interpretation, unless otherwise determined by the Director:

A. **General Boundaries.** Zone boundaries approximately following property lines or right-of-way (ROW) lines shall be construed to follow proximate property lines or ROW lines.

B. **Scale.** When Zone boundaries do not follow property lines or where a boundary divides a property, the scale of the Zoning Map shall be used to determine the location of the boundaries, unless the boundaries are indicated by dimensions.

C. **Centerline Boundaries.** Zone boundaries shown within a ROW and not following the outside of the ROW(s) shall be construed to follow the centerline of such ROW.

D. **Unclassified Areas.** Dedicated circulation ROW, utility, or maintenance easement/corridors; creek easements; railroad ROWs; or similar non-occupancy uses shown within a designated Zone shall be deemed to be unclassified and used only for purposes lawfully allowed. In accordance with the provisions of chapter 20.340 (Off-Street Parking and Loading), off-street vehicle parking may be permitted within such unclassified street or railroad ROW(s).

E. **Vacated Areas.** Vacated or abandoned non-occupancy uses identified in section 20.200.030(D) (Unclassified Areas) shall be treated in one (1) of the following ways:

1. Revert to the identified Zone;
2. Where no Zone is identified by the Zoning Map, the vacated ROW or non-occupancy use shall acquire the Zone classification of the adjacent property to which it reverts; or
3. The Director may determine the applicable Zone, and City Council approval and adoption of such Zone by ordinance shall be required.

CHAPTER 20.205 LAND USE AND DEVELOPMENT APPROVAL

Sections:

Section 20.205.010 Purpose of Chapter
Section 20.205.020 Applicability
Section 20.205.030 General Requirements
Section 20.205.040 Limitations of Land Use

Section 20.205.010 Purpose of Chapter

The purpose of this chapter is to establish the process and standards for the regulation of land uses as applicable to all Zones applied to all real property within the City. No land use or building may be permitted, established, constructed, or modified unless the provisions of this chapter and those of the applicable Zone are in full compliance with this Zoning Ordinance and the applicable conditions of approval. Specific procedures are location in chapter 20.500 (Permits and Applications Process).

Section 20.205.020 Applicability

The land use provisions and regulations established by this chapter, as implemented by the Zone regulations, shall apply to all land uses, activities, structures, development, modification, redevelopment, and subdivisions within the City. All land uses and structures shall be established, constructed, reconstructed, altered, and/or replaced in compliance with the provisions of this Zoning Ordinance.

Section 20.205.030 General Requirements

All land uses and structures shall be established, constructed, reconstructed, altered, or replaced in compliance with the provisions of this Zoning Ordinance and the regulations of the applicable Zone as established by the Zoning Map. All land uses and structures shall conform to the purpose and intent of the applicable Zone, and shall be conducted in such a manner as not to become obnoxious by reason of refuse matter, odor, dust, smoke, noise, light, vibration, and/or maintenance of grounds or buildings, or have a detrimental effect on permissible adjacent uses.

A. **Allowable Land Uses.** Table 20.205-1 identifies the permit types and review references applicable to all Zones. Land use tables for each Zone identify allowed land uses within that Zone, consistent with Table 20.205-1 permit types.

B. **Permit Conditions and Approval Requirements.** Prior to the establishment or construction of any land use or structure, the applicant shall do the following:

- Meet the approval process, acquire all Zone requirements, and meet all procedural elements set forth in Table 20.205-1 and chapter 20.500 (Permits and Application Process).
- Comply with all applicable federal, state, and local laws applicable to the establishment, construction, and operation of the land use or structure.
- Comply with all regulations of the applicable Zone, development standards of this Zoning Ordinance, and all other applicable general or use-specific provisions of this Zoning Ordinance.

- Land uses and structures shall only be proposed, established, or constructed on a legally created parcel created in compliance with the Subdivision Map Act and the City's Subdivision Ordinance.

Table 20.205-1
General Land Use Permit Types and Processes

Symbol	Permit Requirement	Procedure Section
P	Permitted subject to compliance with all applicable provisions of this Zoning Ordinance.	20.500 (Permits and Applications Process)
DP	Permitted subject to Director review, condition, and determination.	20.510 (Director's Permit)
CUP	Conditional use, subject to review and approval of a Conditional Use Permit.	20.520 (Conditional Use Permits)
A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	20.500 (Permits and Applications Process)
T	Temporary event or use, subject to review and approval of a Director's Permit.	20.455 (Temporary Events), Municipal Code Section 12.28
- - -	Use not allowed.	20.205.030(C) (Unlisted and Similar Compatible Uses)

Note: Any land use authorized through a permit approval process may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by this Code. For unlisted and similar uses not regulated by a permit type, see section 20.205.030(C) (Unlisted and Similar Compatible Uses).

C. **Unlisted or Similar Compatible Uses.** Any land use not specifically listed in the permitted uses table of the applicable Zone shall be prohibited, except as modified by this section.

1. The Director shall have the authority to determine whether the proposed use may be permitted based on the finding that the proposed use meets all of the following:
   - Is substantially similar in character and activity to a listed permitted use.
   - Is compatible with the purpose and intent of the Zone.
   - Has similar traffic, noise, light, and odor impacts as a listed permitted use.
   - Will not be a nuisance to or hinder the full development of an existing use.
   - Would be consistent with the General Plan and any applicable Specific Plan.
2. Technical evidence and scientific means, when available, shall be considered in determining the form and intensity of performance standards typically associated with any identifiable type of the use in question. When the Director makes findings in writing that a proposed unlisted use is similar and compatible to a listed use, the proposed use will be treated in the same regulatory and permitting manner as the "similar use," and shall be subject to all applicable standards and requirements of this Zoning Ordinance.
3. These unlisted or similar compatible use provisions shall not apply to permitted land uses in the MU-3 (SP) or MU-4 (SP) Zone. Permitted land uses in these Zones are not identified by this Zoning Ordinance and shall be identified during the required Specific Plan process.

D. **Prohibited Uses.** For the purpose of conserving public health, safety, and general welfare, land uses listed in this section are prohibited within any Zone in the City. These uses shall be prohibited outright and not subject to the Director's discretion. The City is a community in the larger North County area and within the San Diego County metropolitan region, which comprises

a broader economic area for industry and commerce. The combination of San Diego County's zoning requirements and the zoning requirements of the various cities within the county provide full provision for all types of uses necessary for development. The following land uses and business activities are prohibited in all Zones within the City:

- Automotive wrecking yards
- Hookah retailers or lounges
- Salvage and scrap yards
- Swap meets
- Marijuana cultivation **(Ord. No. 2016-1423, 3-8-2016)**

E. **Highest Permit Level Requirement.** Where a proposed project includes multiple land uses or project elements requiring different permit levels within the Zone, all permits shall be processed concurrently, subject to review and approval at the highest level of required review authority. The highest designated approving authority for all requested permits shall take final action on all permits.

Section 20.205.040 Limitation of Land Use

In compliance with the provisions of this Zoning Ordinance, no building or structure shall be erected, reconstructed, or structurally altered, moved, enlarged, or rebuilt in a manner that does any of the following:

- Is not sited on a parcel or building site that conforms with the regulations of the applicable Zone and this Zoning Ordinance.
- Does not conform to the standards of the Transitional Zone, where applicable.
- Exceeds the height established for the Zone, unless otherwise modified by chapter 20.345 (Nonconforming Uses and Structures) or this Zoning Ordinance.
- Reduces or encroaches upon the designated minimum setback area surrounding a building, except in conformity with the building site requirements and regulations established for the Zone.

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CHAPTER 20.210 AGRICULTURAL ZONES

Sections:

Section 20.210.010 Purpose of Chapter
Section 20.210.020 Description of Agricultural Zones
Section 20.210.030 Applicability
Section 20.210.040 Allowable Agricultural Uses and Permit Requirements
Section 20.210.050 Agricultural Zone Development Standards
Section 20.210.060 Performance Standards

Section 20.210.010 Purpose of Chapter

The purpose of this chapter is to specify the allowable uses, requirements, and development standards within the Agricultural Zones as established by the Zoning Map, and specifically to accomplish the following:

A. Provide for private and commercial activities related to agriculture, horticulture, and animal keeping in a setting that insulates said activities from impacting surrounding uses.

B. Accommodate for rural residential development on large lots in a manner compatible with agricultural and horticultural uses.

C. Protects the viability of the productive agricultural industry of the City.

Section 20.210.020 Description of Agricultural Zones

In addition to the purposes of this Zoning Ordinance and chapter, the purpose of each Agricultural Zone follows:

A. **Agriculture 1 (A-1) Zone.** To provide a low-intensity Agricultural Zone that is consistent in character with larger residential areas. This Zone is suitable for low-density residential hillside development. The A-1 Zone is intended to implement and be consistent with the Agricultural Residential (AG) land use designation of the General Plan.

B. **Agriculture 2 (A-2) Zone.** To provide lands for medium-intensity horticulture and agriculture for the production of plants and crops and raising of animals. This area may be suitable for the inclusion of bed and breakfasts and other low-intensity commercial compatible uses, provided there are appropriate setbacks from residential uses. The A-2 Zone is intended to implement and be consistent with the Agricultural Residential (AG) land use designation of the General Plan.

C. **Agriculture 3 (A-3) Zone.** To provide lands suitable for intensive crop production and processing and animal use, and may be suitable for renewable energy facilities. This is the most intensive agricultural Zone. The A-3 Zone is intended to implement and be consistent with the Hillside Residential 1 (HR1) land use designation of the General Plan.

Section 20.210.030 Applicability

Land use permissions, as detailed in Table 20.210-1, and the regulations and development standards of this chapter, shall be applicable to all existing and new uses, structures, and activities within the A-1, A-2, and A-3 Zones.

Section 20.210.040 Allowable Agricultural Uses and Permit Requirements

A. **Permit Requirements.** Table 20.210-1 identifies the types of land use permits required to establish land uses in the Agricultural Zones, consistent with this Zoning Ordinance. All permit requirements shall be subject to the process standards of chapter 20.500 (Permits and Application Process).

Table 20.210-1
Permit Requirement Types and Processes

Symbol	Permit Requirement	Procedure Section
P	Permitted use subject to compliance with all applicable provisions of this Zoning Ordinance and the process standards of chapter 20.500.	20.500 (Permits and Applications Process)
DP	Director's Permit (DP) is required for this use, subject to review and approval by the Director.	20.510 (Director's Permits)
CUP	Conditional Use Permit (CUP) is required for this, subject to review and approval per the process standards of chapter 20.500.	20.520 (Conditional Use Permits)
A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	20.500 (Permits and Applications Process)
- - -	Use not allowed.	20.205.030(C) (General Requirements)

Note: Any land use authorized through a permit approval process identified may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by the Municipal Code. For unlisted and similar uses, see section 20.205.030(C) (Unlisted and Similar Compatible Uses).

B. **Agricultural Land Uses**. Table 20.210-2 identifies the permitted land uses in all Agricultural Zones. Permitted uses in Agricultural Zones are primarily related to the raising of plants, crops, and animals, but may include accessory uses such as residential units, produce stands, animal keeping, and other uses when these uses are clearly related to the primary agricultural uses.

1. Support services and processing activities not listed in Table 20.210-2 but accessory to the primary agricultural use may be proposed and processed through a Conditional Use Permit (CUP). Findings of necessity, compatibility, and appropriate site and use design shall be required for approval of the CUP.

C. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.210-2; refer to the referenced sections for additional operational standards and regulations applicable to the use. All land uses are also subject to all of the following standards: chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).

D. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with section 20.205.030(C) (Unlisted or Similar Compatible Uses), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

Table 20.210-2
Agricultural Zone Permitted Uses

Land Use (Note 1)	A-1	A-2	A-3	Additional Use Regulations
Residential Uses				
Farm Employee Housing, Large	CUP	CUP	CUP	
Farm Employee Housing, Small	DP	DP	DP	
Child Care Facility, Large Family Home	DP	DP	DP	20.400.050 (Child Care Facilities)
Child Care Facility, Small Family Home	P	P	P	20.400.050 (Child Care Facilities)
Community Garden	DP	DP	DP	
Residential Care Facility, Large	DP	DP	DP	20.400.110 (Care Facilities)
Residential Care Facility, Small	P	P	P	20.400.110 (Care Facilities)
Mobile/Manufactured Home	P	P	P	20.245 (Residential Manufactured Home Park Zone)
Private Residential Garage	P	P	P	
Single-Family Detached	P	P	P	
Second Dwelling Unit/Accessory Structure	A	A	A	20.410 (Second Dwelling Units and Accessory Structures)
Supportive Housing	P	P	P	
Transitional Housing	P	P	P	
Recreation, Education & Public Assembly Uses				
Animal Keeping, Large	P	P	P	20.415 (Animals)
Animal Keeping, Small	A	A	A	20.415 (Animals)
Places of Assembly	CUP	CUP	CUP	20.400.160 (Places of Assembly)
Stable, Private	P	P	P	
Stable, Public	CUP	CUP	CUP	
Public Park/Open Space/Recreation	CUP	CUP	CUP	
Sport Court				
Lighted	DP	DP	DP	
Unlighted	A	A	A	
Outdoor Recreation Facility	CUP	CUP	CUP	
Agricultural Uses(2)				
Agricultural/Horticultural, Non-Commercial	P	P	P	
Agricultural/Horticultural, Commercial	DP	DP	DP	
Agricultural/Horticultural, Processing and Packaging				
Small Animals	- - -	- - -	CUP	Processing for market of poultry, small animals and crops raised or produced on the premises, or on other property owned or leased by the processor, but not including canning, rendering, or reduction (grinding, chopping, cutting) of meat or animal products

Table 20.210-2
Agricultural Zone Permitted Uses

Land Use (Note 1)	A-1	A-2	A-3	Additional Use Regulations
Plants and Crops	- - -	- - -	CUP	Provided no such plant is located closer than 50 feet to any side or rear yard.
Lodging, Bed & Breakfast	CUP	CUP	CUP	
Greenhouse/Nursery				
Commercial Production	DP	DP	DP	
Retail	DP	DP	DP	Open to the public
Sales Stand	A	A	A	20.210.060(C) and Table 20.210-3
Office, Professional, and Business Support Services				**20.220.050(C)**
Business Support Service	A	A	A	Limited to 20% of gross floor area, supportive of agricultural primary land use only
Service Uses(2)				
Animal Sales and Services	CUP	CUP	CUP	
Industrial, Manufacturing & Processing Uses(2)				
Winery/Tasting Room	DP	DP	DP	
Renewable Energy Harvesting/Production	- - -	- - -	CUP	20.450 (Renewable Energy)
Transportation, Communication & Utility Uses(2)				
Antenna or Communication Facility	CUP	CUP	CUP	20.465 (Telecommunication Facilities)
Non-Public Antenna or Communication Facility	P	P	P	20.465 (Telecommunication Facilities)

Notes:
See Table 20.210-1 for definitions.
1. All land uses are subject to the following standards: chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).
2. Business, including merchandising and sales, shall be conducted entirely within an enclosed building, except as identified in Table 20.220-2, where outdoor business is permitted subject to a CUP.
3. A Director's Permit (DP) shall be required for the establishment of the land use in an existing building to ensure adequate parking and student services are provided and to minimize effects on other land uses within the building or site. A Conditional Use Permit (CUP) shall be required for the establishment of a use in conjunction with a new building (development of the building in conjunction with the use).

Section 20.210.050 Agricultural Zone Development Standards

A. **Development Standard Compliance.** The design, construction, or establishment of all new and existing land uses, development of structures, and site improvements in Agricultural (A) Zones shall conform to the regulations of Table 20.210-3. Principal and accessory structures shall meet the same development standards unless otherwise modified by this Zoning Ordinance.

B. **Lot Averaging.** Lot averaging, consistent with section 20.300.030 (Lot Averaging), shall be permitted in the A Zones subject to a CUP.

C. **Gross Slope/Acreage Analysis.** Minimum lot sizes shall be determined based on slope calculations subject to Section 20.300.040 (Gross Slope/Acreage Analysis). Table 20.210-3 identified minimum lot areas.

Table 20.210-3
Agricultural (A-1, A-2, A-3) Development Standards

Development Standards[1]	A-1	A-2	A-3	Additional Use Regulations
Maximum Building Height				20.300 (Site Planning and General Development Standards)
<100 feet from any PL	35 feet	35 feet	35 feet	
100 feet+ from any PL	50 feet	50 feet	50 feet	Non-residential structure
Lot Requirements				20.210.030(A),
Minimum Lot Area	1 acre	1 acre	4 acres	20.300.040 (Gross Slope/Acreage Analysis)
15–25% slope	2 acres	2 acres	4 acres	
25–35%+ slope	4 acres	4 acres	8 acres	
35%+ slope	8 acres	8 acres	20 acres	
Minimum Setbacks[2][3]				
Street Frontage PL	35 feet	35 feet	35 feet	
Sales Stand	15 feet	15 feet	15 feet	20.210.060(C) (Sales Stands)
Interior PL	15 feet	15 feet	15 feet	
Rear PL	25 feet	25 feet	25 feet	
Side/Interior/Rear PL				
Processing/Packaging Facility	- -	50 feet	50 feet	
Farm Employee Housing (Large)	- -	60 feet	50 feet	
Parking				
Required	Chapter 20.340 (Off-Street Parking and Loading)			

Notes: PL= Property Line
1. All standards are minimums unless otherwise noted.
2. Setbacks shall be measured from back of ROW.
3. All lot development and setbacks shall be subject to the provisions of section 20.300.060 (Special Setbacks for General Plan Routes); where standards conflict, the largest standard shall prevail.

Section 20.210.060 Performance Standards

A. **Architectural Compatibility.** All buildings, including secondary and accessory structures, walls, and fences, located on a building site shall be designed and constructed to be architecturally compatible with the primary building. See chapter 20.335 (Walls and Fences) for additional standards.

B. **Ancillary Retail Sales.** Ancillary retail sales directly associated with the agricultural production or brand of the primary land use shall be allowed in conjunction with any land use permitted or conditionally permitted by this chapter.

C. **Sales Stands.** Sales stands located on Agricultural (A) Zone property shall be limited to the sale of on-site agriculture/horticulture, fruits, vegetables, and flowers only. The maximum size of the sales stand shall not exceed two hundred (200) square feet.

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CHAPTER 20.215 RESIDENTIAL ZONES

Sections:

Section 20.215.010 Purpose of Chapter
Section 20.215.020 Purpose of Residential Zones
Section 20.215.030 Applicability
Section 20.215.040 Allowable Residential Uses
Section 20.215.050 Residential Development Standards
Section 20.215.060 Multifamily Residential Development Design Standards
Section 20.215.070 Multifamily Operational Standards
Section 20.215.080 Multifamily Building Design and Orientation Guidelines

Section 20.215.010 Purpose of Chapter

The purpose of this chapter is to specify the allowable uses, requirements, and development standards within the Residential Zones as established by the Zoning Map, and specifically to accomplish the following:

A. Establish Residential Zones to provide areas suitable for residential-only and estate living configurations that minimize the impacts from adjacent uses.

B. Facilitate a range of housing opportunities for single-family detached and multifamily attached dwelling units consistent with the existing residential character of the City.

Section 20.215.020 Purpose of Residential Zones

In addition to the purposes of this Zoning Ordinance and Chapter, the purpose and description of each Residential Zone are as follows:

A. **Single-Family Zones.**

1. **Estate (R-1-20) Zone.** To provide for single-family detached homes on lots of 20,000 square feet or greater, for a maximum density of two (2) units per one (1) acre. This Zone provides for estate and ranch-style homes with associated rural uses. The R-1-20 Zone is intended to implement and be consistent with the Rural Residential (RR) land use designation of the General Plan.
2. **Residential Low (R-1-10) Zone.** To provide for single-family detached homes on lots of 10,000 square feet or greater, for a maximum density of four (4) units per one (1) acre. This Zone provides for low-density living on large lots. The R-1-10 Zone is intended to implement and is consistent with the Very Low Density Residential (VLDR) land use designation of the General Plan.
3. **Residential 1 (R-1-7.5) Zone.** To provide for areas of single-family detached homes and related accessory uses exclusively. This Zone is intended for traditional subdivision layouts on lots of 7,500 square feet or greater. The R-1-7.5 Zone is intended to implement and be consistent with the Low Density Residential (LDR) land use designation of the General Plan.

4. **Residential 2 (R-2) Zone.** To provide for low-density single-family attached homes that are suitable in massing and character for inclusion in single-family detached neighborhoods. The R-2 Zone is intended to implement and be consistent with the Low Medium Density Residential (LMDR) land use designations of the General Plan.

B. **Multifamily Zones.**

1. **Residential (R-3-6) Zone.** To provide for higher-density multifamily attached homes such as apartments, rowhouses, townhomes, motorcourts, and condominiums at a density of twenty (20) to thirty (30) dwelling units per acre (du/ac). The R-3-6 Zone is intended to implement and be consistent with the Medium High Density Residential (MHDR) land use designation of the General Plan.

2. **Residential 3 (R-3-10) Zone.** To provide for medium-density multifamily living at a density of twelve and one-tenth (12.1) to twenty (20) du/ac in a setting located in close proximity to services and bus lines with the opportunity for compatible boarding home and hotel uses. The R-3-10 Zone is intended to implement and be consistent with the Medium Density Residential 1 (MDR1) and Medium Density Residential 2 (MDR2) land use designation of the General Plan.

Section 20.215.030 Applicability

Land use permit requirements, as detailed in Table 20.215-1, and the regulations and development standards of this section shall be applicable to all existing and new uses, structures, modifications, additions, and activities within the Residential Zones.

Table 20.215-1
Permit Requirement Types and Processes

Symbol	Permit Requirement	Procedure Section
P	Permitted use subject to compliance with all applicable provisions of this Zoning Ordinance and the process standards of chapter 20.500.	20.500 (Permits and Applications Process)
DP	Director's Permit (DP) is required for this use, subject to review and approval by the Director.	20.510 (Director's Permit)
CUP	Conditional Use Permit (CUP) is required for this, subject to review and approval per the process standards of chapter 20.500.	20.520 (Conditional Use Permits)
A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	20.500 (Permits and Applications Process)
- - -	Use not allowed.	20.205.030(C) (Unlisted and Similar Compatible Uses)

Note: Any land use authorized through a permit approval process may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by this Code. For unlisted and similar uses, see section 20.205.030(C) (Unlisted and Similar Compatible Uses).

Section 20.215.040 Allowable Residential Uses

A. **Permit Requirements.** Table 20.215-1 identifies the types of land use permits required to establish land uses in the Residential (R) Zones, consistent with this Zoning Ordinance.

B. **Residential Land Uses.** Permitted uses in the Residential Zones shall be for the express purpose of establishing and protecting residential living environments from the impacts and nuisance of non-residential uses. Table 20.215-2 identifies the permitted land uses and required permit types

in all Residential Zones. Residential uses are intended to be the primary permitted use in all Residential Zones. See Figures 20.215-1 through 20.215-5 for graphic representations of Zone development standards.

C. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.215-2; refer to the referenced sections for additional operational standards and regulations applicable to the use. All land uses are also subject to all of the following standards: chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), 20.400 (Specific Use Standards), and 20.515 (Site Development Plan Review).

D. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with section 20.205.030(C) (Unlisted and Similar Compatible Uses), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

Table 20.215-2
Residential District Use Classifications

Land Use	R-1-20	R-1-7.5 / R-1-10	R-2	R-3-6	R-3-10	Additional Use Regulations
Residential Uses						
Child Care Facility, Large Family Home	DP	DP	DP	DP	DP	20.400.050 (Child Care Facilities)
Child Care Facility, Small Family Home	P	P	P	P	P	20.400.050 (Child Care Facilities)
Community Garden	DP	DP	DP	DP	DP	
Continuing Care Retirement Community	- - -	- - -	- - -	- - -	CUP	20.400.110 (Care Facilities)
Duplex	- - -	- - -	P	P	P	
Residential Care Facility, Large	DP	DP	CUP	CUP	CUP	20.400.110 (Care Facilities)
Residential Care Facility, Small	P	P	P	P	P	20.400.110 (Care Facilities)
Rooming House	- - -	- - -	- - -	CUP	CUP	
Mobile/Manufactured Home	P	P	- - -	- - -	- - -	Section 20.245.050
Multifamily Dwelling	- - -	- - -	P(2)	P	P	
Planned Residential Development (PRD)	CUP	CUP	CUP	CUP	CUP	20.435 (Planned Residential Development)
Private Residential Garage	P	P	P	P	P	20.340 (Off-Street Parking and Loading)
Single-Family Attached	- - -	- - -	P	- - -	- - -	
Single-Family Detached	P	P	- - -	- - -	- - -	
Second Dwelling Unit/Accessory Structure	A	A	- - -	- - -	- - -	20.410 (Second Dwelling Units and Accessory Structures)
Supportive Housing	P	P	P(2)	P	P	
Transitional Housing	P	P	P(2)	P	P	
Recreation, Education & Public Assembly Uses						
Animal Keeping, Small and Large	As permitted by chapter 20.415					20.415 (Animals)
Non-Commercial Horticulture	P	P	P	P	P	
Places of Assembly	CUP	CUP	CUP	CUP	CUP	20.400.160 (Places of Assembly)
Stable, Private	A	- - -	- - -	- - -	- - -	20.415 (Animals)

Table 20.215-2
Residential District Use Classifications

Land Use	R-1-20	R-1-7.5 / R-1-10	R-2	R-3-6	R-3-10	Additional Use Regulations
Stable, Public	CUP	- - -	- - -	- - -	- - -	20.415 (Animals)
Public Park/Open Space/Recreation	CUP	CUP	CUP	CUP	CUP	
School	CUP	CUP	CUP	CUP	CUP	
Sport Court, Private	DP	DP	- - -	- - -	- - -	
General Retail Uses						
Agricultural/Horticultural, Plants and Crops	P	A	- - -	- - -	- - -	
Agricultural/Horticultural, Plants and Crops Wholesale Production	DP	- - -	- - -	- - -	- - -	
Lodging, Bed & Breakfast	CUP	- - -	- - -	- - -	- - -	
Industrial, Manufacturing & Processing Uses						
Winery/Tasting Room	DP	- - -	- - -	- - -	- - -	20.425 (Bars, Alcohol-Service, and Entertainment)
Transportation, Communication & Utility Uses						
Antenna or Communication Facility	CUP	CUP	CUP	CUP	CUP	20.465 (Telecommunications Facilities)
Non-Public Antenna or Communication Facility	P	P	P	P	P	20.465 (Telecommunications Facilities)
Public Utilities	CUP	CUP	CUP	CUP	CUP	

Notes:
1. See Table 20.215-1 for permit types.
2. Limited to duplex, and 3- and 4-unit buildings designed in massing/character to appear as a single-family home, except where modified by a Planned Residential Development.

E. **Site Development Plan Review Required.** All attached residential developments, including all projects that comply with the allowed land use and development standards of this chapter, shall be submitted for Site Development Plan Review to the Planning Division; see chapter 20.515 (Site Development Plan Review).

1. Multifamily Site Development Plan Review and a Planning Commission hearing is required for all projects applications of two (2) or more units in the R-2 and R-3 Zones.
2. Multifamily Site Development Plan Review and hearing before the Planning Commission and City Council are required for all project applications for ten (10) or more units in the R-2 and R-3 Zones.

F. **Planned Residential Development.** A CUP for a PRD may be permitted in all the Residential (R) Zones; see chapter 20.435 (Planned Residential Development).

Within a PRD, single-family detached, single-family attached, duplex, and multifamily dwellings in a range of configurations may be permitted. These configurations may include a standard subdivision; alley loaded, cluster, or small-lot development; or courtyard site plans.

F. **Outdoor Lighting.** Any outdoor lighting affiliated with a non-residential, accessory, or animal use noted in Table 2.215-2 shall require a Director's Permit (DP) to ensure compatibility with

adjacent uses. This may include sport courts and horse arenas. All other lighting shall be consistent with section 20.300.080 (Light and Glare Standards).

G. **On-Site Gardening Activities.**

1. Within the R-1 Zones, non-commercial gardens for the raising of vegetables, flowers, fruit and nut trees, vines, and ornamental trees and shrubs is permitted by right.
2. Within the R-1-20 Zone, agricultural and horticultural activities may be allowed, subject to a DP. Such activities may include commercial, wholesale, greenhouses, and nurseries for producing vines, trees, and other horticultural stock.
3. On-site packaging and processing shall not be permitted, even if conducted within a residence or accessory structure.

Section 20.215.050 Residential Development Standards

A. **Development Standard Compliance.** The new development, design, construction, or establishment of land uses, and alterations to existing land uses, structures, and sites within Residential Zones shall conform to the regulations of Tables 20.215-3 and 20.215-4. Principal and accessory structures shall meet the same development standards unless otherwise modified by this Zoning Ordinance. See Figures 20.215-1 through 20.215-5 for setback measurement standards by Zone.

Table 20.215-3
R-1 and R-2 Development Standards

Development Standards[(1)]	R-1-20	R-1-10	R-1-7.5	R-2	Additional Use Regulations/Notes
Density & Intensity					
Maximum Density	2.0	4.0	6.0[(2)]	12.0	
Maximum Building Height	35 feet or 2 stories	35 feet or 2 stories	35 feet or 2 stories	35 feet or 2 stories	20.300.050(A), whichever is less
Minimum Single-Floor Living Space Width[(3)] Required	20 feet	20 feet	20 feet	14 feet	
Lot Area (Square Footage)					**20.300.030**
Minimum	20,000[(4)]	10,000[(4)]	7,500[(4)]	3,500	
Setbacks[(5)(6)]					**20.215.050(D) Table 20.225-5**
Front, Living	35 feet	25 feet	20 feet	10 feet	Other structures prohibited in front setback
Front, Garage	35 feet	30 feet	25 feet	20 feet*	*Turn-in garages permitted at 15- foot front setback
Interior Side	10 feet	10 feet	7.5 feet	5 feet	
Corner Side	15 feet	15 feet	10 feet	10 feet	
Rear	30 feet	25 feet	20 feet*	15 feet	*Turn-in garages permitted at 15-foot front setback
Between Buildings	10 feet	10 feet	10 feet	10 feet	
Private Open Space					**20.215.060(B)**
Ground Floor Unit	- -	- -	- -	250 square feet	Fenced patio or courtyard area
2nd-Story Unit	- -	- -	- -	50 square feet	A balcony or outdoor area is required as a private 2nd story open space which excludes walkways and stairways

Table 20.215-3
R-1 and R-2 Development Standards

Development Standards[1]	R-1-20	R-1-10	R-1-7.5	R-2	Additional Use Regulations/Notes
Parking & Garages					**20.215.030(C)(2)**
Primary Unit	20.340 (Off-Street Parking and Loading)				
Street Trees					
Required	- -	20.330 (Water Efficient Landscape Standards)			

Notes:
1. All standards are minimums unless otherwise noted.
2. Dwelling units per gross acre; density may increase to maximum of eight (8.0) du/ac. with a PRD
3. Interior dimension from exterior wall to exterior wall
4. Subject to gross slope/acreage analysis, section 20.300.040 (Gross Slope/Acreage Analysis).
5. Setbacks shall be measured from back of ROW.
6. All lot development and setbacks shall be subject to the provisions of section 20.300.060 (Special Setbacks for General Plan Routes); where standards conflict, the largest standard shall prevail.

Figure 20.215-1
R-1-20 Zone Development Standards
See Table 20.215-3 for standards.

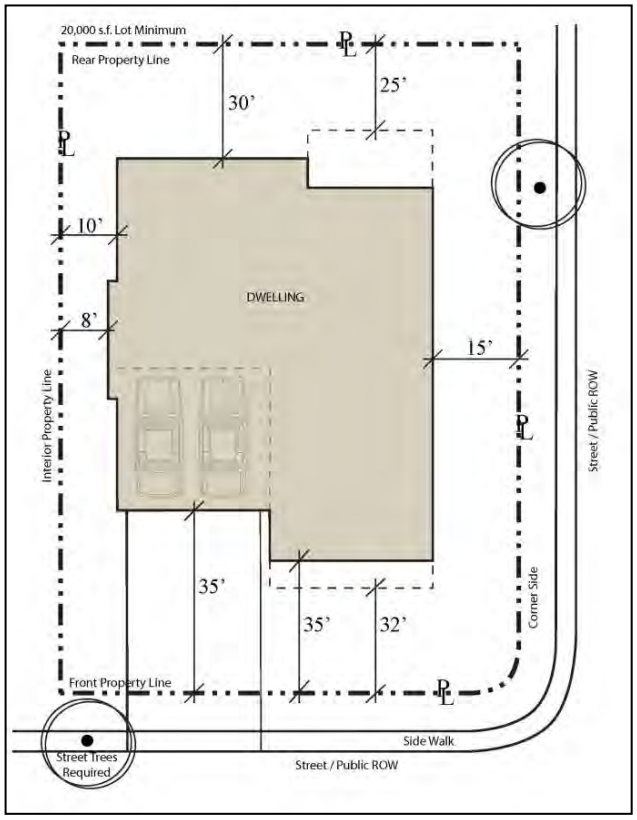


Figure 20.215-2
R-1-10 Zone Development Standards
See Table 20.215-3 for standards.

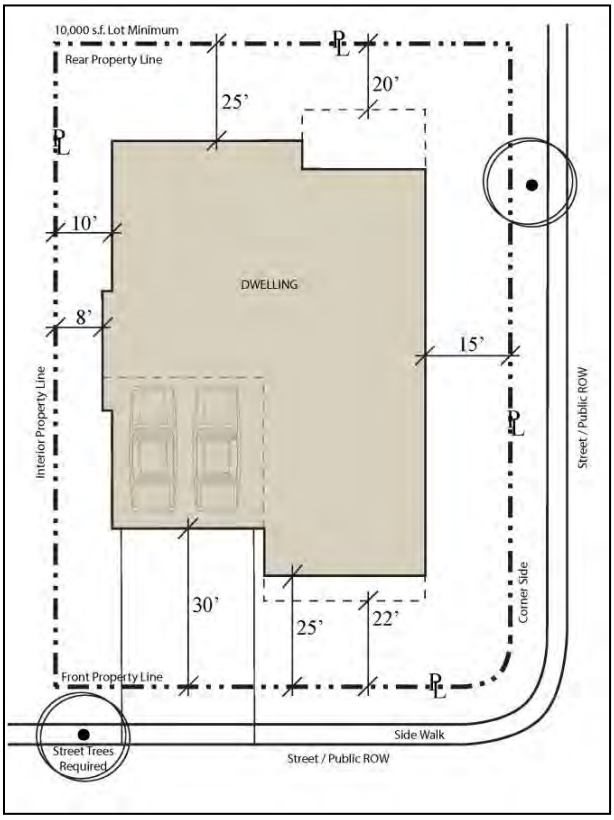


Table 20.215-4
R-3 and Attached Residential Development Standards

Development Standards[1]	R-3-6	R-3-10	Additional Use Regulations/Notes
Density & Lot Area (Square Footage)			20.515 (Site Development Plan Review)
Maximum Density	30 du/ac	20 du/ac	Dwelling units per gross acre (du/ac)
Minimum Lot Size	6,000	10,000	
Building Height			**20.300**
Maximum	35 feet or 2 stories	45 feet or 3 stories	Whichever is less
Building Setbacks[2][3]			See Table 20.215-5; for permitted encroachments, see section 20.300.020(G)
Primary Street (Front Setback – Living)	15 feet	15 feet	
Interior/Private Streets (Interior PL)	10 feet	10 feet	
Alley	3 feet or 18 feet+		Driveway dimensions between 3 feet and 18 feet in depth are prohibited
Property Boundary (adjacent to a separate lot or Zone)	Up to 3 units: 7.5 feet; 4+units: 10 feet	10 feet	
Parking (Any Property Line)	8 feet	5 feet	
Between Buildings	10 feet		Consistent with adopted Building Code based on building design
Private Open Space			
Ground Floor Unit	250 square feet		Fenced patio or courtyard area
2nd-Story or Above Unit	50 square feet		Balcony or outdoor area, excluding walkways and stairways
Common Open Space			20.215.060(B)
Required	Area equal to 30% of livable ground floor area of all units		Common usable open space or recreation areas
Refuse/Recycling Area			
Required	20.445 (Refuse and Recycling Facilities)		
Parking & Garages			
Requirements	20.340 (Off-Street Parking and Loading)		
Street Trees			
Required	20.330 (Water Efficient Landscape Standards)		

Notes:
1. All standards are minimums unless otherwise noted.
2. Setbacks shall be measured from back of ROW.
3. All lot development and setbacks shall be subject to the provisions of section 20.300.060 (Special Setbacks for General Plan Routes); where standards conflict, the largest standard shall prevail.

Figure 20.215-3
R-1-7.5 Zone Development Standards
See Table 20.230-3 for standards.

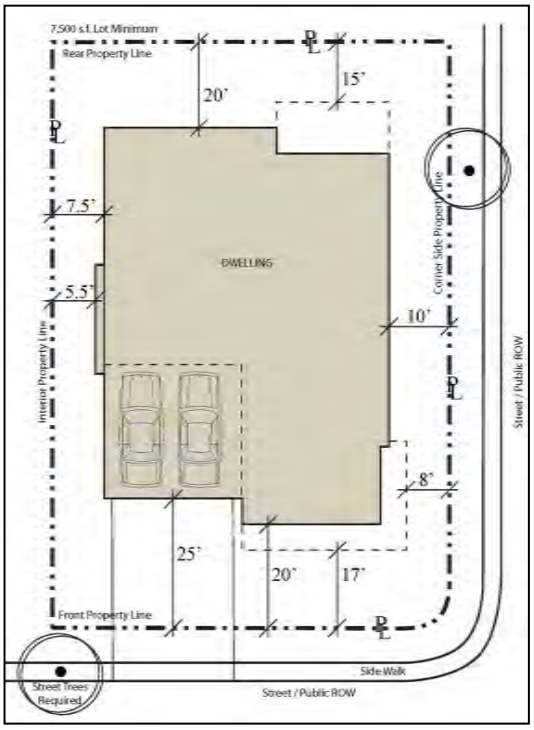


Figure 20.215-4
R-3-6 Zone Development Standards
See Table 20.230-4 for standards.

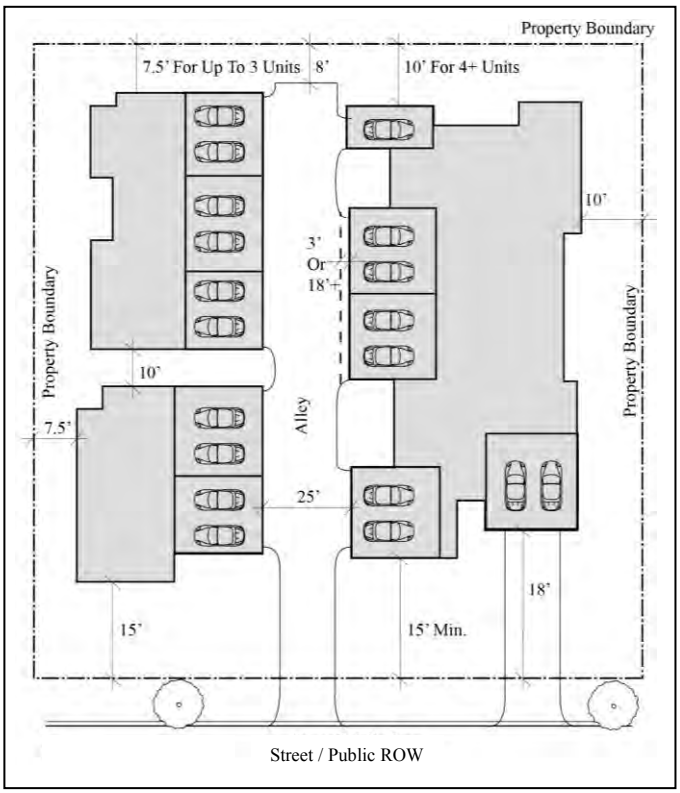
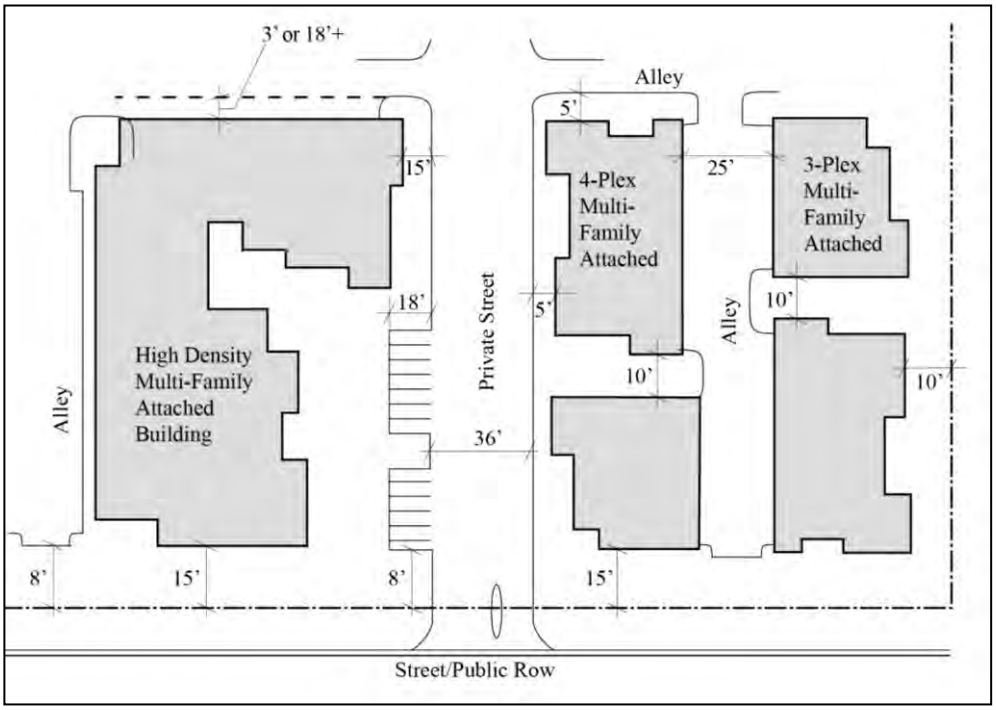


Figure 201530-5
R-3-10 Zone Development Standards
See Table 20.230-4 for standards.



B. **Permitted Projections**. See section 20.300.020(G) (Permitted Encroachment Standards) for permitted projection standards relevant to Residential Zones.

C. **Other Site Features.** Second dwelling units and accessory structure placement and encroachments shall be governed by chapter 20.410 (Second Dwelling Units and Accessory Structures).

D. **Lot Averaging.** Lot averaging, consistent with Section 20.300.030 (Lot Averaging), shall be permitted in the R-1-20, R-1-10, and R-1-7.5 Zones, subject to a CUP.

E. **Gross Slope/Acreage Analysis.** Minimum lot sizes in the R-1 Zones shall be determined based on slope calculations subject to Section 20.300.040 (Gross Slope/Acreage Analysis) and minimum lot areas of Tables 20.215-3 and 20.215-4.

F. **Architectural Compatibility.** All buildings, including secondary and accessory structures, walls, and fences located on a building site, shall be designed and constructed to be architecturally compatible with the primary residential building. Thematic architectural design shall be evident for all structures on a site.

Section 20.215.060 Multifamily Residential Development Design Guidelines

The standards of this section are intended to facilitate development of superior-quality multifamily housing that is sensitive to the surrounding properties and enhances the quality of life in San Marcos. Design guidelines and criteria for multifamily residential housing are provided to ensure that quality architectural design and construction are achieved from project inception to completion. The following guidelines shall be used to encourage multifamily design to be functional in use, to be enhanced by architecturally pleasing massing and building orientations, and to maximize open space areas and other facilities.

A. **Applicability.** This section pertains to the development and establishment of new land uses, all conversions of units within the R-2 and R-3 Zones, and all attached PRD residential development in any Residential Zone.

1. Prior to project design and application, a pre-application meeting with the applicant/representative and City staff shall be required to discuss guideline criteria and specific project application direction.
2. Criteria in this section shall be used in conjunction with site development review criteria as set forth in chapter 20.515 (Site Development Plan Review) of this Zoning Ordinance.
3. Residential care facilities are exempted from the remaining provisions of this section. Design requirements for such facilities shall be identified during the pre-application process, and reviewed during Site Development Plan Review.

B. **Multifamily Open Space Standards.** The following open space criteria, subject to requirements of Table 20.215-4, shall be incorporated into the design of multifamily residential projects regardless of Zone:

1. Private open space is for the private use of individual dwelling units; minimum requirements are established by Table 20.215-4.
2. Common open space is required for all multifamily projects, in addition to private open space. Common open space can be natural or improved, and shall include at least three (3) of the following on-site amenities:
   a. Pool
   b. Spa
   c. Multi-purpose recreation center
   d. Tennis court
   e. Basketball court
   f. Volleyball court
   g. Playground
3. Walkways and bike paths shall be used in the calculation of common open space.
4. The following areas shall not be considered as usable open space:
   a. Child daycare facilities
   b. Staffing offices or areas
   c. Parking areas
   d. Private open space requirements
   e. Private roads and driveways
   f. Areas exceeding ten percent (10%) slope
5. Recreational facilities shall be located and/or designed to minimize noise and visual conflicts from adjacent properties.

C. **Child Play Area Amenities.** Children's play areas (tot-lots) shall be incorporated into the design of multifamily housing projects, per the following criteria. Play areas and tot-lots shall qualify as common open space where the following minimum requirements are met:

1. For every twenty-five (25) dwelling units, one (1) tot-lot shall be required (see Image 20.215-1).
   a. Minimum four hundred (400)-square-foot usable area.
   b. "Leftover" land area in the project shall not qualify.



Image 20.215-1
Child play areas shall be provided in centrally located areas of multi-family projects.

2. For projects of fifty (50) or more units, tot-lots shall be spaced a minimum of one hundred twenty (120) feet apart. The tot-lot spacing standard may be reduced based on site design characteristics, as determined by the Director.
3. Projects of seventy-five (75) or more units shall provide an additional usable recreation area, in addition to the area required by section 20.215.060(C)(1) and (2) above, and/or facilities that contain a level play area with a minimum area of eight hundred (800) square feet.
4. All tot-lot areas shall be effectively buffered and/or fenced from adjacent street or parking areas.

5. All tot-lots shall be equipped with at least two (2) of the following elements: sandbox, climb bars/structure, a slide, swings, seesaw, or other appropriate play equipment.
6. To minimize street crossings, tot-lots shall be located in central areas of the project or distributed in "centrally located" portions of the residential project and in close proximity to the dwelling units.

Section 20.215.070 Multifamily Operational Standards

Consistent with Section 20.215.060(A) (Applicability), the following operations standards shall apply:

A. **On-Site Circulation.**

1. For projects of twenty-five (25) units or more, a display and unit location map shall be installed at each major driveway entrance and any major walkway entrance to the project as an aid to emergency personnel and a convenience to visitors. An auto turnout lane shall be provided adjacent to the directory map to eliminate blocking the driveway entrance.
2. Central pedestrian/bike paths shall provide convenient access to bus stops, green belts, and public facilities. Walkway systems within the project can be linear or meandering systems, in keeping with the architectural building style.
3. Pedestrian crossings shall be provided at appropriate locations along main drives, and shall be accentuated by a change in surface textures. The minimum width dimension of any on-site walkway shall be four (4) feet wide, unless otherwise waived or modified by the Director or Site Development Plan Review board.
4. Walkway connections between buildings and street sidewalks are discouraged if they encourage on-street parking by residents.
5. Walkways adjacent to automobile parking spaces shall be wide enough to maintain a four (4)-foot-wide clear walking surface free from the intrusion of front bumper overhangs.
6. Parking requirements and standards for multifamily developments are addressed in chapter 20.340 (Off-Street Parking and Loading).

B. **Mechanical Equipment.** All mechanical equipment and vents (including public utility boxes) shall be attractively screened by an enclosure structure that is architecturally similar to the residential unit style and appearance, or located within utility closets where feasible.

1. Exterior-wall-mounted air conditioning units shall be architecturally harmonious with the building exterior color and finishes.
2. Rooftop vents shall be painted a color that is the same as the roof color and finish materials. Such vents and rooftop mechanical units should be located away from the building elevations that have street frontage, whenever and wherever possible.

C. **Laundry Facilities Required.** All developments of five (5) units or more shall be required to provide a laundry room, unless laundry facilities are provided within each unit.

D. **Storage.** Multifamily dwellings shall provide adequate on-site storage in areas screened from view.

1. Units with assigned enclosed garages shall be exempt from this requirement, provided that areas of the garage to be used as storage do not detract square footage from the required area to park a car; see chapter 20.340 (Off-Street Parking and Loading).
2. Multifamily residential dwelling units that do not have enclosed garages are required to provide a minimum of fifty (50) square feet of enclosed exterior storage for each unit (minimum of two hundred [200] cubic feet).
    a. These storage areas shall be provided adjacent to the living unit or carport. Hanging storage lockers over vehicles parked in carports shall be permitted only when said storage directly abuts a solid, full-height partition, and when additional ground-mounted storage is provided at the unit itself.
    b. Balcony and patio areas shall not be considered storage area meeting this requirement; storage is not permitted in balcony or patio areas.

E. **Mailboxes.**
1. Mailboxes should be located in highly visible, heavy-use areas for convenience and safety purposes.
2. Incorporation of the project's architectural design features is strongly encouraged.

Section 20.215.080 Multifamily Building Design and Orientation Guidelines

Multifamily attached building arrangements should function like individual small neighborhoods. Successful design of multifamily developments balances site planning, architectural design, and massing with open space and pathways to create a cohesive, enjoyable neighborhood. To achieve this design intent, consistent with the applicability identified in section 20.215.060(A), each of the following design categories shall be addressed in all R-2 and R-3 multifamily projects:

A. **Site Planning and Building Orientation.** Site planning for all multifamily developments shall do the following:
1. Consider optimum solar orientation of structures.
2. Minimize the incidences of one (1) building shading another.
3. Orient private outdoor or garden areas toward the south as reasonably feasible.
4. Minimize overlook of private backyards and patio areas from second-story units and windows.
5. Design and orient buildings adjacent to public streets to promote "eyes on the street" and minimize the likelihood of on-street parking by residents; see Image 20.215-2.

B. **Building Form and Relief.** The following features shall be used in building and site design:
1. Orient buildings to create pedestrian pathways and active spaces (paseo, park, plaza, pocket park, or open space feature) interior to the project.
    a. Pedestrian/common open spaces shall be directly and logically connected to exterior streets.

b. Orient windows, entries, and architectural features toward these spaces to activate the space and maintain safety; see Image 20.215-3.

c. Vary building height, roof heights, or roof forms to create visual breaks in the roof line; see Image 20.215-4.



Image 20.215-2
Orient buildings toward adjacent public streets and layer wall planes for architectural interest.



Image 20.215-3
Orient windows and entry doors toward active streets or open spaces; vary building massing and roof lines to create interest along the street and pathways.

2. Use varied massing to reduce building scale and monotony of form; see Image 20.215-5. Incorporate the following techniques in every multifamily project:

   a. Incorporate stepped massing between stories within the same building or between building plans.

   b. Use layered wall planes and building projection offsets.

   c. Stagger units at different setbacks.

   d. Design landscaping to add depth and variation in building elevations and layout.

C. **Site Features.** Site-enhancing architectural features and supporting elements shall be incorporated into each multifamily residential project. These can include the following features:

1. Architectural elements: tower structures, gated entries, or other similar architectural features; see Image 20.215-4.
2. Display elements: identification monuments, fountains, reflecting ponds or pools, and entry statement walls.
3. Open space elements: private recreational open space areas and/or facilities, plazas, greenbelts.
4. Landscape elements: enhanced fences and/or driveways and special landscape treatments.



Image 20.215-4
Varied building heights and roof forms with stepped massing elements and staggered front setbacks create a visually interesting building.



Image 20.215-5
Architectural projections and varied wall planes reduce building scale and create interest along the elevation.

D. **Architectural Projections.** Architectural projections create shadows and provide strong visual focal points for design. The design, materials, and colors of buildings within a project shall use varied materials that complement one another. The project shall be harmonious with surrounding properties/structures. Use of projections is encouraged and may include the following:

1. Functional massing elements such as balconies, porch elements, eave overhangs, and projecting second- or third-story masses.
2. Architectural massing elements such as towers, bay windows, recessed windows, and shed roof elements.
3. Aesthetic elements such as Bermuda shutters, awnings, and window/door surrounds.
4. Other compatible features.

E. **Featured Architecture.** All building elevations oriented toward public streets or other sensitive areas (i.e., recreation areas, common open space areas, adjacent properties) shall have an upgraded architectural treatment with emphasis on details, such as recessed entries, broad and stepped overhangs, staggered building planes, and changing roof elevations.

1. Additional architectural detailing such as wood-style window, door, and eave trim or comparable feature shall be used to soften the architectural statement of the buildings.
2. Windows, doors, and other openings shall be architecturally treated to provide a visual break in the building.

F. **Design and Materials.** To reinforce the quality of the development, all elements and structures shall be considered in project design. The following standards shall apply to all buildings and structures:

1. All balconies visible from public streets and adjacent properties may consist of solid walls or heavy-gauge open railings; however, the design shall be decorative and complementary to the architecture of the building.
2. Accessory structures, including recreation facilities, shall be compatible in design and materials with the main building(s).
3. Roofing materials shall be complementary to the architectural style of building.

CHAPTER 20.220 COMMERCIAL ZONES

Sections:

Section 20.220.010 Purpose of Chapter
Section 20.220.020 Purpose of Commercial Zones
Section 20.220.030 Applicability
Section 20.220.040 Allowable Commercial Uses and Permit Requirements
Section 20.220.050 Development Standards for Commercial Zones
Section 20.220.060 Performance Standards for Commercial Zones
Section 20.220.070 Building Form/Site Development Standards and Guidelines

Section 20.220.010 Purpose of Chapter

The purpose of this chapter is to specify the allowable uses, requirements, and development standards within the Commercial Zones as established by the Zoning Map, and, specifically, to accomplish the following:

A. Protect the City's tax base by providing for a full range of retail commercial sales and services in a setting that promotes retail destinations and business hubs in close proximity to highly visible thoroughfares.

B. Establish, maintain, and protect the viability of commercial, retail, office, and those uses that have similar access and infrastructure needs; locate these in close proximity to appropriate services and transportation infrastructure.

C. Strengthen the City's economic base and provide employment opportunities in close proximity to residents.

Section 20.220.020 Purpose of Commercial Zones

In addition to the purposes of this Zoning Ordinance and Chapter, the purpose of each Commercial Zone follows:

A. **Commercial (C) Zone.** To provide a business district for the full range of retail goods, services, and commercial centers that stabilize, maintain, and enhance the vitality of San Marcos in a supportive commercial setting adjacent to thoroughfares. Appropriate C Zone commercial uses will contribute to the range of service and destination retail, shopping centers, entertainment, and restaurant uses that generate a strong tax base. The C Zone is intended to implement and be consistent with the Commercial (C) land use designation of the General Plan.

B. **Neighborhood Commercial (NC) Zone**. To provide for local retail and commercial goods and services in close proximity to residential neighborhoods to meet daily convenience needs. The NC Zone is intended to implement and be consistent with the Neighborhood Commercial (NC) land use designation of the General Plan.

C. **Office Professional (OP) Zone.** To provide a high-quality business district for the development of professional offices, business support, and personal services. This Zone is intended to be

exclusively for office and business uses, serving as a buffer between higher-intensity commercial uses and residential development. The land use and development regulations of this Zone are intended to cultivate an office environment characterized by appropriate landscaping and architectural design to generate business investment in the City. The OP Zone is intended to implement and be consistent with the Office Professional (OP) land use designation of the General Plan.

C. **Senior Residential (SR) Zone.** To provide for a full range of housing and assisted life care facilities for older adults, with supportive services located near commercial and transit opportunities. These areas should be in appropriate locations adjacent to thoroughfares where age-appropriate living opportunities and services may be established, maintained, and protected from surrounding uses. The SR Zone is intended to implement and be consistent with the Medium Density Residential 2 (MDR2) land use designation of the General Plan.

Section 20.220.030 Applicability

Land use permit requirements, as detailed in Table 20.220-1, and the regulations and development standards of this chapter, shall be applicable to the following:

A. **Zones.** All existing and new uses, structures, expansions, modifications, redevelopment, and activities within the C, NC, OP, and SR Zones.

B. **Senior Residential Development.** All provisions related to land use or standards for development of Senior Residential shall be applicable to the S-R Zone and to all senior residential development in any other Zone, unless developed prior to the adoption of this Zoning Ordinance.

Table 20.220-1
Permit Requirement Types and Processes

Symbol	Permit Requirement	Procedure Section
P	Permitted use subject to compliance with all applicable provisions of this Zoning Ordinance and the process standards of chapter 20.500.	20.500 (Permits and Applications Process)
DP	Director's Permit (DP) is required for this use, subject to review and approval by the Director.	20.510 (Director's Permit)
CUP	Conditional Use Permit (CUP) is required for this, subject to review and approval per the process standards of chapter 20.500.	20.520 (Conditional Use Permits)
T	Permitted as a temporary uses restricted to limited occurrences and time periods.	20.455 (Temporary Events)
A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	20.500 (Permits and Applications Process)
- - -	Use not allowed.	20.205.030(C) (Unlisted and Similar Compatible Uses)

Note: Any land use authorized through a permit-approval process may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by this Code. For unlisted and similar uses, see section 20.205.030(C) (Unlisted and Similar Compatible Uses).

Section 20.220.040 Allowable Commercial Uses and Permit Requirements

A. **Permit Requirements.** Table 20.220-1 identifies the types of land use permits required to establish land uses in the Commercial Zones consistent with this Zoning Ordinance. All permit

requirements shall be subject to the process standards of chapter 20.500 (Permits and Applications Process).

B. **Commercial Zone Land Uses**. Table 20.220-2 identifies the permitted land uses in all Commercial Zones.

1. Commercial uses are intended to be the primary permitted use in the C and NC Zones.
2. Land uses in the OP Zone should be characterized by business, office, and service uses.
3. The SR Zone is intended for older adult and assisted living, supported by commercial services appropriate for this setting.

C. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.220-2; refer to the referenced sections for additional operational standards and regulations applicable to the use. All land uses are also subject to all of the following standards: chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).

Table 20.220-2
Commercial Zone Permitted Uses

Land Use [(1)]	C	NC	OP	SR	Additional Use Regulations
Residential Uses					
Adult Residential Facility	- - -	- - -	- - -	DP	Section 20.400.110 (Care Facilities)
Continuing Care Retirement Community	- - -	- - -	- - -	P	
Residential Care Facility, Small	- - -	- - -	- - -	P	Section 20.400.110 (Care Facilities)
Residential Care Facility, Large	- - -	- - -	- - -	DP	
Supportive Housing	- - -	- - -	- - -	P	
Transitional Housing	- - -	- - -	- - -	P	
Senior/Age-Restricted Dwelling	- - -	- - -	- - -	P	20.515 (Site Development Plan Review)
Recreation, Education, and Public Assembly Uses					
Child Care Facility, Daycare Center	DP	DP	DP	- - -	20.400.050 (Child Care Facilities)
Club	DP	DP	DP	- - -	
College, Nontraditional Campus Setting	DP	- - -	DP	- - -	Note 2; Note 3
College, Traditional Campus	DP	- - -	DP	- - -	
Conference/Convention Center	CUP	- - -	CUP	- - -	
Extended Care Facility	- - -	- - -	- - -	P	
Museum, Library, or Gallery	P		P	A	
Outdoor Recreation Facility	A	- - -	A	A	
Places of Assembly	DP	DP	DP	DP	Note 2; Note 3; Section 20.400.160 (Places of Assembly)
School	CUP	- - -	CUP	- - -	
General Retail Uses					Note 2
Adult Entertainment Business	CUP	- - -	- - -	- - -	Chapter 20.405 (Adult Entertainment Establishments)
Animal Shelter	DP	- - -	- - -	- - -	

Table 20.220-2
Commercial Zone Permitted Uses

Land Use [1]	C	NC	OP	SR	Additional Use Regulations
ATM, Interior to Building /Vestibule	P	P	P	P	Section 20.400.030 (ATMs)
ATM, Freestanding Exterior/Exterior Wall	P	P	P	P	Section 20.400.030 (ATMs)
Automotive Fueling Station	CUP	- - -	- - -	- - -	Chapter 20.420 (Automotive Services)
Automotive Rentals	DP	- - -	- - -	- - -	Section 20.400.040 (Automotive Sales and Rentals)
Automotive Sales, New	CUP	- - -	- - -	- - -	
Automotive Sales, Used	CUP	- - -	- - -	- - -	Section 20.400.040 (Automotive Sales and Rentals)
Automotive Sales, Wholesale	P	- - -	P	- - -	
Automotive Sales, Other Vehicle Sales	CUP	- - -	- - -	- - -	Section 20.400.040
Bar	CUP	- - -	- - -	- - -	Chapter 20.425 (Bars, Alcohol-Service, and Entertainment)
Catering	P	- - -	- - -	- - -	
Cigar Lounge/Smoke Shop	P	- - -	- - -	- - -	
Commercial Entertainment	P	- - -	- - -	- - -	Chapter 20.425 (Bars, Alcohol-Service, and Entertainment)
Commercial Recreation, Indoor	DP	- - -	- - -	CUP-A	
Drive-Through Facility	CUP	- - -	- - -	- - -	Section 20.400.070 (Drive-Through Services)
Employee Services	A	- - -	A	A	
Funeral Home / Mortuary	CUP	- - -	- - -	- - -	
Hookah Lounge	- - -	- - -	- - -	- - -	Prohibited in all Zones
Kiosk (stand-alone)	DP	- - -	- - -	- - -	
Lodging, Hotel <50 Rooms	P	- - -	CUP	- - -	
Lodging, Hotel 50+ Rooms	P	- - -	CUP	- - -	
Lodging, Motel	CUP	- - -	CUP	- - -	
Market, Grocery / Supermarket	P	P	- - -	- - -	
Market; Specialty Food and Beverage	P	P	- - -	- - -	
Market; Liquor	P	P	- - -	- - -	
Market; Convenience	P	P	- - -	A	
Merchandise Sales, Discount	DP	DP	- - -	- - -	
Merchandise Sales, New Retail >100,000 s.f.	P	P	- - -	- - -	
Merchandise Sales, New Retail <100,000 s.f.	P	P	- - -	DP	
Merchandise Sales, Showrooms	P	- - -	- - -	- - -	
Merchandise Sales, Used/Pawn	DP	- - -	- - -	- - -	
Nightclub	CUP	- - -	- - -	- - -	Chapter 20.425 (Bars, Alcohol-Service, and Entertainment)
Nursery (Retail-Plant)	P	- - -	- - -	- - -	
Outdoor Dining	P	P	P	P	Section 20.400.150 (Outdoor Dining)
Parking Facility, Enclosed Freestanding	CUP	CUP	CUP	CUP	
Parking Lot Sales	T	- - -	- - -	- - -	Chapter 20.455 (Temporary Events)
Restaurant, Sit-Down	P	P	P	A	
Restaurant, Take-Out	P	P	DP	A	
Office, Professional, and Business Support Services					**20.220.050(C)**
Business Support Service	P	P	P	A	
Financial Institution	P	- - -	P	- - -	

Table 20.220-2
Commercial Zone Permitted Uses

Land Use [1]	C	NC	OP	SR	Additional Use Regulations
Financial Institution, with Drive-Through	CUP	- - -	- - -	- - -	
Internet-Based Sales	P	P	P	- - -	
Medical; Hospital	CUP	- - -	CUP	- - -	
Medical; Urgent Care	DP	DP	DP	A	
Office; Corporate, Regional Administrative, Business, and Professional	P	P	P	- - -	
Office; Government	DP	- - -	P	- - -	
Office; Medical, Dental, and Holistic	P	P	P	A	
Research and Development (R&D)	- - -	- - -	P	- - -	Section 20.400.170 (R&D Uses)
Technical/Scientific/Medical Laboratory, Incidental Uses	- - -	- - -	P	- - -	Section 20.400. 170 (R&D Uses)
Service Uses[2]					
Animal Sales and Services	P	- - -	- - -	- - -	
Automotive Services, Repair	DP	- - -	- - -	- - -	Note 3, chapter 20.420 (Automotive Services)
Automotive Services, Washing/Detailing	CUP	- - -	- - -	- - -	Chapter 20.420 (Automotive Services)
Dry Cleaning or Laundry, Agency	P	P	P	A	
Massage, Accessory Use	P	P	P	A	Note 4
Massage Establishment	P	P	P	A	Note 4
Personal Services, General	P	P	- - -	DP	
Personal Services, Fitness/Health Facility	DP	DP	DP	A	
Personal Services, Instructional	DP	DP	DP	- - -	
Tattoo and/or Body Art Facility	P	- - -	- - -	- - -	
Industrial, Manufacturing, and Processing Uses[2]					
Commercial Bakery	P	P	- - -	- - -	Including associated thrift shop outlets
Industrial Design and Services	- - -	- - -	P	- - -	Limited to on-site support; Section 20.400.170
Recycling Facilities					**20.445**
Small Collection Facility	P	P	- - -	- - -	Limited to locations behind main building
Reverse Vending	P	P	P	- - -	
Transportation, Communication, and Utility Uses[2]					
Non-Public Antenna or Communication Facility	P	P	P	P	Chapter 20.400
Antenna or Communication Facility	P	P	P	P	Chapter 20.465 (Telecommunications Facilities)
Transportation Dispatch Only	P	P	P	- - -	

Notes: For definitions, see Table 20.220-1.
R&D = research and development s.f.=square feet

1. All land uses are subject to the following standards: chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).
2. Business, including merchandising and sales, shall be conducted entirely within an enclosed building, except as identified in Table 20.220-2, where outdoor business is permitted subject to a Conditional Use Permit (CUP).
3. A Director's Permit (DP) shall be required for the establishment of the land use in an existing building to ensure that adequate parking and student services are provided and to minimize effects on other land uses within the building or site. A CUP shall be required for the establishment of a use in conjunction with a new building (development of the building in conjunction with the use).
4. Massage establishments are permitted by right when all therapists or persons performing massage services are fully licensed by the state; if all therapists or persons performing massage services are not fully licensed, the land use shall require a CUP. All massage establishments shall be subject to Title 5 of this Code.

D. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with section 20.205.030(C) (Unlisted and Similar Compatible Uses), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

Section 20.220.050 Development Standards for Commercial Zones

A. **Development Standard Compliance.** The design, construction, or establishment of all new and existing land uses, development of structures, and site improvements in Commercial Zones shall conform to the regulations of Table 20.220-3. Principal and accessory structures shall meet the same development standards, unless otherwise modified by this Zoning Ordinance. See Figures 20.220-2 and 20.220-3 for setback measurement standards.

B. **Site Development Plan Review Required.** All development in the Commercial Zones, including all projects that comply with the allowed land use and development standards of this chapter, shall be submitted for Site Development Plan Review to the Planning Division; see chapter 20.515 (Site Development Plan Review).

1. Senior/Age-Restricted dwellings require Site Development Plan Review or Multifamily Site Development Plan Review, depending on the type of project proposed. The Director shall determine which type of review is required based on project components.

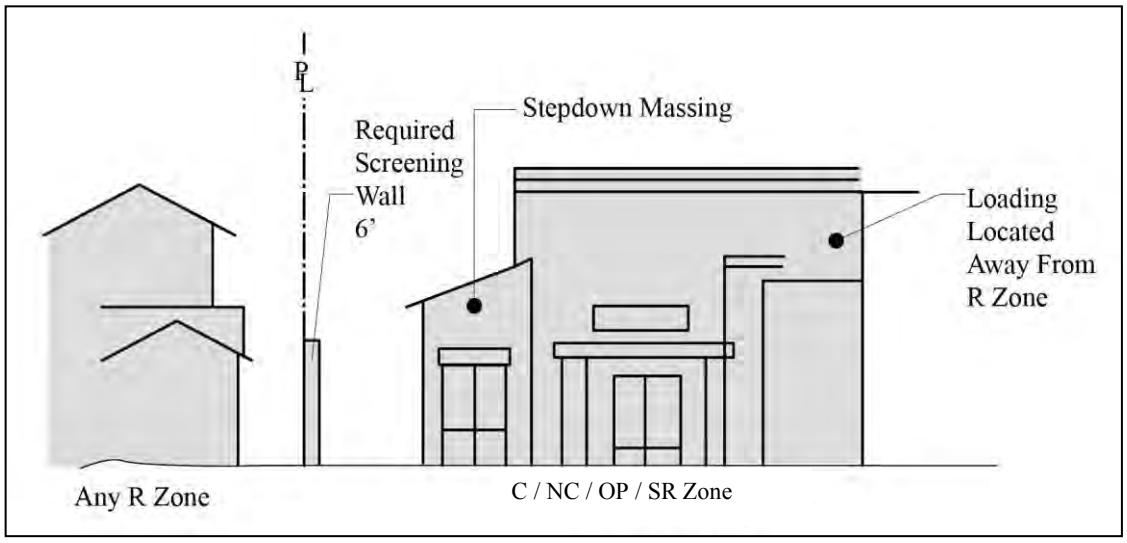
C. **Floor Area Requirements.** The C Zone is intended to provide for a full range of retail goods, services, and commercial centers that stabilize, maintain, and enhance the vitality of San Marcos by generating a strong tax base in a supportive commercial setting.

1. Office, professional, and business support services (non-retail uses) shall not exceed twenty percent (20%) of the total gross floor area of a C Zone building(s) without the Director's approval.
2. This percentage shall be calculated by adding all office space within a structure and dividing that figure by the total square footage of the building. This calculation shall be completed prior to occupancy of a proposed use. This provision may be administratively waived by the Director.

D. **Residential Adjacency.** Where any C, NC, OP, or SR Zone abuts any Residential Zone, the following conditions shall apply (see Figure 20.220-1):

1. Land use shall provide step-down massing for building height transitions and appropriate screening between uses.
2. Site design shall orient loading docks and doors away from residential areas. Loading docks or doors shall not be permitted adjacent to a Residential Zone property line.
3. All buildings within the C, NC, O-P, and S-R Zones shall provide step-down massing for building height transitions adjacent to Residential Zones; see Figure 20.220-1.

Figure 20.220-1. Residential Adjacency Requirements



4. Screening shall be provided along all shared Residential Zone property lines. A solid, split-face masonry, block, stone clad cement, or stucco wall shall be erected and maintained that meets the following standards:
   a. Minimum six (6) feet in height along the entire length of the shared property line.
   b. Chain-link, chain-link with slats, barbed wire, razor ribbon, or other similar fences are prohibited.
   c. Where a slope exists between residential and commercial properties, the screening wall shall be erected at the top of the slope.

E. **Circulation Standards.**

1. **Ingress and Egress.** All ingress and egress:

   a. shall take place on paved ROWs or paved private easements;

   b. shall be designed to allow for turning-around, and allow for proper circulation to prevent backing of vehicles onto streets; and

   c. shall be to the satisfaction of the City Engineer and Fire Marshal.

2. **Driveways.** Driveway spacing shall be determined by the "City of San Marcos Street Design Criteria" standards or its successor.

   a. Maximum of one (1) driveway for each property abutting the street unless approved by the City Engineer.

   b. Complexes of two (2) or more buildings sharing access to a public street may be permitted to have more than one (1) driveway, as approved by the City Engineer. Reciprocal driveway access configurations are required where possible and feasible.

   c. Driveway width shall be thirty (30) feet wide measured at the property line to properly facilitate all passenger and cargo vehicle movements. Driveway widths based on site configuration shall be approved by the City Engineer during Site Development Plan Review.

   d. Driveways shall provide a minimum of twenty (20) feet landscaped throat distance measured from the back of the ROW line. This minimum shall be increased as deemed necessary by the Site Development Plan Review process.

   e. Unless otherwise approved by the City Engineer, driveways shall conform to the City's "Radius Type Driveway" standards.

   f. All driveways and site access shall meet line-of-sight criteria; see Section 20.300.070(C) (Performance Standards).

Table 20.220-3
Commercial Zone Development Standards

Development Standards[1, 2]	C	NC	OP	SR	Additional Use Regulations
Building Height					Section 20.340.050
Maximum Height	60 feet/5 stories	27 feet/2stories	35 feet/3 stories	50 feet/4 stories	
Architectural Feature Maximum Height	70 feet	30 feet	45 feet	60 feet	Architectural features shall be limited to 20% of the top floor roof area
Lot Requirements					
Lot Area, square feet (s.f.) [4][7]	10,000 s.f.	7,500 s.f.	20,000 s.f.	1 acre	
Lot Width[4][7]	65 feet	65 feet	100 feet	100 feet	
Maximum Floor Area Ratio	0.7	0.3	1.25	1.0	
Maximum Site Coverage	50%	50%	45%	55%	
Minimum Setbacks[3][5]					for permitted encroachments, see section 20.300.020(G)
Front PL[6]	10 feet	10 feet	15 feet	10 feet	
Side Street PL	10 feet	10 feet	15 feet	10 feet	
Interior PL, Building	0 feet	0 feet	10 feet	0 feet	
Interior PL, Parking	5 feet	2 feet	5 feet	5 feet	
PL Adjacent to any R Zone	20 feet	10 feet	25 feet	30 feet	
Alley PL	0 feet*	0 feet*	0 feet	0 feet	* 25 feet if parking is provided in alley
State Route 78 PL	15 feet	15 feet	15 feet	20 feet	
Building Separation	10 feet	10 feet	15 feet	10 feet	
Parking					
Loading Doors/Docks	- - -	- - -	30 feet	20 feet	Measured from edge of loading dock
Requirements	20.340 (Off-Street Parking and Loading)				
Landscape					
Requirements	10% of the net developable site shall be landscaped, in addition to required setbacks				Section 20.220.050(E); chapter 20.330 (Water Efficient Landscape Standards)

Notes: PL=Property Line

1. All standards are minimums unless otherwise noted.
2. All lot development and setbacks shall be subject to the provisions of chapter 20.300 (Site Planning and General Development); where standards conflict with chapter 20.300, the largest standard shall prevail.
3. Setbacks shall be measured from the back of the right-of-way.
4. Lot width-to-depth ratio should be, generally, a 1:3 ratio for appropriate site design and utilization.
5. All setbacks are subject to residential adjacency stepback requirements of section 20.220.050(D) (Residential Adjacency) and provisions of section 20.300.060 (Special Setbacks for General Plan Routes).
6. Sidewalk arcades and similar architectural features of commercial buildings may be established and maintained in a required front setback upon the issuance of a Director's Permit.
7. Lot area and width standards apply to proposed subdivisions of land. The standards may be waived by the Director and City Engineer when necessary to accommodate the parcel configuration for an integrated commercial development.

Figure 20.220-2
C Zone Development Standards
See Table 20.220-3 for standards.

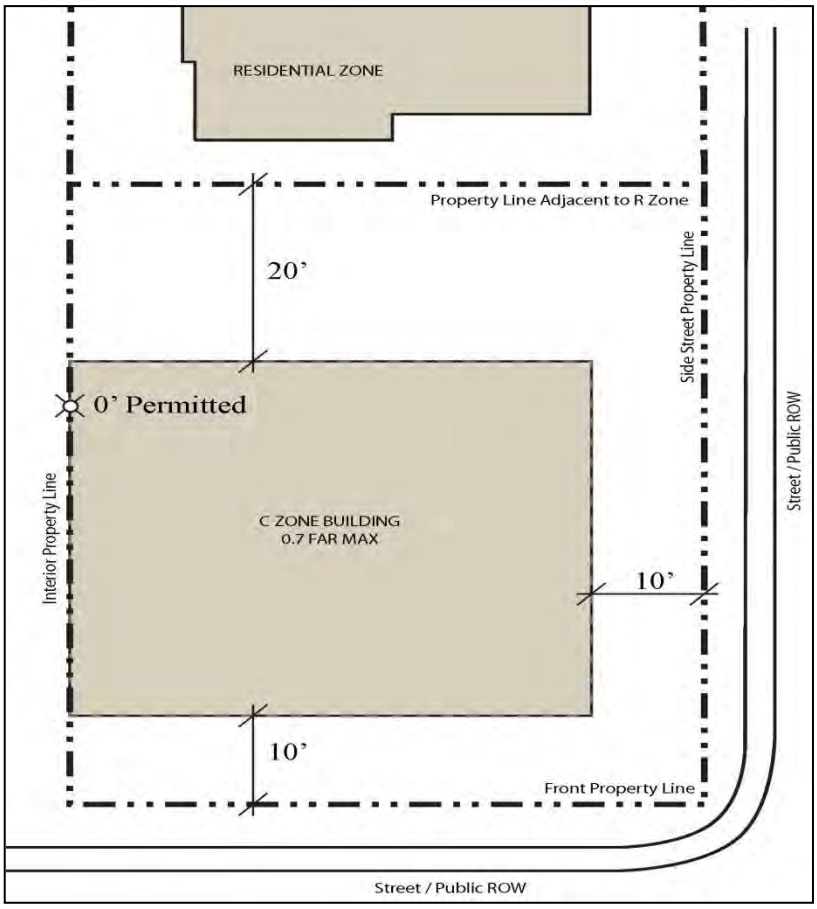
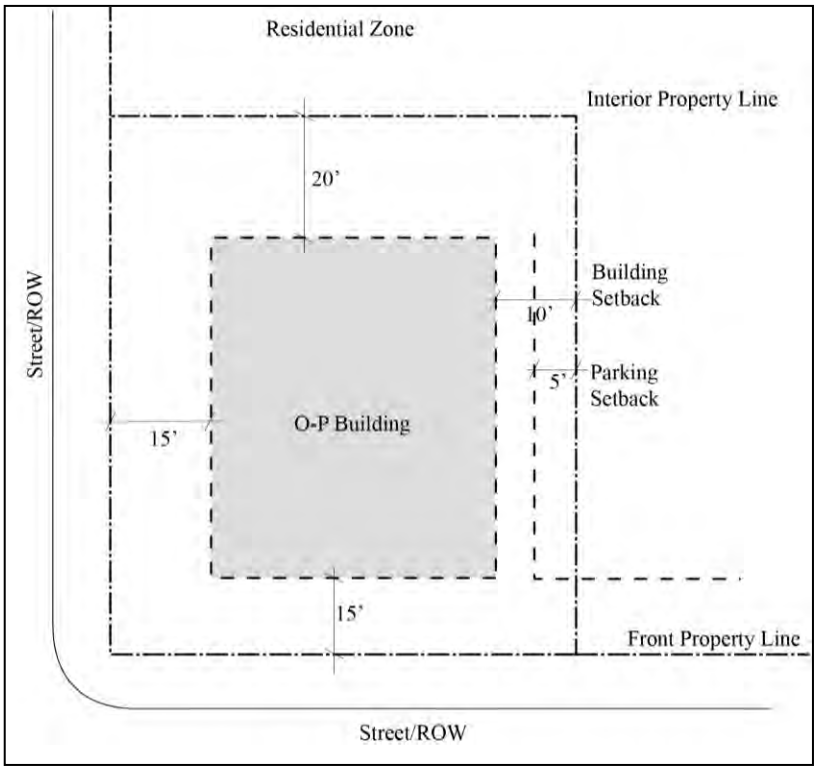


Figure 20.220-3
O-P Zone Development Standards
See Table 20.220-3 for standards.



Section 20.220.060 Performance Standards for Commercial Zones

The provisions of this section further modify and regulate the development form and function of all commercial land uses listed in Table 20.220-2 to promote safe, attractive, and compatible development.

A. **Permitted Projections.** See section 20.300.020(G) (Permitted Encroachment Standards) for permitted projection standards relevant to Commercial Zones.

B. **Architectural Compatibility.** All buildings, including secondary and accessory structures, walls, and fences located on a building site, shall be designed and constructed to be architecturally compatible with the primary building.

C. **Enclosed Activities.** Every business shall be conducted entirely within an enclosed building except the following:

1. Parking lots
2. Child daycare facility/center
3. Automobile sales
4. Service stations
5. Outdoor dining

D. **Merchandising and sales.** Merchandising and sales shall only be permitted for those permitted uses identified in Table 20.220-2. All sales must take place entirely within an enclosed building, with the exception of the following temporary uses: parking lot sales, special events, and loading and unloading; see chapter 20.455 (Temporary Events).

E. **OP Zone Ancillary Retail Sales.** Ancillary retail sales directly associated with the primary land use shall be allowed in the OP Zone in conjunction with any land use permitted or conditionally permitted by this chapter.

F. **SR Zone Accessory Uses.** These uses are permitted as an accessory service for residents and their invited guests only, with no outside advertising or signs, and no access to the general public. These uses are subject to the development standards for the SR Zone, and shall not have separate entrances or occupy free-standing structures, except as approved during Site Development Plan Review.

Section 20.220.070 Building Form/Site Development Standards and Guidelines

The following building and siting standards apply in all Commercial Zones (C, NC, OP, SR) unless otherwise specified:

A. **Pedestrian Scaled Elements.** To generate a pedestrian-scaled commercial setting, all buildings shall reduce building massing through changes in building height and roof form, and the introduction of pedestrian-scaled elements.

1. Emphasize corners and special places through changes in height and building form.
2. Design building entrances and windows to be enhanced by architectural features, canopies, balconies, or other architectural details.

3. Reduce massing by incorporating pedestrian-scaled elements such as trellises, plazas, balconies, and outdoor dining areas.

4. Limit blank walls and use changes in massing and building planes to add depth and scale to building frontages. Uninterrupted walls shall be prohibited without an offset or inclusion of architectural details. Scoring alone shall not be accepted as architectural relief.

5. Provide comfortable pedestrian walkways. Walkways in retail commercial centers should be covered by a structural projection such as a canopy or shaded by evergreen canopy trees. Trees shall be planted at a maximum of twenty (20) feet on center and with a minimum height at maturity underneath the canopy of no less than eight (8) feet. Tree wells may be cut in the sidewalk and covered with a semi-circle iron grating to avoid reducing the walkway area. All trees and landscaping are subject to chapter 20.330 (Water Efficient Landscape Standards).

B. **Building Design.** Provide articulation of building forms and facades, including variation in massing, roof forms, and wall planes, to reinforce quality architecture. See Figure 20.220-4.

1. Parcels that have direct frontage onto State Route 78 shall orient architecturally enhanced facades toward the freeway.

2. Buildings shall be articulated through the use of textured materials and color. A minimum of three (3) colors and/or materials shall be used on all buildings. Materials may include rough sawn woods, split face block, stucco, textured concrete tilt-up, and facade brick or stone. Materials shall be used thematically and complement the surrounding area.

3. Walls and enclosures shall be architecturally integrated with the design of the associated buildings.

4. Visually exposed flat roofs on front and side elevations shall be limited. Parapet walls or architectural roofing features shall be used to screen front- and side-elevation flat roofs from pedestrian visibility.

C. **Site Design**. Adjacent lots are encouraged to use design-integrated elements for the consolidation of shared driveway/curb cut access, provision of parking in the least amount of space, cohesive thematic landscaping and/or monument elements, and shared commercial amenities.

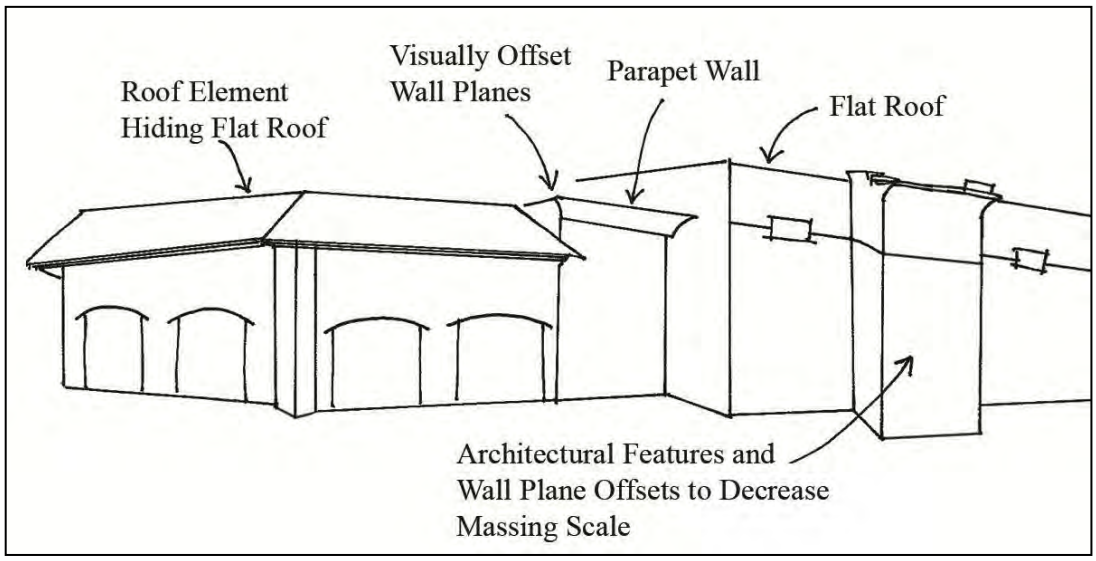
D. **Pedestrian Plazas**. Pedestrian plazas shall include a water feature and/or gas fire pit feature if feasible and as approved by the Director during Site Development Plan Review.

E. **Parking Lot Walkways**. Parking lot design shall include designated and landscape pedestrian walkways to allow for safe and direct pedestrian access to storefronts.

F. **National Pollutant Discharge Elimination System Compliance.** All development shall comply with the most current National Pollutant Discharge Elimination System (NPDES) permits and implement and maintain best management practices (BMPs), consistent with Chapter 14.15 of this Code.

Figure 20.220-4 Commercial Building Design

Use combinations of roof elements and parapet walls to reduce exposed flat roofs and increase building articulation.



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CHAPTER 20.225 MIXED USE ZONES

Sections:

Section 20.225.010 Purpose of Chapter
Section 20.225.020 Applicability
Section 20.225.030 Form-Based Regulation
Section 20.225.040 Mixed Use 1 Zone
Section 20.225.050 Mixed Use 2 Zone
Section 20.225.060 Mixed Use 3 (SP) Zone
Section 20.225.070 Mixed Use 4 (SP) Zone
Section 20.225.080 Ground Floor Uses and the Pedestrian Realm
Section 20.225.090 Building Form and Siting Standards
Section 20.225.100 Streetwall Design and Building Frontage Types
Section 20.225.110 Allowable Mixed Use Land Uses and Permit Requirements
Section 20.225.120 Outdoor Space Standards

Section 20.225.010 Purpose of Chapter

The purpose of this chapter is to specify the allowable uses, requirements and development standards within the Mixed Use Zones as established by the Zoning Map, and specifically to accomplish the following:

A. Support the development of complete, integrated communities that are a mix of mutually-supportive land uses in pedestrian-oriented and business-oriented configurations.

B. Increase the balance of land uses within a given area by providing flexibility in the combining, design, and location of uses;

C. Create a defined mixed-use use community core that is compact and pedestrian-oriented.

D. Support infill-development locations to promote work, commerce, and living configurations in close proximity to primary circulation corridors, and at specific transit-oriented areas including W. San Marcos Boulevard between S. Rancho Santa Fe Road and Grand Avenue, S. Rancho Santa Fe Road between W. San Marcos Boulevard and S. Santa Fe Avenue, and north of State Route 78 from S. Rancho Santa Fe Road east toward Vallecitos De Oro.

E. Establish standards to support integrated design of compatible uses and minimize conflicts between adjacent uses;

F. Regulate mixed use development with form-based standards to implement development of an urban core with specific built-form character;

G. Strengthen the City's economic base and provide employment opportunities close to residents of the City and surrounding communities.

Section 20.225.020 Applicability

The form-based regulations and land use permissions of this chapter shall be applicable to:

A. **Zones**. The form-based regulations of this Chapter shall apply to the establishment of all new development, establishment of new land uses, and alterations to existing land uses, structures, units and site improvements within the Mixed Use Zones.

B. **Transitional Zones.** This chapter shall also regulate the "future zone" development of Transitional Zones under the process and regulations of chapter 20.235 (Transitional Zones). When a Transitional Zone property is rezoned to a Mixed Use Zone, all land use establishment and development shall be subject to the applicable Zone of this chapter as the Future Zone, as regulated by this chapter.

C. **Specific Plans.** Development standards of Table 20.225-1 shall apply as the base requirements for new development and redevelopment of Specific Plans with frontage on Rancho Santa Fe Road or adjacent to one (1) or more MU-1 Zones properties.

D. **Other Regulations**. In addition to the requirements of this chapter, regulations contained in the following section may apply to applicable land use and development within Mixed Use Zones. The Director shall determine when the provisions of these other chapters are applicable to mixed use development.

1. Chapter 20.300 Site Planning and General Development Standards
2. Chapter 20.330 Water Efficient Landscape Standards
3. Chapter 20.335 Walls and Fences
4. Chapter 20.340 Off-Street Parking and Loading
5. Chapter 20.400 Specific Use Standards

E. **Disclaimer**. The images in this Chapter represent the general range of scale, configuration, and streetscape typically associated with mixed use development, and generally appropriate for the Mixed Use Zones. Individual designs may vary in compliance with the applicable standards of this chapter. Images are not intended to be interpreted literally and are not drawn to scale; where images and regulations are inconsistent, the regulations shall prevail.

Section 20.225.030 Form-Based Regulation

Mixed Use districts shall be regulated by form-based code to promote a built environment that enables, encourages, and implements the development consistent with the purposes of this chapter. The form-based approach focuses regulations on the intended character and type of place, with secondary regulations related to land use permissions.

Form-based regulations are intended to facilitate building placement, form and use, complemented by landscape installation and parking accessibility that contributes to the physical definition of streets, pedestrian pathways, and civic spaces.

A. **Regulating Plan.** Figure 20.225-1 is the Regulating Plan for the Mixed Use Zones. The Regulating Plan further modifies the zoning designations of the Zoning Map by adding form-base standards such as setback types, and place-oriented regulations to each Zone. The development standard tables of each Mixed Use Zone (Tables 20.225-1, 20.225-2, 20.225-3, and 20.225-4) reference features and locations represented on the Regulating Plan.

B. **Specific Plan Required.** The preparation and adoption of a Specific Plan shall be required for all development within the MU-3 (SP) and MU-4 (SP) Zones. All Specific Plans shall be consistent with the character, form and intensity of this chapter and shall integrate the design with adjacent mixed use developments. See chapter 20.535 (Specific Plans).

C. **Site Development Plan Review.** All development within the Mixed Use Zones shall be subject to Site Development Plan Review. During review, each development or modification shall be evaluated for compatibility with the intent of this chapter, compatibility of on-site and adjacent parcel uses, and preserve the opportunity for future adjacent parcel conversion and development.

    1. An Area Plan shall be required to establish building location, parking provisions and urban element additions like streets, alleys, pedestrian pathways, plazas, entryways, stairways, private and common outdoor open space and other design and development standards of this chapter.



Image 20.225-1 Form-Based Regulation
Regulating building form, frontage types, and parking locations focus development of character instead of strictly land use.



Image 20.225-2 Integrated Design
Ground floor use requirements along primary streets promote walkability and commercial vitality.

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Figure 20.225-1 Mixed Use Regulating Plan

Setback types, ground floor use requirements and parking location standards are intended to create a pedestrian-oriented walkable mixed use area accessible to pedestrian nodes such as parks and transit.

Section 20.225.040 Mixed Use 1 Zone

Table 20.225-1
MU-1 Development Standards

Density	
Residential Minimum	20.0
Residential Maximum	30.0
FAR, Minimum	1.25
FAR, Maximum	1.75
Unit Size	
Minimum	600 sf
New Subdivision Lot Size	
Minimum	1,500
Building Height	
Minimum	2 stories / 25 feet
Maximum	4 stories / 48 feet
Max. Adjacent to R PL	1 story greater than adjacent development
Ground Floor Height	15 feet
Building Placement	
Primary Street Pedestrian-Oriented	2 feet required for 80% of frontage; 7 feet max. for 20% of frontage
Secondary Street	6' required for 60% of frontage; 10' max. for 40% of frontage
Tertiary Street	10 feet required for 60% of frontage; 15 feet max. for 40% of frontage
Interior PL	0 feet
Alley PL	3 feet
Allowable Building Frontage Types	
Primary Street Pedestrian-Oriented	Storefront / Awning Forecourt
Facades Facing / Adjacent to Residential	Stoop Porch
Facades Facing Greenway or Park	Stoop Porch
Along Rail Edge & Transit Station	Storefront / Awning Forecourt
Other Locations	Storefront / Awning Forecourt Stoop Porch

The Mixed Use 1 (MU-1) Zone is intended to define major corridors and transit-proximate locations as mixed use corridors. The MU-1 Zone should incorporate retail storefronts, urban living, and community destinations in a vertical a pedestrian-oriented setting. This Zone promotes variety of commercial, office, civic and residential uses integrated as a cohesive development. These uses may be mixed vertically on separate floors of a building, or horizontally in separate buildings on a single site or adjacent parcels. To maintain a pedestrian scale and orientation, permitted uses on the ground floor are limited to retail and other active uses. The MU-1 Zone is intended to implement and is consistent with the Mixed Use 1 (MU1) land use designation of the General Plan.

A. **Physical Character.** The physical environment is characterized by active pedestrian-oriented ground floor commercial, and office uses at the sidewalk. Housing may occur in upper floors or in portions of the building not adjacent to Rancho Santa Fe Road or San Marcos Boulevard.

B. **Building Form.** Buildings are encouraged to be varied in size, forming a minimum streetwall of two (2) stories and a maximum of four (4) stories. Table 20.225-1 identifies applicable requirements for density, building height, FAR, streetwalls and other standards.

C. **Building Frontage and Active Use Requirements.** Table 20.225-1 identifies building frontage requirements and types that are encouraged within the MU-1 Zone. Pedestrian-oriented ground floor uses are required for eighty percent (80%) of the building frontage along primary street frontage, and facing public open spaces or plazas. Ground floor active uses permitted are identified and required by Section 20.255.110 (Allowable Mixed Use Land Uses and Permit Requirements) and Table 20.225-6, and are encouraged along secondary streets and corners intersecting with primary streets.

D. **Parking**. Parking is provided through a combination of on-street customer spaces, park-once / public parking, and off-street private and residential spaces located behind buildings. Properties with frontages solely along San Marcos Boulevard or Rancho Santa Fe Road shall have secondary street or alley-loaded vehicular access or off-site parking with on-street loading.

1. Parking and loading access is not permitted along San Marcos Boulevard; access shall be limited to the frontage road.
2. Parking and loading from Rancho Santa Fe Road shall be prohibited.

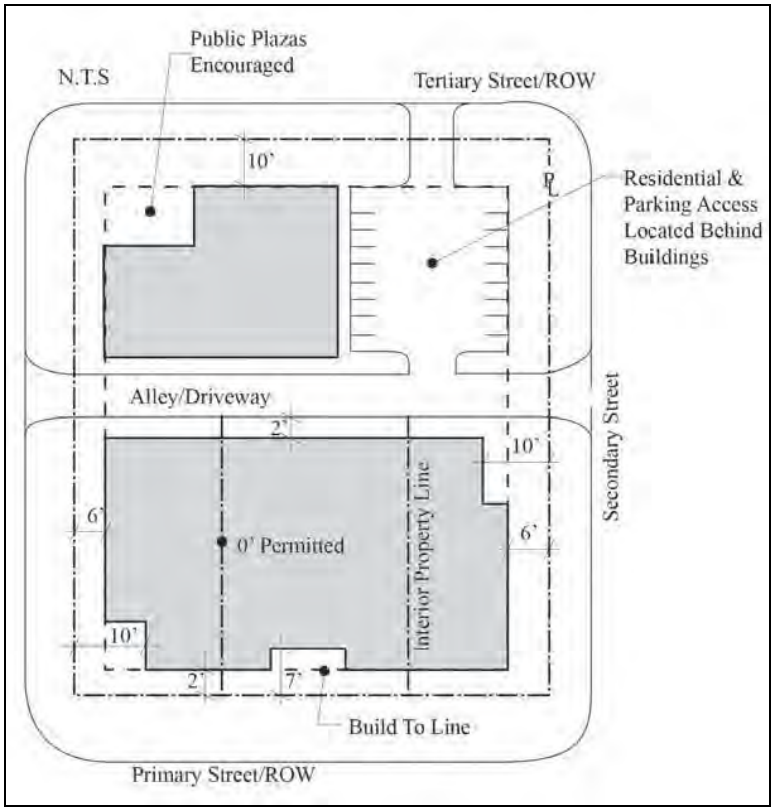


Figure 20.225-2 MU-1 Development Standard Diagram
Setbacks and build-to line standards are required in the identified locations.





Image 20.225-1 A, B Pedestrian-Oriented Streets
MU-1 allows mixed use integration of commercial and residential uses. Active ground floor uses are required along primary streets. Setbacks close to the street create a pedestrian-orientated character.

E. **Drive-Through Services.** Drive-through service facilities (e.g. restaurant take-out windows, automated teller machines, etc.) are not permitted, except those drive-through uses related to payment of parking fees.



Image 20.225-2 Parking Locations
Residential parking courts should be located behind buildings and should be well landscaped.

Section 20.225.050 Mixed Use 2 Zone

Table 20.225-2
MU-2 Development Standards

Development Standard	MU-2
Density	
Residential Minimum	30.0
Residential Maximum	45.0
FAR, Minimum	1.75
FAR, Maximum	2.25
Unit Size	
Minimum	600 sf
New Subdivision Lot Size	
Minimum	1,500
Building Height	
Minimum	2 stories / 25 feet
Maximum	5 stories / 60 feet
Max. Adjacent to R PL	1 story greater than adjacent development
Ground Floor Height	15 feet
Building Placement	
Secondary Street	7 feet required to 60% of frontage; 11 feet max. for 40% of frontage
Interior PL	0 feet
Alley PL	3 feet
Allowable Building Frontage Types	
Primary Street Pedestrian-Oriented	Storefront / Awning Forecourt
Facades Facing / Adjacent to Residential	Stoop Porch
Facades Facing Greenway or Park	Stoop Porch
Other Locations	Forecourt Stoop Porch

The Mixed Use 2 (MU-2) Zone is intended to support mixed use integrated developments complementary in use to the MU-1 Zone. Development may be mixed vertically on separate floors of a building, or horizontally in separate buildings on a single site or adjacent parcels. Structured parking may be necessary to accommodate allowable densities, and shared parking arrangements may be allowed consistent with the nature of the mixed uses. To maintain a pedestrian scale and orientation, permitted uses on the ground floor are limited to retail and other active uses. The MU-2 Zone is intended to implement and is consistent with the High Density Residential (HDR) and Mixed Use 2 (MU2) land use designations of the General Plan.

A. **Physical Character.** The physical environment is characterized by active pedestrian-oriented ground floor commercial, and office uses at the sidewalk. Housing may occur in upper floors or in portions of the building not adjacent to Rancho Santa Fe Road or San Marcos Boulevard.

B. **Building Form.** Buildings are encouraged to be varied in size, forming a minimum streetwall of two (2) stories and a maximum of five (5) stories. Table 20.225-2 identifies applicable requirements for density, building height, FAR, streetwalls and other standards.

C. **Building Frontage and Active Use Requirements.** Table 20.225-2 identifies building frontage types that are encouraged within the MU-2 Zone. Pedestrian-oriented ground floor uses are required for sixty percent (60%) of the building frontage along Secondary Streets, and facing public open spaces or plazas. Ground floor active uses permitted are identified in Table 20.225-6, and are encouraged along secondary side streets and corners intersecting with Primary Streets.

D. **Parking.** Parking is provided through a combination of park-once / public parking, integrated private garages, and surface off-street spaces located behind buildings. Properties with frontages solely along Rancho Santa Fe Road shall have secondary street or alley-loaded vehicular access or off-site parking with on-street loading.

1. Parking and loading access shall not be provided directly from Rancho Santa Fe Road.

E. **Drive-Through Services.** Drive-through service facilities (e.g. restaurant take-out windows, automated teller machines, etc.) are not permitted, except those drive-through uses related to payment of parking fees.

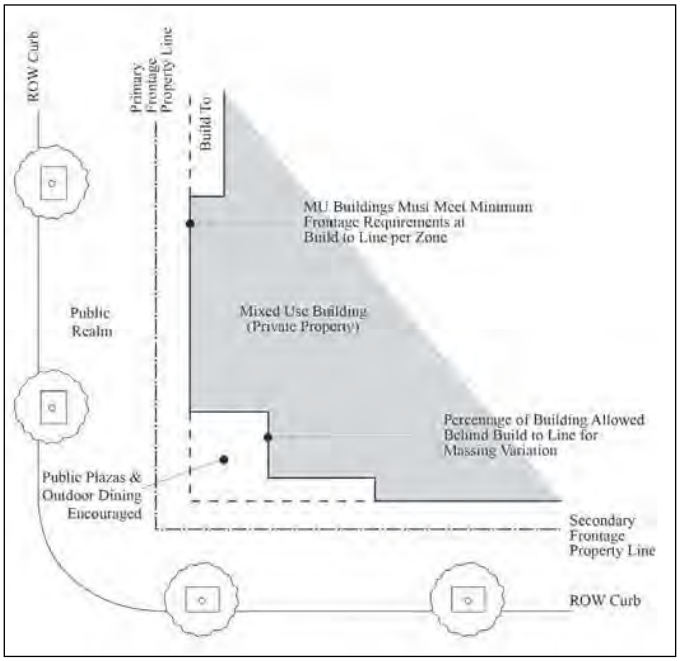


Figure 20.225-3 Build-To Line Diagram

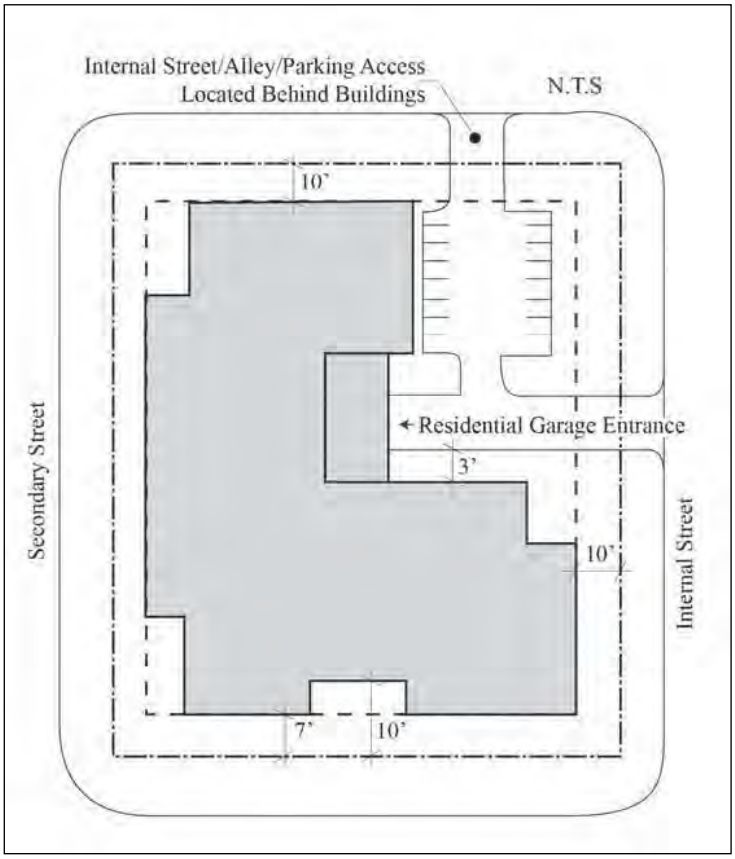


Figure 20.225-4 MU-2 Development Standard Diagram

Setbacks and build-to line standards are required in the indentified locations.



Image 20.225-3 Intensity

MU-2 is consistent with the character of MU-1 with a higher intensity for building form and height permitted.



Image 20.225-4 Intensity

Pedestrian-oriented development with active ground floor uses and residential above is encouraged.

Section 20.225.060 Mixed Use 3 (SP) Zone

Table 20.225-3
MU-3 (SP) Development Standards

Development Standard	MU-3 (SP)
Density	
FAR, Minimum	1.0
FAR, Maximum	1.5
New Subdivision Lot Size	
Minimum	2,500
Building Height	
Minimum	2 stories / 25 feet
Maximum	4 stories / 54 feet
Max. Adjacent to R PL	1 story greater than adjacent development
Ground Floor Height	15 feet
Building Placement	
Mission Road / Mission Road Station	10 feet required for 80% of the frontage; 15 feet max. for 20% of frontage
Interior PL	0 feet
Alley PL	3 feet
Allowable Building Frontage Types	
Primary Street Pedestrian-Oriented	Storefront / Awning Forecourt
Mission Road / Mission Road Station	Storefront / Awning Forecourt
Along Rail Edge & Transit Station	Storefront / Awning Forecourt
Facades Facing Greenway or Park	Stoop Porch
Other Locations	Forecourt Stoop Porch

The Mixed Use 3 (MU-3 (SP)) Zone is intended to support a job-based mixed use area combining a variety of commercial and office uses integrated as a cohesive development. This business-oriented area shall be complementary to the MU-1 and MU-2 Zones; residential uses are not permitted in the MU-3 (SP) Zone.

This Zone promotes job opportunities in close proximity to existing facilities, transit, urban and suburban living. Typical uses include commercial retail, business services, administrative and office uses, institutional and government uses, business support and financial uses, restaurants and health care facilities. Horizontal and vertical mixed-use is permitted. The MU-3 (SP) Zone is intended to implement and is consistent with the Mixed Use 2 (MU3)/SP land use designation of the General Plan.

A Specific Plan is required for all development and redevelopment within the MU-3 (SP) Zone. The standards of this section shall serve as a guide for the form, use and design of any MU-3 (SP) Specific Plan.

A. **Physical Character.** The physical environment is characterized by commercial development suitable for integrated retail, office and business uses in pedestrian-oriented setting.

B. **Building Form.** Buildings are located near the sidewalk or configured around open space. Buildings are varied in size, mixed-use or single-use forming a minimum streetwall of two (2) stories and a maximum of four (4) stories. Table 20.225-3 identifies applicable requirements for density, building height, FAR, streetwalls and other standards.

C. **Building Frontage Requirements**. Building shall be located at the minimum setback for eighty percent (80%) of the building frontage along public open spaces or plazas and as identified in Table 20.225-3.

D. **Parking.** Parking is provided through a combination of integrated private garages, and surface off-street spaces located behind buildings. Parking shall be screened by building uses.

1. No off-street parking shall be generally visible from a public ROW or park, excluding visibility from alleys.

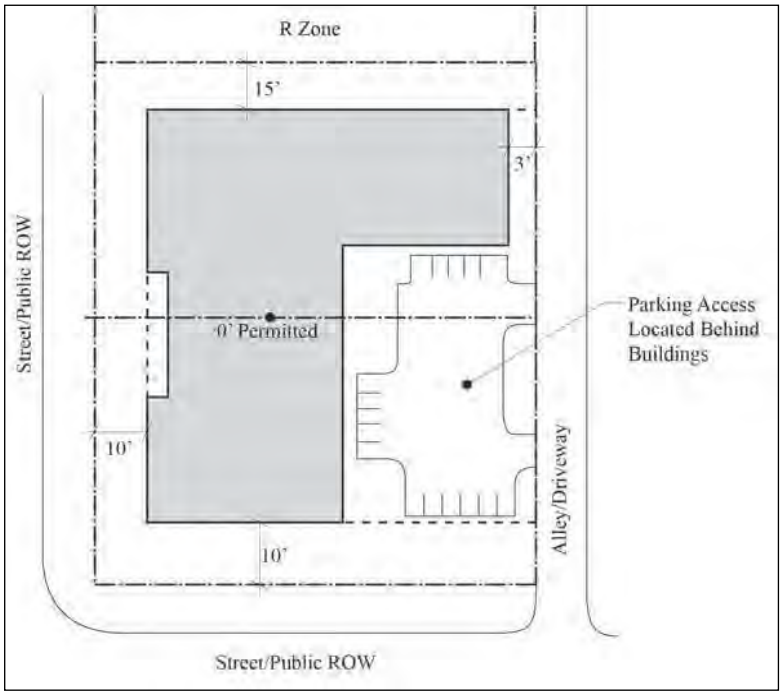


Figure 20.225-5 MU-3 (SP) Development Standard Diagram

Setbacks and build-to line standards are required in the identified locations.



Image 20.225-5 Non-Residential

Non-residential mixed use development should support retail and business in a setting compatible and complementary to the MU-1 Zone.



Image 20.225-6 Design

Materials, glazing, and relationship to the street should reinforce the pedestrian orientated setting of the MU-3 Zone.

Section 20.225.070 Mixed Use 4 (SP) Zone

Table 20.225-4
MU-4 (SP) Development Standards

Development Standard	MU-4 (SP)
Density	
FAR, Minimum	1.0
FAR, Maximum	1.5
New Subdivision Lot Size	
Minimum	5,000
Building Height	
Minimum	2 stories / 25 feet
Maximum	4 stories / 54 feet
Max. Adjacent to R PL	1 story greater than adjacent development
Ground Floor Height	15 feet
Building Placement	
Secondary Street	6 feet required for 60% of frontage; 10 feet max. for 40% of frontage
Interior PL	0 feet
Alley PL	3 feet
Allowable Building Frontage Types	
Primary Street Pedestrian-Oriented	Storefront / Awning Forecourt
Mission Road / Mission Road Station	Storefront / Awning Forecourt
Along Rail Edge & Transit Station	Storefront / Awning Forecourt
Facades Facing Greenway or Park	Stoop Porch
Other Locations	Forecourt Stoop Porch

The Mixed Use 4 (MU-4 (SP)) Zone is intended to support an industry-centric mixed use district integrating commercial, office, business park uses. This Zone shall be complementary to the MU-3 Zone. Horizontal and vertical mixed-use is permit- ted; residential uses are not permitted. The MU-4 (SP) Zone is intended to implement and is consistent with the Mixed Use 4 (MU4)/SP land use designation of the General Plan.

A Specific Plan is required for all development and redevelopment within the MU-4 (SP) Zone. The standards of this section shall serve as a guide for the form, use and design of any MU-4 (SP) Zone Specific Plan.

A. **Physical Character.** The physical environment is characterized by non-residential mixed use development suitable for integrated office, commercial, and business uses in a compact setting.

B. **Building Form.** Buildings are located near the sidewalk or configured to facilitate transit, pedestrian, and automotive access. Buildings are varied in size, mixed-use or single-use forming a minimum streetwall of two (2) stories and a maximum of four (4) stories. Table 20.225-4 identifies applicable requirements for density, building height, FAR, streetwalls and other standards.

C. **Building Frontage Requirements**. Table 20.225-4 identifies building frontage types that are encouraged within the MU-4 (SP) Zone. Building shall be located at the minimum setback for sixty percent (60%) of the building frontage along secondary streets.

D. **Parking.** Parking shall be screened by building uses. No off- street parking shall be generally visible from a public ROW or park, excluding visibility from alleys.

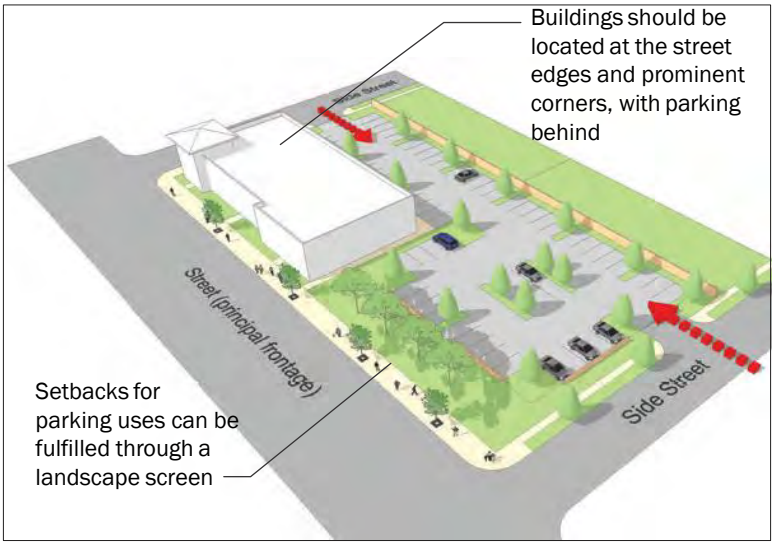




Image 20.225-7 MU-4 (SP) Character

Buildings are design for commercial and industrial use with a close building relationship to the street.

Section 20.225.080 Ground Floor Uses and the Pedestrian Realm



Image 20.225-9 Ground Floor Activation
Retail and active pedestrian uses on the ground floor contribute to a high-level of pedestrian activity.



Image 20.225-10 Scaled Features
Outdoor dining, awnings and architectural features contribute to a human-scaled streetscape.



Image 20.225-11 Storefront Design
Windows, scale and street-adjacent location of storefronts promotes pedestrian activity.

Ground floor pedestrian-oriented uses are active land uses that facilitate a higher level of pedestrian traffic which activates the streetscape and promotes walkability in the mixed use area. Pedestrian-oriented uses are defined as uses accessible to the general public that generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity in the public realm. Typical uses include retail shops, restaurants, outdoor dining areas, bars, theaters, performing arts, recreation and entertainment, personal and convenience services, lobbies, libraries, museums, galleries, and public plazas. Active uses may include building lobbies, residential amenities, and common spaces. Pedestrian-oriented (ground floor) uses are identified in Table 20.225-5.

A. **Required Ground Floor Uses**. Ground floor pedestrian-oriented uses are required by Zone along primary streets, which are identified by Figure 20.225-1 (Regulating Plan). In locations where ground floor uses are not required, neighborhood retail and other active uses are encouraged at the ground-floor street frontage.

1. Ground-floor floor-to-ceiling height shall be a minimum of fifteen (15) feet or taller to accommodate retail uses in all locations where ground floor uses are required.
2. Each storefront bay shall contain an entrance. The primary entrance to each commercial space on the ground floor shall be located on the front facade along the street. If parking is located behind buildings, well- lit secondary rear entrance may also be provided.
3. Architectural features such as canopies, awnings, lighting, and other design features should be incorporated into the ground floor to add human scale to the pedestrian experience.

B. **Storefront Design.**

1. Along primary streets (see Figure 20.225-1) floor elevation of the first floor/ground floor shall be level with the elevation of the adjacent sidewalk.
2. Entrances to uses on ground and upper floors should open onto a public ROW. Entrance doors should be set back between one (1) to three (3) feet from the property line.
3. A minimum of sixty percent (60%) of street facing facades along primary streets shall be composed of clear non-reflective glass that allows views of indoor space.

4. Interior blinds, drapes, posters, signage, and interior shelving for product displays shall obscure no more than twenty five percent (25%) of the transparent areas of each respective storefront.
5. Maximum height of the bottom sill of required display windows shall not exceed thirty (30) inches above the adjacent sidewalk.
6. Minimum head height for storefronts and windows at the ground floor shall be eighty (80) inches above the adjacent sidewalk.

C. **Pedestrian Realm.** The "pedestrian realm" is the twelve (12) foot area between the curb and the buildings. This area shall be continuous throughout the Mixed Use Zones to accomidate planting, a non-contiguous sidewalk, and outdoor seating or displays.

1. The area between a property line along San Marcos Boulevard and the required setback line shall be established as a public sidewalk easement.
2. Where new streets are created, they shall be planned for a ten (10) to twelve (12) foot wide sidewalk, to accommodate planting, a non-contiguous sidewalk, and outdoor seating or displays.
3. Above ground utilities in the public ROW or within the street frontage setback shall be prohibited, unless authorized by the Director.

D. **Vehicular Driveway Access and Curb Cuts.** The Mixed Use Zones are intended to be walkable, with active uses on the ground floor and pedestrian-friendly streetscapes. Curb cuts for surface parking, parking structures, private garage access or delivery/loading, shall be well planned and limited in frequency.

1. Curb cuts along San Marcos Boulevard are prohibited unless approved by the City Engineer for emergency access purposes.
2. Vehicular driveway access or entries to parking structures are prohibited along frontages that require active, pedestrian-oriented uses.
3. Developments with internal parking and/or structures/ garages may be permitted one (1) curb cut for parking structure entry per block subject to site plan review.



Image 20.225-12 Pedestrian Realm
The sidewalk area between back of curb and the setback line is the public realm and should be designed for a comfortable pedestrian Experience.

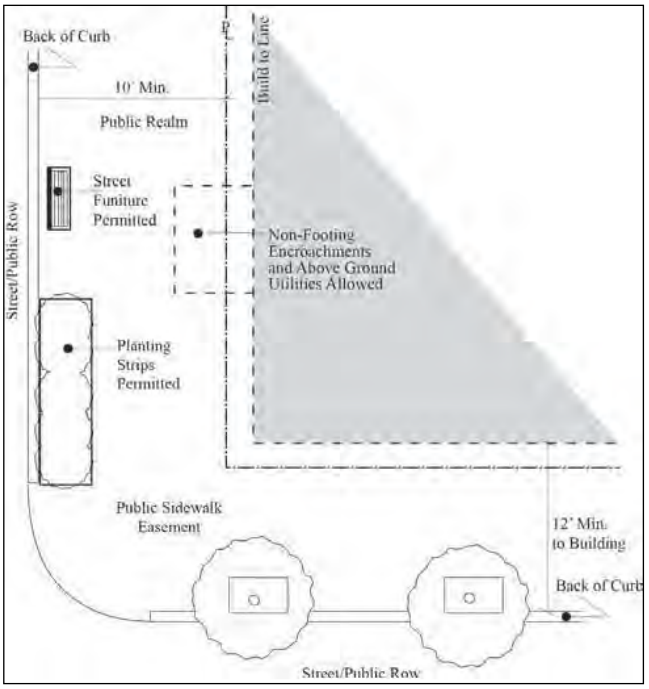


Figure 20.225-7 Pedestrian Realm

Section 20.225.090 Building Form and Siting Standards

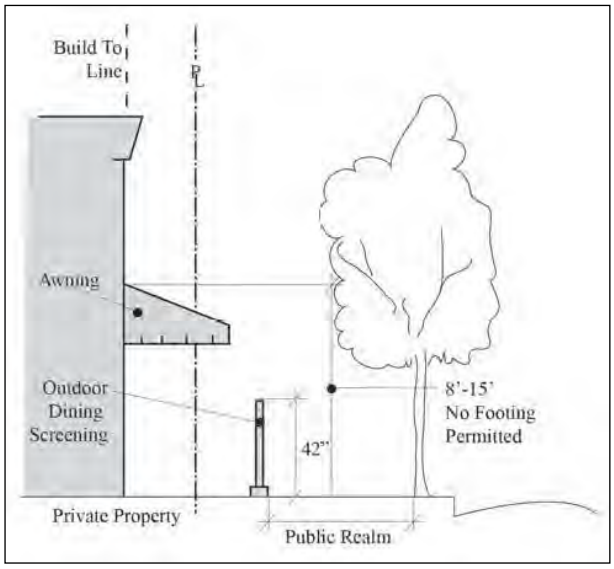


Figure 20.225-8 Setbacks and Encroachments

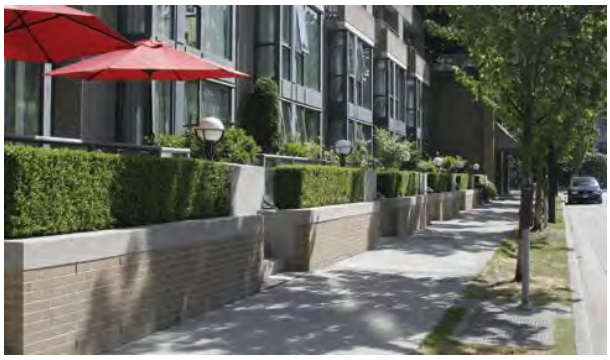


Image 20.225-13 Building Placement
Locate building along setback lines to have a strong relationship to the street. Individual units or storefronts should be expressed whenever possible.

The siting of buildings plays a critical role in establishing the character and sense of place in the Mixed Use districts. In urban areas, buildings located at the street edge give spatial definition to the public realm, which is critical to supporting pedestrian activity. Spatial definition also establishes a visual connection between businesses on opposite sides of the street, provides a sense of enclosure, and is an important ingredient of a successful, active, pedestrian-oriented street. The following standards shall regulate the building form and design of all development within the Mixed Use Zones.

A. **Building Form and Transitions.** The development standard table for each Zone regulates the intensity, building height and transitions between buildings to facilitate an urban form suitable to mixed use development. Specific Plans for MU-3 (SP) and MU-4 (SP) Zones shall not be permitted to alter these standards.

1. Minimum lot sizes are established to ensure all development is usable and functional for long-term contribution to the Mixed Use Zones, and shall be designed and constructed in compliance with the regulations in Table 20.220-3.
2. Additional building height, up to an additional fifteen (15) feet, may be permitted by the Director for special architectural features and roof line variation. Additional permitted height shall not exceed fifteen percent (15%) of the area of the building floor plate, and shall not create additional leasable/habitable space.

B. **Live-Work Unit.** Live-work units shall have direct interior access between living and work spaces. Work space shall be limited to the first/ground floor and shall have a direct pedestrian entrance to the work space separate from the residential entrance.

C. **Treatment of Setbacks.** Treatment of the ground plane private property within the setback may be either planting or a combination of planting and hardscape, and shall be well designed and well maintained.

1. Setbacks should create a visual extension of the public realm, to enhance the quality of the pedestrian environment.
2. To create visual interest, landscape treatment of setbacks should vary along a street.
3. Landscaping, as well as pots or planters, may be provided along the building face, outside of the primary pedestrian path of travel.
4. Adjacent to required pedestrian-oriented uses, setbacks with planting (in plants, pots, or in the ground), and outdoor dining are permitted. Greater setbacks are encouraged adjacent to retail, patios, and dining areas so elements such as trees, planting, and water features can be included.
5. Arcades and colonnades may be used to satisfy setback requirements.
6. Additional setbacks for entry plazas or courtyards, or to meet adjacent structure, may be permitted subject to Site Development Plan review.

D. **Outdoor Dining.** Outdoor dining areas are not required to meet the building placement standards of the Zone. Site and building design are encouraged to incorporate areas for outdoor dining where a minimum of six (6) feet clear is provided between the dining area and the ROW back of curb. See Section 20.400.150 (Outdoor Dining) for additional standards.

E. **Encroachments.** See Section 20.300.020(G) (Permitted Encroachment Standards) for permitted projection standards relevant to Mixed Use Zones.

Section 20.225.100 Streetwall Design and Building Frontage Types

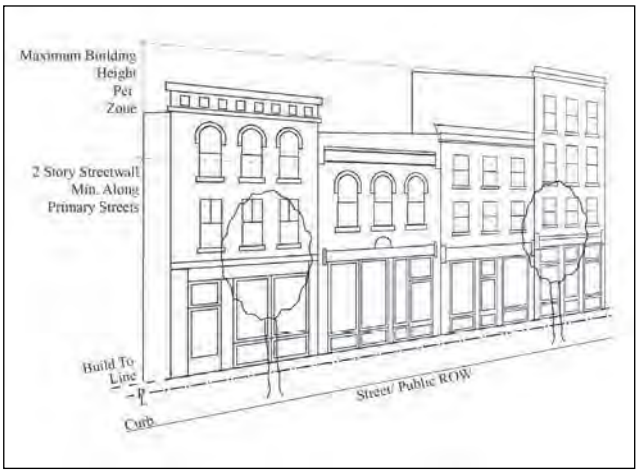


Figure 20.225-9 Streetwall Design

Streetwall design plays a critical role in establishing the character and sense of place within the Mixed Use Zones of San Marcos. In urban areas, buildings located at the street edge give spatial definition to the urban realm, and help to define a pleasant, walkable, pedestrian environment. The design of the streetwall is what humans experience most intimately when on the sidewalk and is the biggest contributor to district character.

A. **Streetwall Design.** The streetwall of a building is the most visible component seen by pedestrians, bicyclists, and motorists. How the mass of the building "meets the street" should be well detailed.

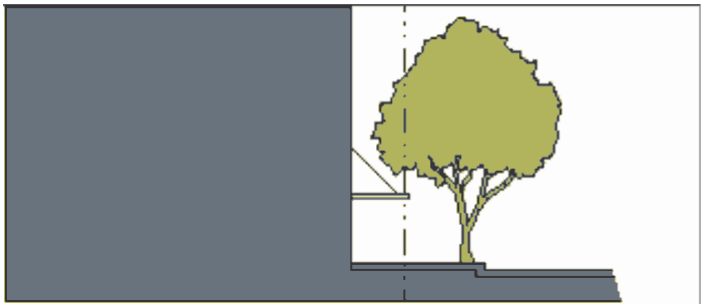
1. Buildings should maintain a generally consistent streetwall by locating the building edge along the build- to line, consistent with applicable Zone development standards.
2. Buildings should face the street and be well articulated to add interested to the pedestrian realm, and create "eyes on the street." Elements such as windows, building entries, front doors, porches, balconies, patios, and stoops all help to break down the mass of a build- ing, and add character to the pedestrian realm. Where courtyards, paseos, or greenways exist, the building faces should also address these spaces with windows, building entries, patios, etc.
3. Monotonous stretches of uninterrupted building façades or "blank walls" are highly discouraged:
    a. The maximum width of a bay of blank wall, without a change in material or wall plane, shall not exceed twenty five (25) feet.
    b. Where streetwall offsets are incorporate to promote variation along the street, two (2) to four (4) foot offsets shall be used to make changes noticeable and to provide a significant shadow line. Incorporate varying materials and colors, massing, fenestration, storefronts, public art, or other well composed architectural elements with streetwall offsets
    c. Variation in the façade of mixed-use buildings shall reinforce the building, massing, and material changes while providing a variety of solid and transparent surfaces.

4. Building entrances shall be well designed and emphasized with changes in materials or variations in building planes. The streetwall should be designed to visually emphasize pedestrian connections, building entries, open space links, and any points where pedestrians can walk through a block.
5. Where parking is planned, the streetwall should be composed of active uses that screen podium parking, parking structures, and parking lots.

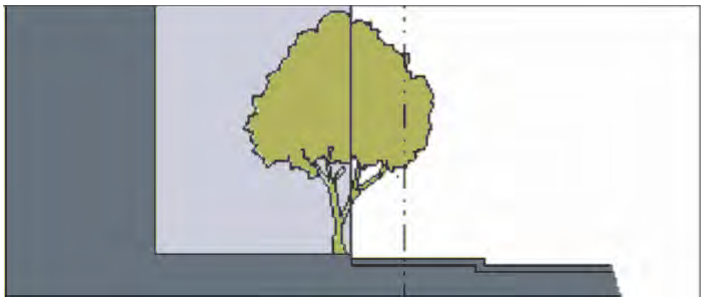
B. **Building Frontages.** The following building frontage standards underscore basic design principles that are intended to produce high quality buildings, memorable places, and a vibrant urban realm. They are not intended to be indicative of any style, but to encourage innovation and good urban form.

1. Building Frontage Standards. Every building shall incorporate an allowed Frontage Type along the primary street frontage(s) and any facades adjacent to a public right of way, public open space such as a plaza, park, or paseo, or private open space. Allowable Frontage Types are identified in by the development standard table of the applicable Zone.
   a. Residential units should face the street with windows, front entry doors, porches, balconies, patios, and stoops. Rooms such as living rooms and dining rooms shall be oriented fronting toward the street and/or any adjacent private space. Service rooms and areas shall be oriented to the rear of the lot.
   b. Where courtyards, paseos, or greenways exist, residential units should address these spaces with windows, front doors, porches, and patios, and according to the standards in this Section.
   c. Storage, of any kind, on balconies shall be prohibited.

Storefront / Awning



Forecourt



Stoop



Porch



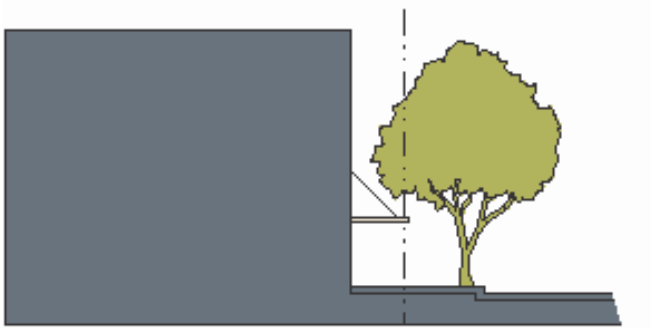


Figure 20.225-10 Storefront / Awning Diagram







Image 20.225-14 A, B, C Storefront Conditions
Use of glazing, awnings, and individual storefront entrances reinforces the pedestrian-orientation of the streetscape.

C. **Storefront / Awning.** The main façade of the building is placed along the build-to line with the building entrance at the sidewalk grade. Facades facing the street will have substantial glazing and may include a canopy or awning element overhanging the ROW sidewalk; maximum overhang shall not exceed six (6) feet and shall not interfere with planting areas or lanes of travel. The canopy is a structural, cantilevered, shed roof and the awing is canvas or similar material and may be retractable.

This type of frontage is appropriate for ground-floor retail, commercial and live/work uses. The Storefront/Awning frontage type may be used in conjunction with the Forecourt frontage type to create building entries, provide additional glazing, and create variation in wall planes.

Live-work or shopkeeper units should be designed to appear like a commercial storefront, gallery, or urban light industrial compatible to the area it is most affiliated with in character.

D. **Forecourt.** The main façade of the building is at or near the build-to line and a small percentage of the facade is setback, a maximum of twenty percent (20%) of street frontage, creating a small court space. The space is intended as an entry court or shared common area for retail or residential units. Planters, low garden walls or low hedges (not to exceed three (3) feet in height), are encouraged to provide a pedestrian-friendly environment and add character to the street edge.

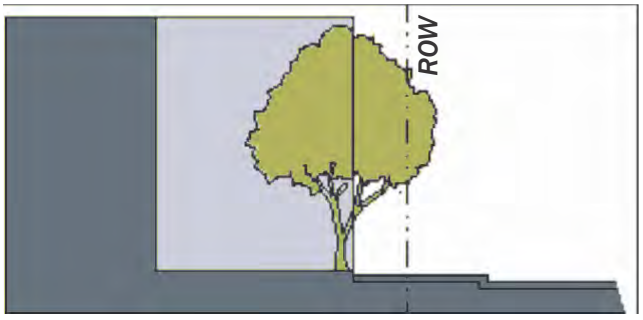


Figure 20.225-11 Forecourt Diagram



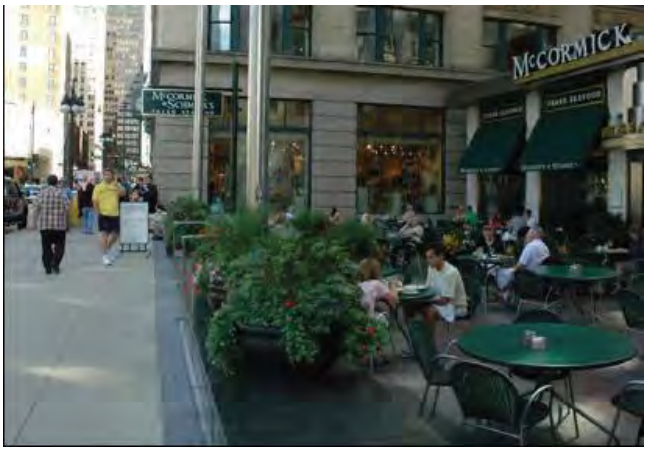


Image 20.225-15 A, B Forecourt Conditions
Forecourts provide variation in massing, increase opportunities for building and storefront entrances, and provide areas for outdoor dining, events, kiosks and community spaces.

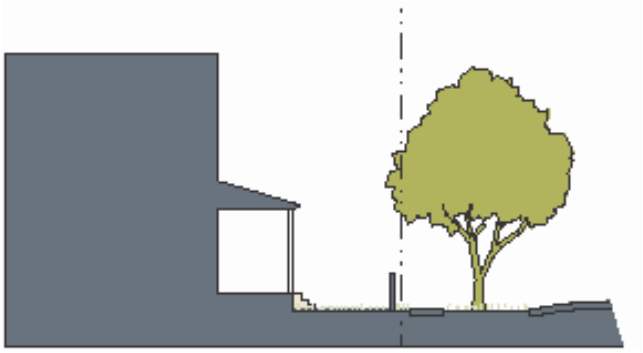


Figure 20.225-12 Porch or Patio Diagram





Image 20.225-16 A, B Porch or Patio Conditions
Increase the residential identify of a streetscape and provide separation of private space from public space.

E. **Porch or Patio.** The main façade of the building has a small setback from the build-to line. The resulting front yard is typically very small and can be defined by a fence, hedge, or low courtyard wall, not to exceed three (3) feet in height. The porch can encroach into the setback to the point that the porch extends to the build-to line. The porch can be one (1) or two (2) stories. Where a porch or patio is present, a minimum depth of six (6) feet clear is required, to ensure us- ability of the space. The design of patio walls should be well integrated into the overall architectural idea and utilize high quality materials. Translucent materials are encouraged to provide a lighter visual barrier between the public and private realm.

Non-residential development utilizing stairs for front entry access shall be in compliance with all ADA accessibility requirements.

F. **Stoop**. The main façade of the building is near the build-to line and the elevated stoop addresses the sidewalk. The stoop should be elevated a minimum of twenty four (24) inches above the sidewalk to ensure privacy within the building. The stairs from the stoop may lead directly to the sidewalk or may be side loaded. The stoop shall have a minimum dimension of five feet in width and depth. This frontage type is appropriate for residential and live/work uses with minimal setbacks.

Non-residential development utilizing stairs for front entry access shall be in compliance with all ADA accessibility requirements.



Figure 20.225-13 Stoop Diagram





Image 20.225-17 A, B Stoop Conditions
Stoops also increase privacy with a clear delineation between private and public space; very suitable for residential entries along secondary streets.

Section 20.225.110 Allowable Mixed Use Land Uses and Permit Requirements

A. **Permit Requirements.** Table 20.225-1 identifies the types of land use permits required to establish land uses in the MU-1 and MU-2 Zones consistent with this Zoning Ordinance.

1. All proposed development projects within the Mixed Use Zones shall be subject to Site Development Review in conjunction with the permit requirements of Table 20.225-2.

B. **Mixed Use Land Uses.** Any single parcel or building within the Mixed Use Zones may be permitted to include a single or multiple land uses subject to the permit requirements of the applicable Zone.

1. Mixed Use property uses are not specified for the MU-3 (SP) and MU-4 (SP) Zones. Permitted land uses for MU-3 (SP) and MU-4 (SP) developments shall be established at the time of Specific Plan adoption. Land uses shall be limited to commercial and industrial uses and shall not include residential components or land uses.

C. **Ground Floor Use Requirements.** Figure 20.225-1 identifies Primary, Secondary, and Tertiary Streets applicable to the Mixed Use Zones. In addition to setback requirements, the purpose of these street designations is to further encourage active ground floor land uses in specific areas to provide a vibrant, pedestrian-oriented experience. All buildings with frontage along a Primary or Secondary designated street shall contain ground floor uses identified in the "Ground Floor Use" column of Table 20.255-5 subject to the following minimum requirements.

1. Along primary streets, eighty percent (80%) of the ground floor frontage shall contain "Ground Floor Uses"
2. Along secondary streets, sixty percent (60%) of the ground floor frontage shall contain "Ground Floor Uses"
3. The remainder of the ground floor frontage, and all upper stories, may contain any use subject to permit requirements identified in the "MU-1/MU-2" column of Table 20.255-5.
4. Along tertiary streets a minimum ground floor use shall not apply.

D. **Restrictions on Floor Area.** Business and Professional Offices shall not exceed twenty percent (20%) of the total gross floor area of any mixed use building without Director approval. This calculation and verification of consistency shall be part of Site Development Review and/or the Specific Plan process.

E. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this Chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.225-2, refer to the referenced sections for additional operational standards and regulations applicable to the use.

F. **Prohibited Uses.** When a use is not specifically listed, that use is

prohibited. However, consistent with Section 20.205.030(C) (Unlisted or Similar Compatible Uses), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

A. **Required.** All new development in the MU-1 and MU-2 Zones is required to

Table 20.225-5

MU-1 and MU-2 Zone Permitted Uses

Land Use	Ground Floor Uses	MU-1 /MU-2	Additional Use Regulations
Residential Uses			
Adult Day Care	DP	DP	20.400.110
Live / Work	P	P	
Multifamily Residential	P	P	
Residential Building Entries/ Lobbies	P	P	
Residential Care Facility, General	P	P	
Residential Care Facility, Large	CUP	DP	
Recreation, Education & Public Assembly Uses			
Child Day Care Facility, Day Care	DP	DP	20.400.050
Club	- - -	DP	Not permitted in buildings with residential
College, Nontraditional Campus	- - -	DP*	Note 2; Note 3
Museum, Library or Gallery	P	P	
Places of Assembly	DP	DP	Note 2; Note 3; 20.400.160
Park / Plaza	P	P	
Office, Professional and Business Support Services			
Business Support Service	- - -	P	
Financial Institution	P	P	
Financial Institution, with Drive-Thru	- - -	- - -	20.400.070
Medical, Urgent Care	P	P	
Office; Administrative, Business,	- - -	P	
Office; Government	- - -	P	
Office; Medical, Dental and Holistic	P	P	
Service Uses(2)			
Animal Sales and Services	P	- - -	
Dry Cleaning or Laundry, Agency	P	P	
Personal Services, General &	P	- - -	
Personal Services, Fitness / Health	DP	DP	

Notes:
1. All land uses are subject to the following standards: Chapters 20.300 (Site Planning and General Development), 20.340 (Off-Street Parking and Loading), 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.400 (Specific Use Standards).
2. Business, including merchandising and sales, shall be conducted entirely within an enclosed building.
3. DP required for new buildings and land use renewals; CUP required for new land use establishment in an existing building.

Table 20.225-5 Continued
MU-1 and MU-2 Zone Permitted Uses

Land Use	Ground Floor Uses	MU-1 /MU-2	Additional Use Regulations
General Retail Uses(2)			
ATM, interior to building / vestibule	P	P	
ATM, freestanding exterior / exterior	P	P	
Automotive, Fueling Station	CUP	CUP	
Bar	CUP	CUP	
Catering	- - -	DP	
Commercial Entertainment	P	P	
Commercial Recreation, Indoor	P	P	
Drive-Thru Facility	CUP	CUP	
Hookah Lounge	- - -	- - -	Prohibited in all Zones
Kiosk (stand-alone)	DP	- - -	
Lodging, Hotel <100 Rooms	CUP	CUP	
Market, grocery or supermarket	P	- - -	
Market; specialty food and beverage	P	- - -	
Market; Liquor	CUP	- - -	
Market; convenience	P	- - -	
Merchandise Sales, New Retail	P	- - -	
Outdoor Dining	P	P	
Parking Facility, Enclosed	P	CUP	
Restaurant, Sit-Down	P	P	
Restaurant, Take-Out	P	DP	
Winery/ Tasting Room	DP	CUP	
Industrial, Manufacturing & Processing Uses(2)			
Industrial Design and Services	- - -	P	
Recycling Facilities			
Small Collection Facility	P	P	20.445 (Refuse and Recycling)
Reverse Vending	DP	DP	20.445 (Refuse and Recycling)
Transportation, Communication & Utility Uses(2)			
Antenna or Communication Facility	P	P	20.465 (Telecommunication Facilities)
Non-Public Antenna or Communication Facility	P	P	20.465 (Telecommunication Facilities)

Notes:
1. All land uses are subject to the following standards: Chapters 20.300 (Site Planning and General Development), 20.340 (Off-Street Parking and Loading), 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.400 (Specific Use Standards).
2. Business, including merchandising and sales, shall be conducted entirely within an enclosed building.
3. DP required for new buildings and land use renewals; CUP required for new land use establishment in an existing building.

Section 20.225.120 Outdoor Space Standards

provide open space. Types of open space allowed include common outdoor open space, common indoor open space, and private open space subject to the standards of Table 20.225-6 and 20.225-7.

B. **Common Open Space.** Table 20.225-6 shall regulate the required common open space as a percentage of the total project area for all projects in the MU-1 and MU-2 Zones.

1. Each project shall provide common outdoor space at grade, podium, or roof level.
2. Public open spaces directly accessible and visible from the public right-of-way are encouraged.
3. All common outdoor open space areas shall be well designed. Common open space may include rooftop decks, court game areas, tot lots, swimming pools, landscaped areas, community gardens, and courtyards.
4. Required street setback areas cannot be used to satisfy open space requirements.

C. **Indoor / Private Space.** Projects including twenty one (21) or more residential units shall provide the following:

1. A community room, sized per Table 20.225-7, shall be located adjacent to and accessible from the common outdoor open space.
2. The common indoor space shall be accessible through a common corridor and may include active or passive recreational facilities, meeting space, exercise rooms, computer stations, or other activity.
3. Private open space may include a balcony, patio or roof terrace and shall be limited to access from the private unit.

D. **Configurations**. Open space may assume a variety of



Image 20.225-18 Common Open Space
Common open space is required to provide residential amenities and emphasize open space features throughout the community. Common open space can be provided in a range of configurations, amenities and locations.

Table 20.225-6
Common Outdoor Open Space Required as a Percentage of Project Area

	Lot Size		
Project Type	**≤10,000 s.f.**	**10,000 < 30,000 s.f.**	**≥30,000 s.f.**
Projects with 10+ Residential Units	10%	15%	20%
All Other Projects	- - -	5%	10%
Minimum Area / Dimensions			
Projects with 21+ Residential Units	1,000 s.f minimum area required		
Projects with <21 Residential Units	500 s.f minimum area required		

Table 20.225-7
Indoor / Private Open Space Required

Projects with 21+ Residential Units	Minimum Requirement
Common Indoor Open Space	500 s.f. minimum area
Private Unit Open Space	36 s.f., minimum dimension 6 feet required for 50% of all residential units
All Common Open Space	40 feet x 12 feet dimensions or greater 10% of open space shall be planting

different forms, but all open spaces should be expansive or uninterrupted, except for paseos or mid-block connections. Paseos or mid-block connections are encouraged throughout the mixed-use areas, in order to provide pedestrian access from street frontages to mid-block parking, for expanding retail frontages, and to increase connectivity to open space, parks, or highlight special features.

E. **Design Features**. All open space, including parks, greenways, paseos, and mid-block connections, shall be well designed and well maintained, with a high quality hardscape material suitable and safe for pedestrian use, pedestrian lighting, and planting, either in the ground, or in planters.

F. **Alternatives**. The Director may consider alternate configurations and amounts of open space on a project-specific basis, if such changes are consistent with the intent and goals of the Zoning Ordinance.

CHAPTER 20.230 INDUSTRIAL ZONES

Sections:

Section 20.230.010 Purpose of Chapter
Section 20.230.020 Purpose of Industrial Zones
Section 20.230.030 Applicability
Section 20.230.040 Allowable Industrial Uses and Permit Requirements
Section 20.230.050 Industrial Zone General Development Standards
Section 20.230.060 Operational Standards
Section 20.230.070 Industrial Building Form/Site Development Standards and Guidelines
Section 20.230.080 Business Park (B-P) Zone Development Standards
Section 20.230.090 Design Standards
Section 20.230.100 Business Park Amenity Space Standards

Section 20.230.010 Purpose of Chapter

The purpose of this chapter is to specify the allowable uses, requirements, and development standards within the Industrial Zone as established by the Zoning Map, and, specifically, to accomplish the following:

A. Establish Industrial Zones to provide for a broad range of manufacturing, research and development, warehousing, and service uses in a setting that is conducive to industrial activities.

B. Provide a conducive setting for industrial activities by protecting them from the adverse impacts of inharmonious internal or adjacent uses.

C. Minimize the impact of industrial activities on adjacent residential and commercial uses.

D. Strengthen the City's economic base and provide employment opportunities close to residents of the City and surrounding communities.

Section 20.230.020 Purpose of Industrial Zones

In addition to the purposes of this Zoning Ordinance and chapter, the purpose of each Industrial Zone follows:

A. **Light Industrial (L-I) Zone.** To provide for the grouping of light- and medium-intensity industrial and support service uses in a business-supportive setting. Generally, these areas will not include pedestrian-oriented businesses and will serve the loading, delivery, and indoor warehousing needs of light industrial space. The L-I Zone is intended to implement and be consistent with the LI land use designation of the General Plan.

B. **Business Park (B-P) Zone.** To provide a high-quality, attractive campus setting designed for the grouping of uses engaged in research and development/testing, supportive business and professional offices, and compatible light-industrial activities affiliated with research and

development/testing. The B-P Zone is intended to implement and be consistent with the BP land use designation of the General Plan.

C. **Industrial (I).** To provide a setting for the full range of indoor manufacturing, distribution, warehousing, processing, and general service uses that are adequately served by vehicular arterials and utilities. Industries that use hazardous materials, require heavy equipment, and/or that generate sustained noise levels are deemed appropriate for this Zone, and may be permitted according to the standards of this chapter. The I Zone is intended to implement and be consistent with the Industrial land use designation of the General Plan.

D. **Industrial 2 (I-2).** To provide a setting for the full range of intensive industrial manufacturing, distributing, warehousing, processing, and general service uses, with provision for outdoor storage activities and facilities that service the industrial uses. Active industries and supportive service uses participating in heavy equipment operation, generation of sustained noise levels, warehousing, and/or outdoor or indoor storage and activities are deemed appropriate for this Zone, and may be permitted according to the standards of this chapter. The I-2 Zone is intended to implement and be consistent with the Industrial land use designation of the General Plan.

Section 20.230.030 Applicability

Land use permit requirements, as detailed in Table 20.230-1, and the regulations and development standards of this section, shall be applicable to the following:

A. **Zones.** All existing and new uses, structures, and activities within the L-I, B-P, I, and I-2 Zones.

B. **Transitional Zones.** All existing industrial uses and structures that were established prior to the adoption of this Zoning Ordinance, and are continuing to conform to industrial use standards within a Transitional Zone, shall be subject to the regulations of the applicable Industrial Zone of this chapter (as the Initial Zone), established by Table 20.235-1, until such time as the use is transitioned to the Non-Industrial Transitional Zone. See chapter 20.235 (Transitional Zone).

Table 20.230-1
Permit Requirement Types and Processes

Symbol	Permit Requirement	Procedure Section
P	Permitted use subject to compliance with all applicable provisions of this Zoning Ordinance and the process standards of chapter 20.500.	20.500 (Permits and Applications Process)
DP	Director's Permit (DP) is required for this use, subject to review and approval by the Director.	20.510 (Director's Permit)
CUP	Conditional Use Permit (CUP) is required for this, subject to review and approval per the process standards of chapter 20.500.	20.520 (Conditional Use Permits)
T	Permitted as a temporary uses restricted to limited occurrences and time periods.	20.455 (Temporary Events)
A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	20.500 (Permits and Applications Process)
- - -	Use not allowed.	20.205.030(C) (Unlisted and Similar Compatible Uses)

Note: Any land use authorized through a permit approval process identified may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by the Municipal Code. For unlisted and similar uses, see section 20.205.030(C) (Unlisted and Similar Compatible Uses).

Section 20.230.040 Allowable Industrial Uses and Permit Requirements

A. **Permit Requirements.** Table 20.230-1 identifies the types of land use permits required to establish land uses in Industrial Zones, consistent with this Zoning Ordinance.

1. All proposed development projects within the Industrial Zones shall be subject to Site Development Plan Review in conjunction with the permit requirements of Table 20.230-2.

B. **Industrial Land Uses**. Table 20.230-2 identifies the land use permit types in all Industrial Zones. Industrial uses are intended to be the primary permitted use, supplemented by light-industrial and business support uses that are complementary to industrial activities.

C. **Additional Use Regulations**. In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.230-2; refer to the referenced sections for additional operational standards and regulations applicable to the use. All land uses are also subject to all the following standards: chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).

D. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with Section 20.205.030(C) (Unlisted and Similar Compatible Uses), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

Table 20.230-2
Industrial District Permitted Uses

Land Use[(1)]	L-I	B-P	I	I-2	Additional Use Regulations
Residential Uses					
Caretaker Unit	- - -	- - -	A	A	Note 1
Emergency Shelter	- - -	- - -	P	- - -	
Recreation, Education, and Public Assembly Uses					
Club	DP	DP	CUP	CUP	
College, Nontraditional Campus Setting	CUP	DP	- - -	- - -	Note 2
College, Traditional Campus	- - -	CUP	- - -	- - -	
Conference/Convention Center	- - -	CUP	- - -	- - -	
Museum, Library, or Gallery	DP	DP	- - -	- - -	
Places of Assembly	DP	DP	DP	- - -	Note 2; Section 20.400.160 (Places of Assembly)
General Retail Uses					
ATM, Interior to Building/Vestibule	P	P	- - -	- - -	
ATM, Freestanding Exterior/Exterior Wall	- - -	P	- - -	- - -	

Table 20.230-2
Industrial District Permitted Uses

Land Use[(1)]	L-I	B-P	I	I-2	Additional Use Regulations
Automotive Fueling Station	CUP	- - -	- - -	- - -	Chapter 20.420 (Automotive Services)
Automotive Rentals	DP	DP	DP	DP	Section 20.400.040 (Automotive Sales and Rentals)
Automotive Sales, Wholesale	P	- - -	DP	- - -	Section 20.400.040 (Automotive Sales and Rentals)
Catering	P	- - -	P	P	
Catering, Food Truck	- - -	- - -	P	- - -	Section 20.400.230(Vehicle Storage)
Commercial Artist/Production Studio	P	DP	P	P	
Commercial Recreation, Indoor	DP	- - -	- - -	- - -	
Commercial Recreation, Outdoor	DP	- - -	- - -	- - -	
Dry Cleaning or Laundry, Plant	DP	- - -	P	P	
Employee Services	A	A	A	A	
Funeral Homes / Mortuary	CUP	- - -	CUP	- - -	
Hookah Lounge	- - -	- - -	- - -	- - -	Prohibited in all Zones
Lodging, Hotel	- - -	CUP	- - -	- - -	
Merchandise Sales, New Retail >100,000 s.f.	- - -	DP	- - -	- - -	
Merchandise Sales, New Retail <30,000 s.f.	DP	- - -	DP	- - -	
Merchandise Sales, Showrooms	P	- - -	DP	- - -	Section 20.400.190 (Showrooms)
Merchandise Sales, Used/Pawn	CUP	- - -	CUP	- - -	
Moving Company	P	- - -	P	P	Section 20.400.230(Vehicle Storage)
Parcel Delivery Service	P	- - -	P	P	Section 20.400.230 (Vehicle Storage)
Outdoor Dining	A	A	- - -	- - -	Section 20.400.150 (Outdoor Dining)
Parking Facility, Enclosed Freestanding	CUP	CUP	- - -	- - -	
Parking Lot Sales	T	- - -	T	- - -	Chapter 20.455 (Temporary Events)
Restaurant, Sit-Down	DP	DP	- - -	- - -	Drive-through not permitted
Restaurant, Take-Out	P	A	P	- - -	Drive-through not permitted
Office, Professional, and Business Support Services					
Financial Institution	- - -	P	- - -	- - -	Drive-through not permitted
Internet-Based Sales	P	P	P	P	
Medical; Hospital	- - -	CUP	- - -	- - -	
Medical; Urgent Care	CUP	CUP	- - -	- - -	
Office; Corporate, Administrative, Business, ≤5,000 s.f.	P	P	DP	DP	
Office; Corporate, Administrative, Business, ≥5,000 s.f.	P	P	CUP	CUP	
Office; Government	P	P	CUP	CUP	
Office; Medical, Dental, and Holistic	DP	P	- - -	- - -	
Research and Development	P	P	P	P	Section 20.400.170 (Research and Development Uses)
Research and Development Fabrication and Light Manufacturing	P	P	P	P	Section 20.400.170 (Research and Development Uses)
Technical/Scientific/Medical Laboratories, Incidental Uses	P	P	P	- - -	Section 20.400.170 (Research and Development Uses)
Services					

Table 20.230-2
Industrial District Permitted Uses

Land Use[(1)]	L-I	B-P	I	I-2	Additional Use Regulations
Animal Sales and Services	DP	- - -	DP	DP	
Auctions, Indoor	DP	- - -	DP	DP	
Automotive Services, Repair	DP	- - -	DP	DP	Note 2; chapter 20.420 (Automotive Services)
Automotive Services, Washing/Detailing	CUP	- - -	CUP	- - -	Chapter 20.420 (Automotive Services)
Dry Cleaning or Laundry, Agency	P	P	- - -	- - -	
Equipment Rental Yards	- - -	- - -	DP	P	Section 20.230.060(H)(4) (Outdoor Storage)
Firearm Shooting Range (Indoor) **(Ord. No. 2016-1419, 1-23-2016)**	---	---	CUP	---	Section 20.400.240 (Firearm Shooting Range (Indoor)), 5.60 (Firearms)
Personal Services, General	DP	DP	- - -	- - -	
Personal Services, Fitness/Health Facility	DP	DP	DP	- - -	
Personal Services, Instructional	DP	- - -	DP	- - -	
Tattoo and/or Body Art Facility	- - -	- - -	- - -	- - -	
Industrial, Manufacturing, and Processing Uses					
Boat Building	- - -	- - -	P	P	
Building Material Storage & Sales Yard	- - -	- - -	CUP	P	
Furniture and Carpentry	P	- - -	P	P	
Commercial Bakery	P	- - -	P	P	Including associated thrift shop outlets
Contractor Office & Services	P	- - -	P	P	Section 20.400.060 (Contractor Offices and Services)
Food Processing	P	- - -	P	P	Note 3
Fueling Station; Fleets	- - -	- - -	CUP	CUP	
Industrial Design and Services	P	P*	P	P	* Limited to on-site support
Machine Repair Shop	P	- - -	P	P	
Manufacturing and Assembly	P	DP	P	P	Note 4
Microbrewery/Tasting Room	P	---	P	P	
Microbrewery/Tasting Room with Restaurant	DP	---	---	---	
Metal Working Shop	- - -	- - -	P	P	
Newspaper Printing	- - -	- - -	P	P	
Outdoor Storage, Primary Use	- - -	- - -	- - -	P	Section 20.230.060(H) (Outdoor Storage)
Outdoor Storage, Accessory Use	A		A	A	Section 20.230.060(H) (Outdoor Storage)
Self Storage	CUP	- - -	- - -	- - -	Section 20.400.180 (Self Storage)
Warehousing, Indoor	P	A	P	P	Section 20.230.060(H) (Outdoor Storage)
Water Treatment and Filtering Services	- - -	- - -	DP	DP	
Wholesale, Processing, and Distribution	P	- - -	P	P	Section 20.230.060(H) (Outdoor Storage)
Recycling Facilities					
Small Collection Facility	DP	- - -	DP	DP	
Large Collection Facility	DP	- - -	DP	P	
Small Processing Facility	- - -	- - -	CUP	CUP	

Table 20.230-2
Industrial District Permitted Uses

Land Use[(1)]	L-I	B-P	I	I-2	Additional Use Regulations
Large Processing Facility	- - -	- - -	CUP	CUP	
Reverse Vending	A	A	A	A	Section 220.445.040
Transportation, Communication, and Utility Uses					
Antenna or Communication Facility	P	P	P	P	Chapter 20.465 (Telecommunication Facilities)
Parking; Fleets	A	- - -	A	A	Section 20.400.230 (Vehicle Storage)
Transportation Dispatch, Fleet Usage	- - -	- - -	DP	DP	Section 20.400.230 (Vehicle Storage)
Transportation Dispatch Only	P	- - -	P	P	

Notes: See Table 20.230-1 for definitions.
1. All proposed development projects within the Industrial Zones shall be subject to Site Development Plan Review in conjunction with the permit requirements of Table 20.230-2.
2. A Director's Permit (DP) shall be required for the establishment of the land use in an existing building to ensure adequate parking and student services are provided and to minimize effects on other land uses within the building or site. A Conditional Use Permit (CUP) shall be required for the establishment of a use in conjunction with a new building (development of the building in conjunction with the use).
3. Permitted accessory use in conjunction with a primary use on the same industrial Zone parcel. Unit shall be continuously occupied exclusively by a superintendent or a caretaker and his/her immediate family; the unit shall be consistent with the development standards and setback of the R-3 Zone, provide one (1) paved and covered off-street parking space, and shall not be located within a required setback.
4. The compounding, processing, packaging, or treatment of food is permitted by right, except fish, lard, meat, pickles, sauerkraut, or vinegar; these uses shall be subject to CUP restrictions.

Section 20.230.050 Industrial Zone General Development Standards

A. **Development Standard Compliance.** The design, construction, or establishment of all new and existing land uses, development of structures, and site improvements in Industrial Zones shall conform to the regulations of Table 20.230-3. Principal and accessory structures shall meet the same development standards unless otherwise modified by this Zoning Ordinance. See Figures 20.230-1, 20.230-2, and 20.230-3 for visual development standard summaries.

B. **B-P Development.** B-P development shall be subject to the development standards of Table 20.230-3, Table 20.230-4, and Section 20.230.080 of this Zoning Ordinance.

Table 20.230-3
Industrial Zone Development Standards

Development Standard[(1)]	L-I	B-P	I	I-2	Additional Standards
Minimum Lot Requirements					
Lot Area (square feet)	20,000	1 Acre	10,000	10,000	20.300 (Site Planning and General Development Standards)
Lot Width	100 feet	- -	80 feet	80 feet	
Floor-Area Ratio	0.6	1.2	0.5	0.5	20.230.060 (Operational Standards)
Site Coverage	- -	55% net max	- -	- -	
Maximum Height					

Table 20.230-3
Industrial Zone Development Standards

Development Standard[1]	L-I	B-P	I	I-2	Additional Standards
Building Height	60 feet	35 feet or up to 60 feet with setback modification	45 feet	45 feet	
Architectural Features	60 feet	70 feet	45 feet	45 feet	
Minimum Setbacks[2]					for permitted encroachments, see section 20.300.020(G)
Street Frontage PL					Note 3, Note 4
Ⓐ Buildings/Structures	15 feet	25 feet	10 feet	10 feet	
Ⓑ General Parking	10 feet	30 feet	10 feet	10 feet	
Ⓒ Truck/Bus Parking	30 feet	40 feet	30 feet	30 feet	
Ⓓ Loading Doors/Docks	20 feet	45 feet	20 feet	20 feet	20.230.060(K) (Loading Door/Dock Setbacks)
Interior PL					
Ⓔ Building	0 feet	10 feet	0 feet	0 feet	
Ⓕ Parking	10 feet	10 feet	3 feet*	3 feet*	*Not applicable if adjacent to a wall/fence; wheel stops shall be installed
PL Adjacent to any R (Residential) Zone					
Ⓖ Building	25 feet	30 feet	20 feet	20 feet	20.230.050(E) (Additional Residential Setbacks)
Ⓗ Loading Doors/Docks Facing an R Zone	60 feet	60 feet	60 feet	60 feet	20.230.060(K) (Loading Door/Dock Setbacks)
Alley PL					
Ⓘ Buildings/Structures	5 feet				
Ⓙ If parking is provided from alley	25 feet				
State Route 78 PL	15 feet	15 feet	15 feet	15 feet	
Ⓚ Building Separation	10 feet	20 feet	10 feet	10 feet	
Parking					
Requirements	20.340 (Off-Street Parking and Loading)				
Landscape					
Requirements	10% net	20% net	10% net	10% net	20.330 (Water Efficient Landscape Standards)
Walls and Fencing	6 feet minimum height; 10 feet maximum height				20.335 (Walls and Fences)

Notes: PL=Property Line; R = Residential
1. All standards are minimums unless otherwise noted.
2. Setbacks shall be measured from the back of the right-of-way.
3. Applies to all street frontages, primary and corner-side street setbacks.
4. All lot development and setbacks shall be subject to the provisions of chapter 20.300 (Site Planning and General Development); where standards conflict with chapter 20.300 (Site Planning and General Development Standards), the largest standard shall prevail.

Table 20.230-4
B-P Zone Additional Development Standards

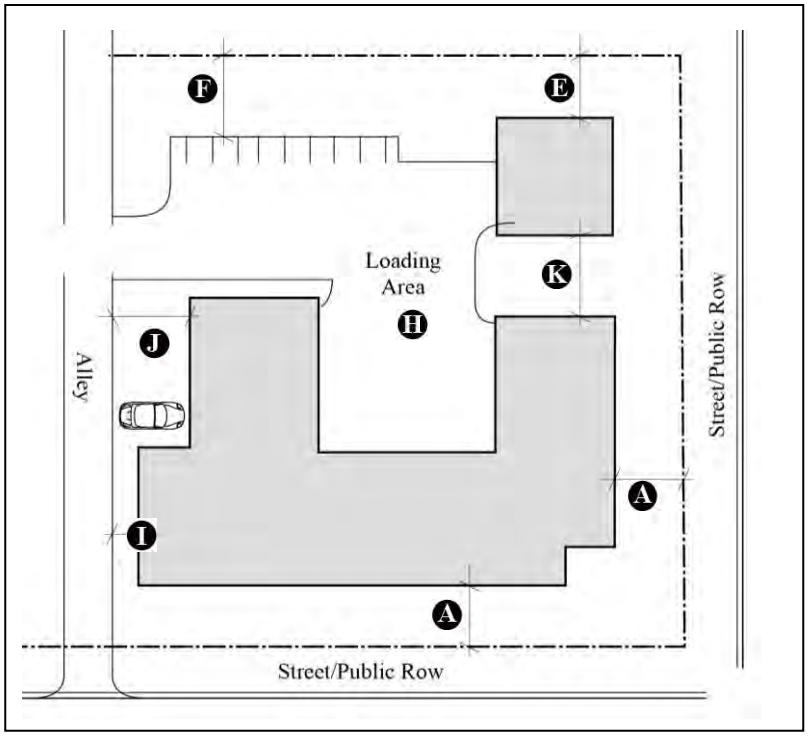
Development Standard	Building Height	
	≤35 feet	>35 feet
Street Frontage PL Setback	25 feet	Equal to building height
Common Amenity Space	1 square foot of open space required for each 50 square feet of building area	

Notes: PL = property line
See Table 20.230-2 and Section 20.230.100 for additional development standards and requirements.
All standards are minimums unless otherwise noted.
Setbacks shall be measured from the back of the right-of-way.

C. **Site Development Plan Review Required.** All development in the Industrial Zones, including all projects that comply with the allowed land use and development standards of this chapter, shall be submitted for Site Development Plan Review, per chapter 20.515 (Site Development Plan Review).

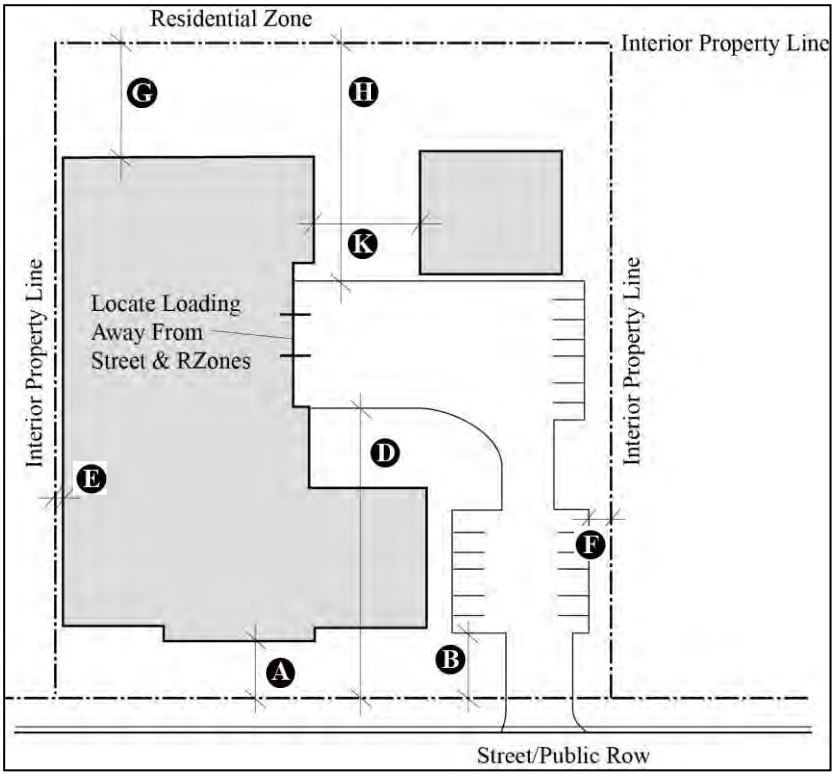
D. **Industrial Development Lot Width**. Minimum lot widths established by Table 20.230-3 shall apply to all new development and subdivision of land. The Director may waive the minimum lot width for integrated multi-building or campus-setting developments.

Figure 20.230-1 L-I Zone Development Standards
See Table 20.230-3 for measurements.



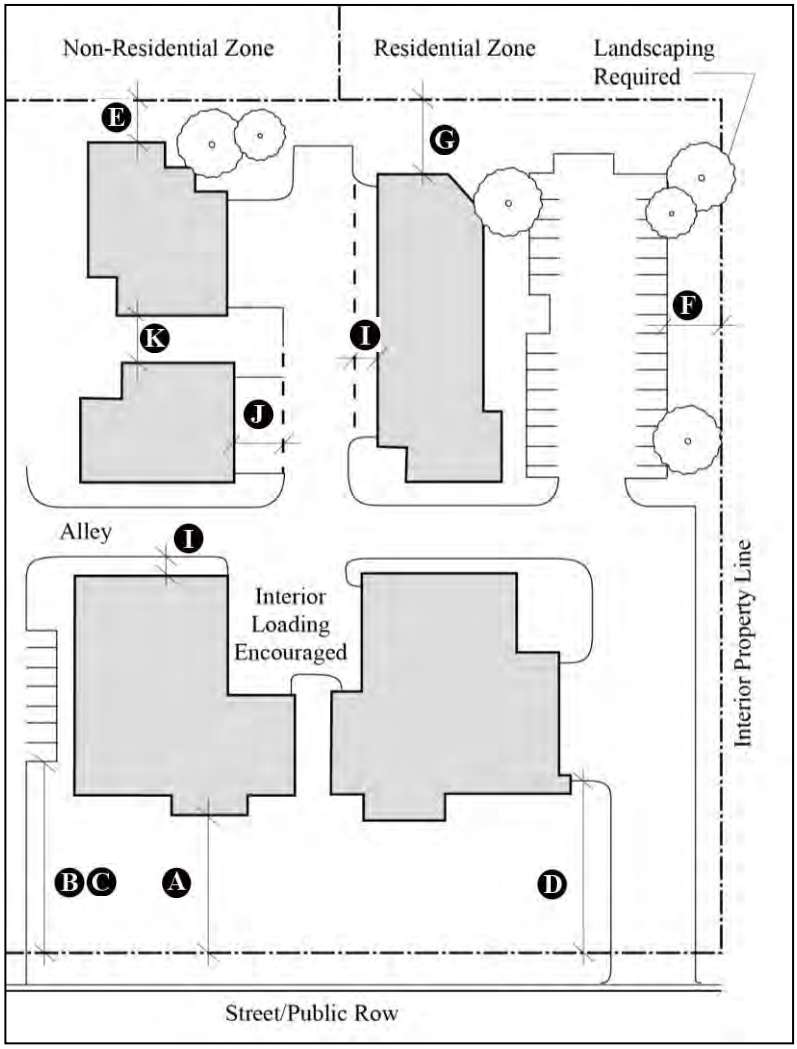
Note: Figures are intended to visually demonstrate the associated regulations; figures are not to scale.

Figure 20.230-2 I and I-2 Zone Development Standards
See Table 20.230-3 for measurements.



Note: Figures are intended to visually demonstrate the associated regulations; figures are not to scale.

Figure 20.230-3 B-P Zone Development Standards
See Table 20.230-3 for measurements.

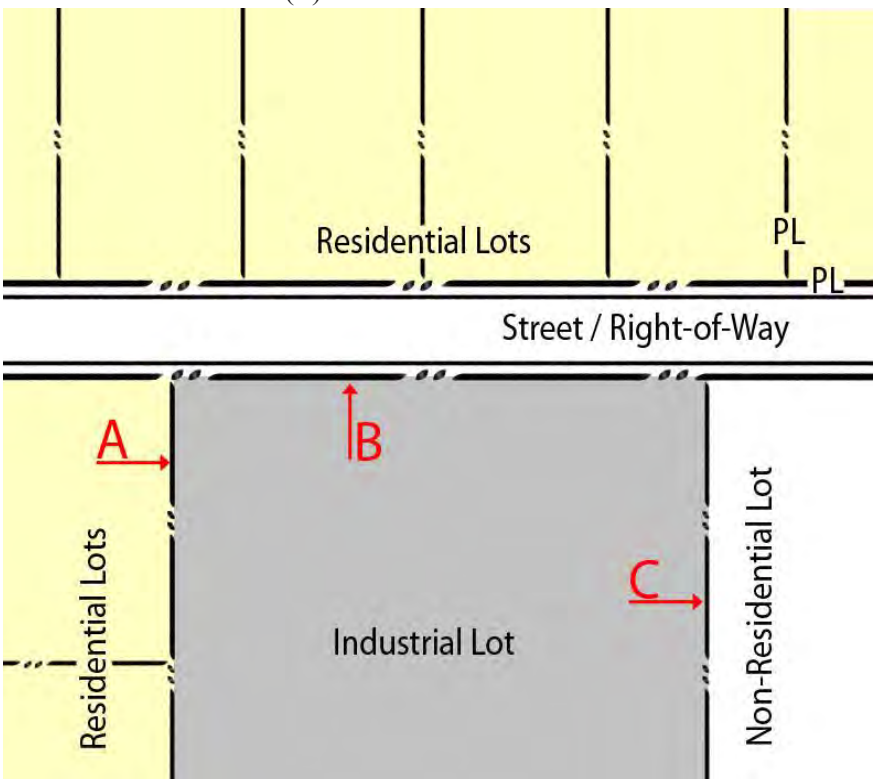


Note: Figures are intended to graphically demonstrate the associated regulations; figures are not to scale.

E. **Additional Setbacks from Residential.** Setbacks required by Table 20.230-3 related to "PL Adjacent to any R (Residential) Zone" shall be applied subject to the following:

1. Apply to property lines (PLs) directly shared with/adjacent to Residential Zones, as denoted by "A" in Figure 20.230-4.
2. Apply to property lines separated from a Residential Zone by public or private ROWs, as denoted by "B" in Figure 20.230-4.
3. Do not apply to property lines shared with/adjacent to any non-residential Zones, as denoted by "C" in Figure 20.230-4.

Figure 20.230-4 Additional Setbacks from Residential
See Section 20.230.050(E) for standards.



Section 20.230.060 Operational Standards

The provisions of this section further modify and regulate the development form and function of all Industrial Zone land uses (L-I, B-P, I, I-2) listed in Table 20.230-2 and development standards listed in Table 20.230-3 to promote safe, attractive, and compatible development.

A. **Permitted Projections.** See section 20.300.020(G) (Permitted Encroachment Standards) for permitted projection standards relevant to Industrial Zones.

B. **Ancillary Retail Sales.** Ancillary retail sales shall be allowed in all Industrial Zone, limited to ten percent (10%) of the building area. Sales shall be directly associated with the manufacture, production, or brand of the primary land use in conjunction with any land use permitted or conditionally permitted by this chapter. Outdoor sales, unless otherwise permitted by this chapter, shall not be permitted.

C. **Architectural Compatibility.** All buildings, including secondary and accessory structures, walls, and fences located on a building site, shall be designed and constructed to be architecturally compatible with the primary building.

D. **Delivery Access.** Lot frontage for all Industrial Zone parcels shall be adequate to facilitate truck/delivery access and circulation based on single-lot access or shared-lot access/circulation.

E. **Loading Areas.** Loading/delivery areas shall not be visible from the street.

1. Open bay doors shall be oriented away from public view and/or completely screened through a combination of fencing and landscaping, as outlined in this section.
2. Loading areas for materials, products, or refuse in the front of the building shall be prohibited.
3. Use of architectural features, decorative fencing, and walls consistent with the design of the primary structure shall be used to shield loading/delivery areas from view.

F. **Indoor Manufacturing.** All compounding, processing, packaging, or assembly of articles or merchandise, and treatment of products shall be conducted within a completely enclosed building.

G. **Equipment and Supplies.** Equipment and supplies related to building material storage yards, contractor's/construction storage yards, lumberyards, and manufacturing yards shall be conducted entirely inside an enclosed building or buildings, unless the storage premises are entirely enclosed by decorative fences and/or walls, as stipulated in chapter 20.335 (Walls and Fences).

H. **Outdoor Storage.** Outdoor storage shall be limited to the following site coverage and operational standards:

1. Storage. Outdoor storage shall be limited to materials, products, or equipment used, produced, or manufactured by a permitted use.
2. Location. Outdoor storage areas shall be located to the rear or side of the main building, away from the street frontage and public ROW.
    a. Outdoor storage areas shall not be located within, or occupy any required parking areas, setback areas, or landscape areas, or be on sidewalks or walkways.
3. Screening. All materials stored outside shall not be stacked to exceed the height of the screening wall or fence. All storage, equipment, and activities related to outdoor storage shall be completely surrounded on all sides by shielding fencing and/or walls, per the following standards:
    a. Minimum height of six (6) feet required, additional height may be required to properly shield all materials stored behind the fence/wall.

b. Maximum height shall not exceed ten (10) feet.

c. Fencing/walls shall be constructed of at least one (1) of the following:

i. solid masonry ii. split face block

iii. cement iv. stucco

v. chain-link fence with view-obscuring slats comprising a minimum of seventy-five percent (75%) of the fencing area (cannot be visible from the public ROW).

d. Wood fences are prohibited.

e. Wall/fencing materials shall be consistent with chapter 20.335 (Walls and Fences) and Section 20.335.030(E) (Prohibited Materials).

4. Additional Screening Elements. Equipment and supplies related to building material storage yards, contractor's storage yards, lumberyards, and manufacturing yards shall be entirely inside an enclosed building or buildings, unless the premises where such yards are located are entirely enclosed by fences or walls, as described below:

a. In addition to fencing/wall standards above, all screening fences/walls along a street frontage or adjacent to any other Zone shall employ a minimum of one (1) of the following screening techniques to be used to further shield outdoor storage areas:

i. Planting with sufficient vines or climbing ivy of an acceptable density to ensure complete view-obstructing screening within one (1) year of planting.

ii. Combination of landscaped berm and solid masonry block wall meeting height requirements. Trees of the evergreen variety or other year-round leaf-bearing type shall be planted and shall exceed the minimum height.

iii. Combination of trees and shrubs of the evergreen variety, or other similar year-round leaf-bearing type, with proper planting spacing to encroach over the fence. Such plants shall be of such variety and shall be clustered so as to allow only minimal gaps between foliage of mature trees and shrubs within one (1) year after planting.

iv. Evergreen shrubs or other similar year-round leaf-bearing shrub, appropriately planted to form a solid hedge with a minimum of eight (8) feet in height within one (1) year after planting.

5. Site Coverage. Outdoor storage in the Light Industrial (L-I) Zone shall not exceed twenty-five percent (25%) of gross building floor area and shall comply with all of the standards of this section.

6. Accessory Use. Outdoor storage in all the L-I and I Zones shall be accessory to the primary industrial land use as permitted by Table 20.230-2.

I. **Indoor Activities.** Warehousing as a primary land use or accessory activity to the primary land use shall be conducted exclusively in an enclosed building.

J. **Public Visibility.** Goods and merchandise stored within warehouse facilities shall not be visible from the public ROW.

K. **Loading Door/Dock Setbacks**. Off-site natural buffers or railroad ROWs may be counted in the setback measurement if the project design provides adequate circulation and functionality of the loading dock/door, as determined by the Director during Site Development Plan Review.

Section 20.230.070 Industrial Building Form/Site Development Standards and Guidelines

All L-I, B-P, I, and I-2 Zone development applications shall provide evidence, site plans, and building elevations to show that the proposed project complies with the following building form and site development standards. Failure to comply with these standards shall result in the withholding of all required zoning and building permits. Where reference is made to additional standards, those requirements shall be shown on development applications.

A. **Building Design.**

1. Avoid monolithic building forms. Varied roof lines and wall planes shall be used to create architectural interest.
2. Design exteriors to hide undesirable qualities of a proposed use (e.g., storage, ventilation systems).

B. **Architectural Treatments.**

1. Reduce large building volumes to a scale consistent with the existing setting through the use of massing, design, and architectural features/elements. See section 20.230.070(C) (Architectural Features).
2. Define main entryways clearly, and smoothly integrate them with the building and landscaping.
3. Design entries to serve as aesthetic focal points of the building and be inviting to visitors.
4. Create varying patterns of shade, sunlight, and depth through varied wall planes, offsets, or recessed openings in combination with window groupings, recesses, awnings, and shade structures.
5. Treat the exterior of all buildings and structures with consistent architectural treatments and complementary permanently colored materials/treatments throughout the parcel.
6. Enhance the character and scale of the building through the design, shape, and slope of roof forms. Roof colors, where visible to the pedestrian, shall be coordinated with those of surrounding wall planes.
7. Reduce visual prominence of fasteners by using architectural panels, concealed fasteners, or other types of metal wall systems.
8. Reduce visual prominence of downspouts, unless they are used as a legitimate architectural detail, by coating the downspouts to match the wall color or concealing them within the walls.

9. For new structures, additions, expansions, and remodeling, landscaping shall not be used to mask substandard building design.

C. **Architectural Features.** Architectural features are, generally, nonstructural design features that enhance the building elevation and provide massing and height relief.

1. Architectural features are permitted to exceed the maximum building height, consistent with the standards of Tables 20.230-3 and 20.230-4.
2. Massing of architectural features shall be limited to thirty percent (30%) of the linear roof square footage.
3. Architectural features shall enhance the overall design of the building and may include parapet walls, tower elements, unique roof treatments, and similar features; all features shall be architecturally compatible with the primary building's design.

D. **Materials.**

1. Tilt-up concrete shall be designed with varied textures and color blocking.
2. All exterior wall elevations facing any street or street frontage shall integrate architectural enhancements; one hundred percent (100%) usage of tilt-up concrete shall not be permitted.
3. Masonry block with textured surfaces is permitted.
4. Use of architecturally enhancing materials, including glass, is encouraged. Use of a single material (such as one hundred percent [100%] glass) on exterior walls shall be discouraged and subject to Site Development Plan Review.
5. All outside and roof equipment, including overhead, rolling, and service doors, shall be painted or designed to be consistent with the architectural theme of the building.
6. Metal buildings, sheet or corrugated metal, asbestos, and similar materials used on exterior walls are prohibited. See section 20.400.140 (Metal Buildings) for additional regulations.
7. Architectural features or treatments, including upgraded steel or metal, may be permitted where the metal/steel feature is consistent with the architectural theme and improves the design overall, as approved in Site Development Plan Review.

E. **Circulation Standards.**

1. **Ingress and Egress.** All ingress and egress shall take place on paved ROWs or paved private easements. Circulation shall be designed to allow for turning around, and allow for proper circulation to prevent backing of vehicles onto streets, to the satisfaction of the City Engineer and Fire Marshal.
2. **Driveways.** Driveway spacing shall be determined by the City of San Marcos Street Design Criteria standards or its successor.
    a. Maximum of one (1) driveway for each property abutting the street is allowed, unless otherwise approved by the City Engineer.

b. Complexes of two (2) or more buildings sharing access to a public street may be permitted two (2) driveways, as approved by the City Engineer. Shared driveways and reciprocal driveway access configurations are required where possible and feasible.

c. Driveways shall be thirty (30) feet wide measured at the property line to properly facilitate all passenger and cargo vehicle movements. Driveway widths based on site configuration shall be approved by the City Engineer during Site Development Plan Review.

d. Driveways shall provide a minimum of twenty (20) feet landscaped throat distance measured from the back of the ROW line. This minimum shall be increased as deemed necessary by the Site Development Plan Review process.

e. All driveways and site access shall meet City's line-of-sight standards.

f. Driveways shall conform to the City's "Radius Type Driveway" standards unless otherwise approved by the City Engineer.

3. **Loading Areas.** All loading facilities and maneuvering areas shall be on-site and shall comply with the standards of chapter 20.340 (Off-Street Parking and Loading).

F. **Equipment Screening.** Equipment screening is required for all structures within the Industrial Zones, per the standards of section 20.400.090 (Equipment Screening).

G. **Lighting Standards.** Appropriate lighting for access and safety is required for all structures within the Industrial Zones, per the standards of chapter 20.300 (Site Planning and General Development Standards). All lights shall be shielded and directed away from adjacent residential uses.

Section 20.230.080 B-P Zone Development Standards

The B-P development standards as required by this section provide further design and development standards to promote the development of high-quality, aesthetically attractive business parks. Specifically, these standards are designed to accomplish the following:

A. Provide a conducive setting for corporate and business activities by incorporating design, open space, and employee amenities into project development.

B. Improve the overall aesthetic quality of business park developments.

C. Strengthen the City's economic base through the provision of high-end corporate and business developments.

The following B-P design and development standards shall apply to the development, redevelopment, and modification of all land uses and structures within the B-P Zone. These are in addition to the standards of section 20.230.070 (Industrial Building Form/Site Development Standards and Guidelines), and shall comply with the land use permissions of Table 20.230-2 and development standards of Tables 20.230-3 and 20.230-4.

A. **Street Frontage Setback.** Site design and landscape features that enhance the quality, usability, and visual aesthetic of the development shall be permitted within the street frontage setback between the front façade/entry and the street frontage. The following items shall be allowed within the street frontage setback:

1. Walkways
2. Architectural fences, walls, or planters; maximum height three (3) feet
3. Landscaping, including vegetation, benches, and water features
4. Bicycle pathways
5. Architectural projections without footings; maximum of three (3)-foot projection permitted

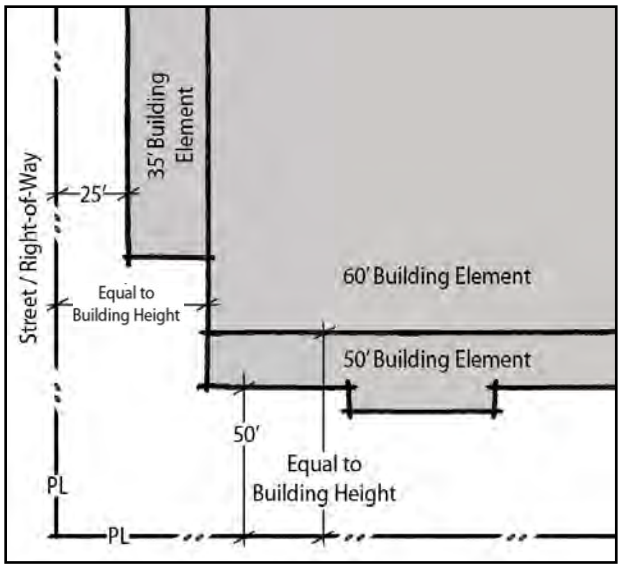
B. **Building Height/Setback Modifications.** Variation in setbacks and building heights is encouraged.

1. Building setbacks shown in Table 20.230-3 and Table 20.230-4 shall apply to B-P Zone development. Buildings or building elements shall be permitted to exceed thirty-five (35) feet in height to a maximum of sixty (60) feet, with additional setback requirements shown below.
2. Building height increases are permitted based on building setback modifications (Table 20.230-3). Buildings shall be permitted to exceed thirty-five (35) feet in height where building setback from the street property line is increased a maximum of one (1) foot for every one (1) foot of building height over thirty-five (35) feet. Thus, low-rise buildings and elements shall be permitted at standard setbacks, with taller buildings and elements permitted at increased setbacks. See Figure 20.230-5.

Section 20.230.090 Design Standards

B-P Zone development, redevelopment, and building modifications shall be subject to the following building, site, and performance standards, in addition to the standard Industrial Zone requirements of this chapter. See Figure 20.230-5 for an example of articulated facades/wall plane offsets, shielded interior loading area, and outdoor plaza areas.

Figure 20.230-5
Height-Based Setback Modification



A. **Building and Siting Design.** Site layouts, including building massing and placement, shall be "organic" rather than "monolithic." Square and rectangular building floor plans and design shall be avoided.

1. Articulate building facades that are visible from the street.
2. Emphasize the main building

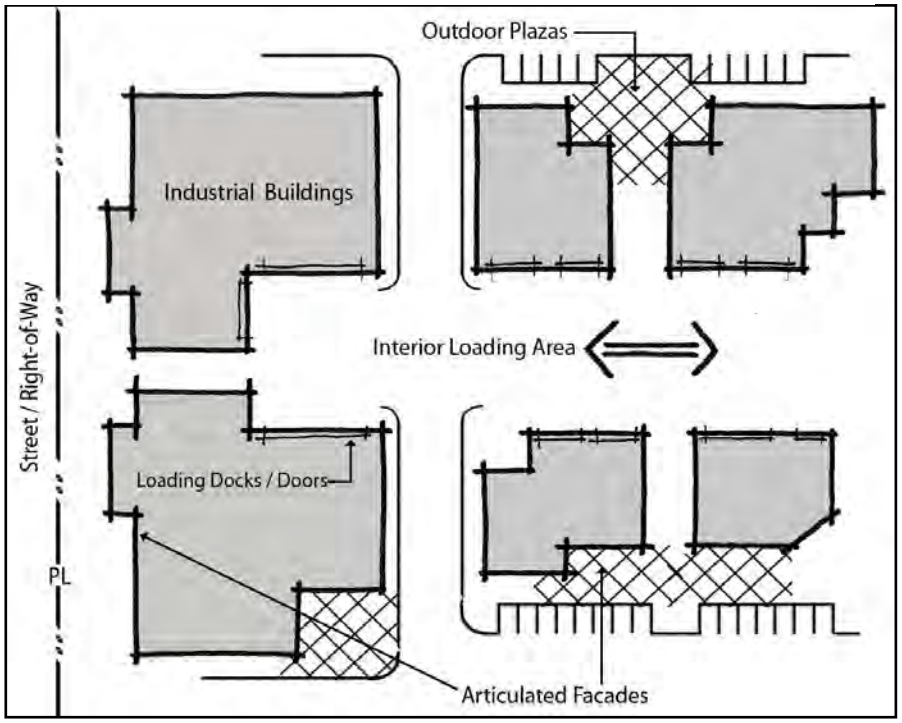
entrance and tie the entry into the overall mass and building composition. Entries shall not appear as an "add on" or afterthought.

3. Organize the site layout to relate buildings to each other in a campus-like setting. This can be accomplished by creating outdoor plazas and functional gathering places to include amenities such as architecturally compatible shaded coverings, structures, and benches that could be located between or in front of buildings and by grouping loading areas interior to the building layout. See Figure 20.230-6.
4. Driveway entrances from the street frontage shall be enhanced with design features. Design feature enhancements may include paving materials, medians, wider landscape strips, enhanced landscape features, architectural monument (non-signage) features, and similar improvements that highlight the entrance to the parcel/campus.
5. Separate public/visitor areas from truck delivery and maneuvering areas, where possible.

B. **Materials.** Establish thematic design and materials for buildings, signage, walls, and landscaping treatments throughout the development to solidify the campus-like setting.

1. Buildings should have a related thematic design that does not override the company/corporate branding.
2. Tilt-up concrete with textures and colors is allowed, subject to a maximum coverage of fifty percent (50%) of the materials used on the elevations visible from the public ROW.

Figure 20.230-6 B-P Zone "Campus-Like" Setting



Section 20.230.100 Business Park Amenity Space Standards

Within the B-P Zone, common amenity space shall be developed in addition to the landscape requirements of chapter 20.330 (Water Efficient Landscape Standards). The building design of any individual parcel or development shall incorporate common amenity space, and shall comply with the following standards and restrictions:

A. **Applicability.** These requirements shall apply to all new development and/or addition of floor area equal to twenty percent (20%) or more of an existing building.

1. The amenity space requirement may be waived by the Director where written findings can be made that there is not a feasible way to satisfy the requirement either on the lot of the development or on another contiguous, eligible lot within the B-P Zone.

B. **Area Ratio.** Common amenity space shall be provided at a ratio of one (1) square foot of amenity space to fifty (50) square feet of building floor area (1:50), consistent with the requirement of Table 20.230-3.

C. **Design.** Common amenity space may be composed of indoor or outdoor area(s) or combined areas designed to provide a wide variety of recreational and open space opportunities for workers, visitors, and members of the general public. These amenity spaces may include plazas, courtyards, urban gardens, view and sun terraces, urban parks, greenhouses, atriums, sport courts, outdoor seating, and small sitting areas.

1. Such area(s) shall be on the same site as the building or may, subject to Site Development Plan Review, be located off-site on public or private property in a location within the B-P Zone.
2. These areas shall be well-maintained at no public expense, and must be operated in a manner to enhance use of the amenity area by the general public. Amenity space may include areas obstructed by overhead horizontal projections, bays, or overhanging balconies, as long as these do not obstruct pedestrian movement, block required sunlight access, or prevent the proper functioning of the amenity area.

D. **Floor-to-Area Ratio.** Common amenity space floor area shall not be counted in the calculation of allowable gross floor area (floor-to-area ratio [FAR]) for the building, whether the feature is an integral part of the building, an open feature, or an enclosed space.

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CHAPTER 20.235 TRANSITIONAL ZONES

Sections:

Section 20.235.010 Purpose and Intent
Section 20.235.020 Applicability
Section 20.235.030 Transitional Zones Defined
Section 20.235.040 Transitional Use Regulations
Section 20.225.050 Development Standards for Established Uses/Businesses
Section 20.225.060 Compatible Uses

Section 20.235.010 Purpose and Intent

The purpose of this chapter is to specify the allowable uses, requirements, timing, and threshold requirements for properties designated as a Transitional Zone as established by the Zoning Map and Regulating Plan. Transitional Zones are consistent with the intent of the General Plan to foster a vigorous and healthy economy, support the retention of existing businesses, and promote the revitalization and redevelopment of appropriate business areas to meet the diverse needs of the existing and future San Marcos population. Specifically, Transitional Zones are intended to accomplish the following:

A. Promote the transition from existing developed industrial uses to future planned uses.

B. Support the business climate of the City while enabling quality and timely redevelopment.

C. Strengthen the City's economic base by providing a conducive setting for the continuation of existing developed industrial uses.

D. Maintain the operational continuity of existing developed industrial uses and allow expansion of these uses within the applicable Industrial Zone (herein after, "Initial Zone") until such time as the property is voluntarily redeveloped.

E. Facilitate the transition of the property to the future allowable use (herein after, "Future Zone"), as identified on the Zoning Map and Regulating Plan.

F. Prevent nonconforming land uses and structures within the Transitional Zones.

Section 20.235.020 Applicability

Each Transitional Zone is designed to protect the existing developed industrial land use and facilitate a transition to the future planned land use consistent with the Future Zone. In all Transitional Zone designations, the following applicability standards shall apply:

A. **Eligible Properties.** The standards of this chapter shall be limited to those existing industrial properties identified on the Zoning Map and Regulating Plan. Activities consistent with this chapter are permitted on the existing industrial use parcel and associated parcels where all the following criteria are met:

1. contiguous to the subject Transitional Zone property;

2. owned by the same property owner as the industrial use on the effective date of this Zoning Ordinance;
3. used for nonstructural activities (permitted outdoor storage, parking, general operations outside of a building, etc.) associated with the existing developed industrial use ***or*** the parcel is undeveloped or developed with an existing industrial structure(s); and
4. identified as Transitional Zone by the Zoning Map and Regulating Plan.

B. **Permitted Development Activities.** Existing developed industrial property designated as Transitional Zone by the Zoning Map and Regulating Plan shall be allowed to continue to function as a conforming industrial use pursuant to the Initial Zone regulations until the property owner makes a determination to change the use to the "Future Zone." See Table 20.235-1 for the Initial Zone applicable to each Transitional Zone. Continuation of permitted development activities shall include development, partial demolition, reconstruction, expansion, and renovation activities. Buildout to the full extent of the Initial Zone standards is permitted in Transitional Zones prior to transition to Future Zone development.

C. **Timing of Transition.** The existing developed industrial use shall be permitted to operate as a conforming industrial use until such time as either of the following operational actions is undertaken on existing developed industrial use:

1. replaced with a new operation that is not consistent with the existing developed industrial use or the permitted uses of the Initial Zone, or
2. an application is approved for redevelopment of the property to the Future Zone designation.

D. **Rezoning Required.** Any operational action described in section 20.235.020(C) shall require the transition of the property from the Initial Zone to the Future Zone. Transition of the property shall require the submittal of an application to rezone the property/parcel to the Future Zone as established by the Zoning Map and Regulating Plan (see also Table 20.235-1). The rezone designation shall be consistent with the General Plan land use.

Rezoning of property to a Future Zone not identified for that property by the Zoning Map, Regulating Plan, or Table 20.235-1 shall not be permitted unless a General Plan amendment and concurrent Zoning Map and Regulating Plan amendment(s) are processed.

E. **Discontinuation of Use.** Upon rezoning of the property to the Future Zone identified by this chapter, the property shall no longer be permitted to continue operation as its Initial Zone land use or revert to Initial Zone uses or regulations.

Table 20.235-1
Transitional Zones Defined

Transitional Zone	Initial Zone Regulation	Future Zone	Future Zone Regulations
I / B-P	I	B-P	Chapter 20.230 (Industrial Zones)
I / L-I	I	L-I	Chapter 20.230 (Industrial Zones)
I / C	I	C	Chapter 20.220 (Commercial Zones)
I / I (SP)	I	I (SP)	Chapter 20.225 (Industrial Zones)
I / MU-1	I	MU-1	Chapter 20.225 (Mixed Use Zones)
I / MU-4	I	MU-4	Chapter 20.225 (Mixed Use Zones)
L-I / L-I & NC	L-I	L-I & NC	Chapters 20.230 (Industrial Zones) and 20.220 (Commercial Zones)
L-I / I	L-I	I	Chapter 20.230 (Industrial Zones)
L-I / MU-1	L-I	MU-1	Chapter 20.225 (Mixed Use Zones)
L-I(DZ) / MU-1	L-I	MU-1	Chapter 20.225 (Mixed Use Zones)
L-I / NC	L-I	NC	Chapter 20.220 (Commercial Zones)
L-I / OP	L-I	OP	Chapter 20.220 (Commercial Zones)
C & I / MU-3	C & I	MU-3	Chapter 20.225 (Mixed Use Zones)

Notes: Transitional Zone regulations shall only apply to a property designated as a Transitional Zone by the Zoning Map and Regulating Plan.

Section 20.235.030 Transitional Zones Defined

In addition to the purposes of this Zoning Ordinance and chapter, each Transitional Zone is intended to provide for the protection and stability of the existing developed industrial land use activities until such time as the property is transitioned to the future use. Table 20.235-1 establishes the Initial and Future Zones for each Transitional Zone, and identifies the applicable regulations chapter for each Initial Zone.

A. **Applicable Regulations**

1. **Initial Zone Regulation.** Ongoing operation and activities of an existing developed industrial use, as identified in section 20.235.020(A) (Eligible Properties), shall be regulated by the applicable zoning chapter for the Initial Zone identified for the Transitional Zone in Table 20.235-1. Zone regulations applicable to the existing developed industrial use prior to the adoption of this Zoning Ordinance shall not be applicable to the ongoing operation and maintenance of Initial Zone uses within Transitional Zones; the regulations of chapter 20.230 (Industrial Zones) and chapter 20.220 (Commercial Zones) shall apply to all Initial Zone uses.
2. **Future Zone Regulation**. Following the rezone of the property or properties to the Future Zone, the property shall be regulated by the Future Zone identified in Table 20.235-1 and the chapter noted in the "Future Zone Regulations" column of Table 20.235-1.

Section 20.235.040 Transitional Use Regulations

In a Transitional Zone, the following uses may be permitted:

A. **Existing Developed Industrial Uses.** Activities associated with the ongoing operation of an industrial use existing as of the effective date of this Zoning Ordinance, as provided for by this chapter, shall be an allowable conforming use under the identified Initial Zone regardless of the permit requirements identified for the applicable use in the Initial Zone permitted uses table (Industrial Initial Zones see Table 20.230-2; Commercial Initial Zones see Table 20.220-2).

B. **Permit Requirements.** Existing operations will be permitted to conduct development, demolition, reconstruction, expansion, and renovation activities subject to the following:

1. the regulations and permit requirements of the Initial Zone, or
2. where the industrial use is not an allowed use under the Initial Zone, consistent with section 20.235.040(A) (Existing Developed Industrial Uses), these activities shall require a CUP, subject to the standards and process of chapter 20.500 (Permits and Applications Process).

C. **Accessory Uses.** Additional accessory uses consistent with the Initial Zone shall be subject to the permit requirements of the Initial Zone.

D. **Wireless Telecommunications Facilities.** New wireless telecommunications facilities may locate in the transitional zone subject to the provisions of Chapter 20.465, however no wireless telecommunication facility may be installed on a vacant parcel. **(Ord. No. 2014-1398, 8-12-2014).**

E. **New Future Zone Primary Uses.** New Future Zone primary uses shall not be permitted to be established or commence on parcels within Transitional Zones until rezoning to the Future Zone has been completed, except as modified by this chapter. At the time of rezoning and transition, only land uses permitted in the Future Zone may be established. **(Ord. No. 2014-1398, 8-12-2014).**

Section 20.235.050 Development Standards for Established Uses/Businesses

A. **Buildout of Existing Uses.** Activities identified in section 20.235.020(B) (Permitted Development Activities) may be permitted to the full extent of the development envelope as established by the Initial Zone, and shall be subject to the same setbacks and approval process of the Initial Zone regulations. Building permits shall be required, and all current Building Code regulations shall be enforced.

B. **Applicable Standards.** All operational, building/site, setbacks, and open space standards of the Initial Zone shall apply to industrial uses and development.

C. **Nonconforming Status.** The regulations and limitations of chapter 20.345 (Nonconforming Uses and Structures) shall not be applicable to industrial uses within any Transitional Zone. Ongoing activities and buildout associated with the industrial use that is consistent with the Initial Zone shall not be considered nonconforming.

Section 20.235.060 Compatible Uses

In evaluating the compatibility of uses in Transitional Zones with uses or projects proposed on surrounding properties, the City shall consider the uses allowed by the Future Zone for parcels in the Transitional Zones, rather than the existing uses, unless a failure to consider the existing use would endanger the safety and welfare of the proposed uses on adjacent parcels, in which case both the existing developed industrial use and the Future Zone uses would be considered for compatibility purposes.

CHAPTER 20.240 PUBLIC AND INSTITUTIONAL ZONES

Sections:

Section 20.240.010 Purpose of Chapter
Section 20.240.020 Purpose of Public and Institutional Zones
Section 20.240.030 Applicability
Section 20.240.040 Allowable Public and Institutional Uses and Permit Requirements
Section 20.240.050 Development Standards

Section 20.240.010 Purpose of Chapter

The purpose of this chapter is to specify the allowable uses, requirements, and development standards within the Public and Institutional Zones as established by the Zoning Map, and specifically to accomplish the following:

A. Promote orderly and harmonious development of public facilities to adequately meet the needs of the San Marcos community.

B. Provide civic and open space facilities consistent with the goals and policies of the General Plan.

C. Implement the Parks (P) and Open Space (OS) land use designations of the General Plan.

D. Promote the health, safety, and welfare of the San Marcos community by minimizing adjacency conflicts and establishing open space areas that are accessible to the entire community.

Section 20.240.020 Purpose of Public and Institutional Zones

In addition to the purposes of this Zoning Ordinance and chapter, the purpose of each Public and Institutional Zone follows:

A. Public Institutional (P-I) Zone. To provide a district for the orderly and harmonious development of public facilities to adequately meet the needs of the San Marcos community. Appropriate P-I Zone uses may include maintenance, public buildings, recreation facilities, schools, and utility installations. The P-I Zone is intended to implement and be consistent with the Public/Institutional (PI) land use designation of the General Plan.

B. Open Space (OS) Zone. To provide a district for the dedication and preservation of active recreation and passive open space areas to serve the San Marcos community. Uses in the OS Zone shall be limited to dedicated open space areas with limited maintenance and utility features as needed for the safety and quality of the open space. The OS Zone is intended to implement and be consistent with the Open Space (OS) land use designation of the General Plan.

Section 20.240.030 Applicability

Land use permissions, as detailed in Table 20.240-1, and the regulations and development standards of this chapter, shall be applicable to all existing and new uses, structures, and activities within the P-I and OS Zones.

Table 20.240-1
Permit Requirement Types and Processes

Symbol	Permit Requirement	Procedure Section
P	Permitted use subject to compliance with all applicable provisions of this Zoning Ordinance and the process standards of chapter 20.500.	Chapter 20.500
DP	Director's Permit is required for this use, subject to review and approval by the Director.	Chapter 20.510
CUP	Conditional Use Permit is required for this, subject to review and approval per the process standards of chapter 20.500.	Chapter 20.520
A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	Chapter 20.500
- - -	Use not allowed.	Section 20.205.030(C)

Note: Any land use authorized through a permit approval process identified in Table 20.240-1 may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by the Municipal Code. For unlisted and similar uses, see section 20.205.030(C) (Unlisted or Similar Compatible Uses).

Section 20.240.040 Allowable Public and Institutional Uses and Permit Requirements

A. **Permit Requirements.** Table 20.240-1 identifies the types of land use permits required to establish land uses in the P-I Zone, consistent with this Zoning Ordinance. All permit requirements shall be subject to the process standards of chapter 20.500 (Permits and Applications).

B. **Public and Institutional Land Uses**. Table 20.240-2 identifies the permitted land uses in the P-I Zone. Public and Institutional uses are intended to be primarily for the purposes of public facilities, recreation, and open space.

C. **Permanent General Plan Open Space**. Areas designated as permanent open space by the General Plan shall be conserved as such. Activities and structures within permanent open spaces shall be limited to existing, maintenance, and similar structures. Land uses regulated by Table 20.240-2 shall not be applicable to General Plan designated permanent open spaces.

D. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.240-2; refer to the referenced sections for additional operational standards and regulations applicable to the use. All land uses are also subject to all the following standards: chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).

E. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with Section 20.305.030(C), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

Table 20.240-2
Public-Institutional Zone Permitted Uses

Land Use	P-I	OS	Additional Use Regulations
Recreation, Education, and Public Assembly Uses			
Cemetery	CUP	- - -	
Child Care Facility, Daycare Center	DP	- - -	
College, Traditional Campus	CUP	- - -	
Commercial Recreation, Outdoor	P	- - -	Private institutions prohibited
Medical; Hospital	CUP	- - -	
Museum, Library, or Gallery	P	- - -	Private institutions shall require a CUP
Parking Facility	DP	- - -	
Public Buildings and Facilities	P	P	
Public Park/Open Space/Recreation	P	P	
Public Utilities	P	P	
Public Maintenance Buildings and Facilities	DP	DP	
School	P	- - -	Private institutions shall require a CUP
Small Wind Energy Systems	DP	- - -	
Other Uses			
Agriculture/Horticulture	A	- - -	
Antenna or Communication Facility	P	P	20.460 (Telecommunication Facilities)
Water Tanks	P	P	CUP

For permit types, see Table 20.240-1.

Section 20.240.050 Development Standards

The design, construction, or establishment of all new and existing land uses, development of structures, and site improvements in the P-I Zone shall conform to the regulations of Table 20.240-3. Principal and accessory structures shall meet the same development standards, unless otherwise modified by this Zoning Ordinance.

A. **Site Development Plan Review Required.** All development in the P-I Zone, including all projects that comply with the allowed land use and development standards of this chapter, shall be submitted for Site Development Plan Review to the Planning Division; see chapter 20.515 (Site Development Plan Review).

B. **Stories; Building Height.** Building height and associated story limit may be permitted to be increased subject to demonstration of land use need for the additional height and Planning Commission approval.

C. **Architectural Features.** Architectural elements (such as towers, clocks, columns, chimney, etc.) exceeding the forty-five (45)-foot building height shall not comprise more than twenty percent (20%) of the roof area.

Table 20.240-3
Public-Institutional Zone Development Standards

Development Standards[1]	P-I Zone	OS Zone	Additional Use Regulations
Building Height			
Stories	3	1	Section 20.240.040(B)
Building Height	45 feet	15 feet	Section 20.240.040(B)
Architectural Features	55 feet	15 feet	Section 20.240.040(C)
Utilities/Communications/Energy Facilities	- -		Chapter 20.460 (Telecommunication Facilities)
Setbacks[2]			**Section 20.300.060**
Public Right-Of-Way	10 feet	10 feet	
Internal Property Line	5 feet	10 feet	
Adjacent to Residential Zone	15 feet	15 feet	
Parking	6 feet	6 feet	
Between Buildings	10 feet	10 feet	

Notes:
1. All standards are minimums unless otherwise noted.
2. Setbacks shall be measured from the back of the right-of-way.

D. **Structure Height.** Public and institutional uses that require a structure other than a building (such as utilities, antennas or communication towers, or wind energy systems) shall have structure height determined based on the needs of the use subject to associated government regulations and use needs at the time of Site Development Plan Review.

E. **Building Front.** Public and institutional buildings open to the public are encouraged to orient the building entry and active architecture toward the primary ROW exposure.

CHAPTER 20.245 RESIDENTIAL MANUFACTURED HOME PARK ZONE

Sections:

Section 20.245.010 Purpose of Chapter
Section 20.245.020 Applicability
Section 20.245.030 Allowable Mobile/Manufactured Home Uses and Permit Requirements
Section 20.245.040 Development Standards
Section 20.245.050 Mobile Homes on Residential Lots

Section 20.245.010 Purpose of Chapter

The purpose of this chapter is to specify the allowable uses, requirements, and development standards within the Residential Manufactured Home Park (R-MHP) Zone, as established by the Zoning Map, and, specifically, to accomplish the following:

A. Permit mobile/manufactured home parks, mobile home parks, and recreational vehicle parks that conform to the State Mobile Home Parks Act (Division 13, Part 23.1 of the California Health and Safety Code, commencing with section 18200) or the implementing state guidelines (Title 25, Part 1, Chapter 2 of the California Administrative Code; hereinafter referred to as "Title 25") and Section 18300 of the State Health and Safety Code.

B. Establish regulations for the establishment, maintenance, and operation of mobile/manufactured home parks and recreational vehicle parks in the City.

C. Ensure that these parks are developed to appropriate standards and maintained compatible to adjacent property and uses.

D. Implement the Low Density Residential (LDR) and Low Medium Density Residential (LMDR) land use classification of the General Plan.

Section 20.245.020 Applicability

The regulations and development standards of this section shall be applicable to all existing and new uses, structures, and activities within the R-MHP Zone.

This chapter is adopted pursuant to Section 18300 of the State Health and Safety Code. Nothing in this chapter shall be construed to legalize any act made illegal by Title 25, the State Mobile Home Parks Act. Applications shall be processed with a Specific Plan, as required by this chapter and pursuant to the regulations of chapter 20.535 (Specific Plans) of this Zoning Ordinance.

Section 20.245.030 Allowable Mobile/Manufactured Home Uses and Permit Requirements

The construction, development, or expansion of a mobile/manufactured home park shall be in compliance with Title 25. All provisions of this chapter are intended to be compliant with Title 25; where inconsistencies between this chapter and Title 25 occur, the provisions of Title 25 shall prevail. For the

purpose of this section, a mobile/manufactured home is as defined in section 18211 of the State Health and Safety Code.

A. **Permit Requirements.** Table 20.245-1 identifies the types of land use permits required to establish land uses in the R-MHP Zone, and mobile/manufactured homes on individual lots in other Residential Zones, consistent with this Zoning Ordinance.

Table 20.245-1
Permit Requirement Types and Processes

Symbol	Permit Requirement	Procedure Section
P	Permitted use subject to compliance with all applicable provisions of this Zoning Ordinance and the process standards of chapter 20.500.	Chapter 20.500 (Permits and Applications Process)
DP	Director's Permit is required for this use, subject to review and approval by the Director.	Chapter 20.510 (Director's Permits)
CUP	Conditional Use Permit is required for this, subject to review and approval per the process standards of chapter 20.500.	Chapter 20.520 (Conditional Use Permits)
A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	Chapter 20.500 (Permits and Applications Process)
- - -	Use not allowed.	Section 20.205.030(C) (General Requirements)

Note: Any land use authorized through a permit approval process identified in Table 20.245-1 may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by the Municipal Code. For unlisted and similar uses, see section 20.205.030(C) (Unlisted or Similar Compatible Uses).

B. **Mobile Home Land Uses.** Table 20.245-2 identifies the permitted land uses and required permit types in the Manufactured Home Park Zone. Residential uses meeting the needs of park residents are intended to be the primary permitted use, supplemented by recreation, amenity and services uses complementary to residential living in mobile home parks.

Table 20.245-2
Manufactured Home Permitted Uses

Land Use	R-MHP	Additional Use Regulations
Mobile Home Uses		
Mobile/Manufactured Home	P	Rented, leased, or sold in compliance with Title 25
Mobile/Manufactured Home Mini Park	P	In compliance with Title 25, with 10 to 49 spaces
Mobile/Manufactured Home Park	P	Section 20.245.050
Recreational Vehicles (RVs)/Parks	P	In compliance with Title 25
Restroom /Sanitary Facilities	P	
Residential Uses		
Animal Keeping, Small	As permitted by Table 20.415-1	Chapter 20.415 (Animals)
Residential Care Facility, Large	CUP	
Residential Care Facility, Small	P	
Non-Commercial Horticulture	A	
Private Residential Garage	P	Chapter 20.340 (Off-Street Parking and Loading)
Senior/Age-Restricted Units	P	
Sport Court	A	

Table 20.245-2
Manufactured Home Permitted Uses

Land Use	R-MHP	Additional Use Regulations
Recreation, Education & Public Assembly Uses		
Assembly and Recreation	A	Designed for and limited to use by residents of the mobile/manufactured home park and their guests
Child Care Facility, Large Family Home	DP	
Child Care Facility, Small Family Home	P	Section 20.400.050 (Child Care Facilities)
Swimming Pool/Sauna/Hot Tub	A	Designed for and limited to use by residents of the mobile/manufactured home park and their guests
Recreation Facilities/Park	A	Designed for and limited to use by residents of the mobile/manufactured home park and their guests
Recycling Facilities		
Small Collection Facility	A	
Transportation, Communication & Utility Uses		
Antenna or Communication Facility	CUP	Chapter 20.460 (Telecommunication Facilities)
Public Utilities	CUP	Public utility and public service facilities

For permit types, see Table 20.245-1.

C. **Additional Use Regulations**. In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.245-2; refer to the referenced sections for additional operational standards and regulations applicable to the use.

D. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with Section 20.205.020(C), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

E. **Permit Processing.** Use permit requirements established by Table 20.245-2 may be waived when land uses are established and processed as part of a Specific Plan. When new uses are established or existing uses modified within an existing park, the permit requirements shall be processed individually.

F. **Restrictions.** The land uses regulated in Table 20.245-1 shall be further regulated by Title 25, the "Additional Use Regulations" indicated, and the following provisions:

1. Limit of one (1) mobile/manufactured home or recreational vehicle per space.
2. Maximum mobile/manufactured home height shall not exceed two (2) habitable stories.
3. No mobile/manufactured home shall be used for any commercial purposes.
4. All accessory structures and land uses (non-mobile/manufactured home structures), including recreation buildings, and other facilities shall be designed for and limited to use by residents of the mobile/manufactured home park and their guests.

Section 20.245.040 Development Standards

A. **Area and Density Standards.** Parks filed under this section shall be consistent with the standards of Table 20.245-3. The minimum space size shall be 3,300 square feet, excluding interior access drives.

Table 20.245-3
Permit Requirement Types and Processes

Park Type	Minimum Net Area	Maximum Density
Mobile Home Park	10 acres	Maximum density is 6 dwelling units per net acre when adjacent to an R-1 Zone. Maximum density not to exceed the average density of residential development when adjacent to an R-2, or R-3 Zone. In no instance shall density exceed 12 du/ac.
Minipark	6 acres	Maximum density is 6 dwelling units per net acre when adjacent to an R-1 Zone. Maximum density not to exceed the average density of residential development when adjacent to an R-2, or R-3 Zone. In no instance shall density exceed 12 du/ac.
Recreational Vehicle Park	5 acres	N/A

B. **Specific Plan.** A Specific Plan is required for all new park development or expansions, and modifications of existing parks. An R-MHP Specific Plan shall be prepared pursuant to chapter 20.535 (Specific Plans). The developer shall describe and/or illustrate, to the satisfaction of the City Council, all of the following information:

1. **General Criteria.** A Park Development Plan shall be provided in accordance with the requirements for a tentative subdivision map; the plan shall include a preliminary grading plan and preliminary soils report.

2. **Site Planning and Design Criteria:**

   a. **Site Planning.** A mobile home park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobile home park shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, hillsides, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.

   b. **Space Width.** Each space shall have a minimum width of forty-five (45) feet.

   c. **Perimeter Setbacks:**

      i. A side yard and rear yard setback of a least fifteen (15) feet from the exterior boundary of the mobile home park.

      ii. A setback of fifty (50) feet from the center line of any street along the exterior boundary of the mobile home park, except that when such street has a ROW greater than sixty-six (66) feet, a setback of twenty (20) feet shall be maintained from the nearest edge of the street ROW.

d. **Interior Setbacks:**

i. Front yard: Minimum three (3) feet extending across the entire width of the space.

ii. Side yard: Minimum three (3) feet along the entire length of the space.

iii. Rear yard: Minimum three (3) feet across the entire width of the space.

These yards shall not be encroached upon except by a fence.

e. **Sewer and Water.** Each mobile/manufactured home lot in a mobile home park shall be provided with water and sewer connections in accordance with Title 25 and the California Plumbing Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health Services. Public sewers shall be provided by a public agency that obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Health Services.

f. **Fire Protection.** On- and off-site fire hydrants and other fire protection facilities shall be installed as specified in the Permit and shall be of a type approved by the San Marcos Fire Protection District.

g. **Night Lighting.** Artificial light shall be provided and maintained for walks, driveways, parking areas, and other facilities as specified in Title 25 to ensure safe and convenient nighttime use.

h. **Signs.** At the main entrance, one (1) sign shall display the park name, located a minimum of twenty-five (25) feet from the property line, with a maximum sign area of thirty-two (32) square feet and a maximum height of fifteen (15) feet. The sign shall be internally or externally illuminated.

i. **Access.** New mobile/manufactured home parks shall have direct vehicular access from a public ROW; this requirement does not apply to park expansions. All mobile/manufactured home lots and recreation facilities shall have access only from an interior access drive. Paved surfaces shall be maintained in compliance with Municipal Code Section 17.26.030(202).

j. **Parking.** Sufficient off-street parking and loading shall be provided for each use as prescribed in chapter 20.340 (Off-Street Parking and Loading), plus one (1) guest parking space for each four (4) mobile/manufactured home spaces.

k. **Fencing and Landscaping.** Each mobile home park shall be entirely enclosed at its boundaries along a public ROW by a solid masonry wall that shall conform to the setback requirements for the Zone applicable to the adjacent property.

l. **Recreation Facilities.** Permanent recreational facilities with a gross floor area equal to a factor of forty (40) square feet times the number of mobile home spaces in the park shall be provided. Additional usable active recreation areas totaling two hundred (200) square feet per mobile home space shall also be provided in the park.

C. **Sanitary Facilities for Recreational Vehicle Parks**. Sanitary facilities for a recreational vehicle park shall be in accordance with the regulations of Title 25 and the California Plumbing Code, and subject to the following:

1. The availability of a potable water supply from a public utility or a distributor holding a valid permit from the state. Water supplies from other sources shall be approved by the San Diego County Department of Health.
2. Sewer connections to recreational vehicle spaces in accordance with the requirements of chapter 5, Title 25, and as approved by the San Diego County Department of Health.
3. A trailer sanitation station shall be provided.
4. Toilets, showers, and associated facilities for the exclusive use of the occupants of the recreational park shall be provided.
5. Laundry facilities shall be provided.
6. All plumbing provided shall be designed to accommodate all recreational vehicles and shall not be restricted to California-approved vehicles only.

D. **Exterior Maintenance.** The developer shall enter into an agreement with the City regarding the maintenance of the exterior of the property, including landscape areas (both improved and natural) and fencing. The agreement shall be approved by the City Attorney with respect to form and content, and shall, at a minimum, contain the following provisions:

1. The owner/developer shall agree, for current use and for successors, to maintain the landscaping in an attractive, living, and weed free condition, and that all accessory structures shall be in a painted or otherwise attractive condition.
2. The City shall have the right, but not the obligation, to maintain the landscaping and external fencing in an attractive condition upon failure of the owner/developer or successors to do the same. The City shall be allowed to commence such repair and maintenance only after sixty (60)-day written notice is provided to the owner/developer or successors.
3. The owner/developer agrees, for current use and for successors, to reimburse and compensate the City for the expense in repairing and maintaining the landscape and external fencing.

E. **Existing Parks.** Parks in existence at the time of annexation to the City may also be rezoned to the R-MHP Zone. Parks that are rezoned pursuant to the subsection shall not be required to comply with the provision of this chapter unless the park is expanded. Existing parks seeking to expand shall be exempt from the provision of section 20.245.040(A) (Area and Density Standards).

Section 20.245.050 Manufactured Homes on Residential Lots

Mobile/Manufactured homes and mobile home subdivisions shall be permitted to be placed on individual lots outside of the R-MHP Zone where the mobile/manufactured home conforms with all the development standards of the applicable Zone and all the following standards. This section addresses the need to increase the supply and variety of housing types available to the public.

A. **Effect on Conversion.** A mobile/manufactured home that has been placed on a foundation system pursuant to this Zoning Ordinance shall be deemed to be a mobile/manufactured home and subject to local property taxation pursuant to Section 18551 of the Health and Safety Code and Section 109.7 of the Revenue and Taxation Code.

B. **Eligibility.** A mobile/manufactured home shall not be located on a permanent foundation on a private lot unless it meets both of the following:

1. Was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development, or was constructed after July 1, 1976, and was issued an insignia of approval by the U.S. Department of Housing and Urban Development; and
2. Has not been altered in violation of applicable codes.

C. **Criteria**. Mobile homes located on a foundation system on a private lot shall meet the following requirements:

1. Be occupied only as a residential use type.
2. Be subject to all provisions of this Zoning Ordinance applicable to residential structures.
3. Meet all requirements for the applicable Zone.
4. Be attached to a foundation system in compliance with all applicable building regulations and Section 18551 of the Health and Safety Code.

D. **Surrender of Registration.** Subsequent to applying for the required building permits, and prior to occupancy, the owner shall request a certification from the Building Division that a certificate of occupancy be issued pursuant to Section 18551(b)(2) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership, and certificate of registration issued by a state agency is to be surrendered to the appropriate state agencies. Any mobile/manufactured home that is permanently attached with underpinning or foundation to the ground must bear a California insignia or federal label, pursuant to Section 18550(b) of the Health and Safety Code.

E. **Building Permit.** Prior to installation of a mobile/manufactured home on a permanent foundation system, the mobile/manufactured home owner or a licensed contractor shall obtain a building permit from the Building Division. To obtain such a permit, the owner or contractor shall comply with all requirements of section 18551(a) of the State Health and Safety Code.

F. **Required Landscaping.** Landscaping shall be required for all R-MHP Zones and all mobile/manufactured homes on individual lots in other Residential Zones consistent with the standards of chapter 20.330 (Water Efficient Landscape Standards).

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CHAPTER 20.250 SPECIFIC PLAN AREA ZONE

Sections:

Section 20.250.010 Purpose of Chapter
Section 20.250.020 Purpose of Specific Plan Zones
Section 20.250.030 Applicability
Section 20.250.040 Specific Plan Required
Section 20.250.050 Allowable SPA Land Uses

Section 20.250.010 Purpose of Chapter

The purpose of this chapter is to provide a framework for the Specific Plan Area (SPA) Zone through a standard process and general regulations and, specifically, to accomplish the following:

A. Implement the goals, objectives, and policies of the General Plan.

B. Provide a planning process for the initiation, review, and regulation of comprehensively planned urban communities affording flexibility to the developer in a context of City review that ensures provision of necessary public services and facilities.

C. Establish a development review framework for comprehensibly planned communities pursuant to the authority provided in Government Code Section 65450 for the preparation of Specific Plans.

Section 20.250.020 Purpose of Specific Plan Area Zone

In addition to the purposes of this Zoning Ordinance and chapter, the purpose of the SPA Zone is as follows:

A. **Specific Plan Area (SPA) Zone.** To provide the opportunity for a creative, comprehensive planning approach for the use and development of land through innovative building types and site design. This Zone affords flexibility to the developer in a context of City review that ensures comprehensive planning and the provision of necessary public services and facilities. The SPA Zone is intended to implement and is consistent with the SPA land use designation of the General Plan.

Section 20.250.030 Applicability

This chapter, including all standards and processes, is applicable to all new development within undeveloped SPA Zone(s) identified by the Zoning Map. SPA Zones that are regulated by an existing adopted Specific Plan shall be exempt from this chapter; all activities within such areas shall be subject to the existing standards and procedures of the applicable Specific Plan.

Section 20.250.040 Specific Plan Required

New development within undeveloped SPA Zones shall require the application, processing, and adoption of a Specific Plan, subject to the provisions of chapter 20.535 (Specific Plans).

A. **Minimum Size.** Minimum development size for a Specific Plan shall be determined by the following conditions, consistent with chapter 20.535 (Specific Plans):

1. Minimum development size for a Specific Plan shall be five (5) acres of contiguous property, or
2. Less than five (5) acres may be permitted by the Director where the property is adjacent to any of the following:
    a. An existing Specific Plan property, or
    b. The entire contiguous block or site of an existing undeveloped SPA Zone property, or
    c. The entire contiguous block or site of a Mixed Use Zone property.

    or

    d. The property has been designated on the General Plan Land Use map as "Specific Plan" or as a "Special Consideration" property, which requires a Specific Plan for any future development or redevelopment of the site.

B. **Concurrent Mapping.** A Zone amendment shall be processed if the property is not already zoned SPA, consistent and concurrent with the Specific Plan.

Section 20.250.050 Allowable SPA Land Uses

The allowable land uses and all applicable land use regulations for implementation within the SPA Zone shall be established by the Specific Plan for the Zone, subject to the standards and conditions of chapter 20.535 (Specific Plans).

A. **Compatibility.** All uses shall be compatible with the intent of this Zoning Ordinance.

B. **Uses Required.** SPA Zone Specific Plans on properties with the General Plan land use designation of "Mixed Use" shall include a mixed-use component. All other properties that are designated with a "Special Consideration" designation on the General Plan Land Use map shall include a development proposal that is consistent with the General Plan land use, which may include residential, senior residential, commercial, or industrial development.

C. **Silent Regulations.** Where the regulations of a Specific Plan are silent or not specifically referenced, the comparable regulations of this Zoning Ordinance and all adopted ordinances, regulations, standards, and guidelines of the City shall apply, subject to the Director's discretion, unless otherwise declared by the Planning Commission.

CHAPTER 20.255 FLOOD DAMAGE PREVENTION OVERLAY ZONE

Sections:

Section 20.255.010 Statutory Authorization, Findings of Fact, Statement of Purpose, and Methods
Section 20.255.020 Applicability
Section 20.255.030 Basis for Establishing the Areas of Special Flood Hazard
Section 20.255.040 Compliance
Section 20.255.050 Abrogation and Greater Restrictions
Section 20.255.060 Interpretation
Section 20.255.070 Warning and Disclaimer of Liability
Section 20.255.080 Designation of the Floodplain Administrator
Section 20.255.090 Duties and Responsibilities of the Floodplain Administrator
Section 20.255.100 Development Permit Required
Section 20.255.110 Standards of Construction
Section 20.255.120 Standards for Utilities
Section 20.255.130 Standards for Subdivisions and Other Proposed Development
Section 20.255.140 Standards for Manufactured Homes within Manufactured Home Parks or Subdivisions
Section 20.255.150 Standards for Recreational Vehicles
Section 20.255.160 Floodway
Section 20.255.170 Definitions

Section 20.255.010 Statutory Authorization, Findings of Fact, Statement of Purpose, and Methods

A. **Statutory Authorization.** The Legislature of the State of California has, in Government Code Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of San Marcos does hereby adopt the following floodplain management regulations.

B. **Findings of Facts**.

1. The flood hazard areas of the City are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are the cumulative effect of obstructions in flood hazard areas that cause increases in flood heights and velocities, and by uses that are inadequately elevated, flood proofed, or otherwise protected from flood damages.

C. **Statement of Purpose.** The purpose of this chapter is to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e., mudflow), or flood-related

erosion areas. These regulations take precedence over any less restrictive conflicting local laws, ordinances, and codes, and are designed to do the following:

1. Protect life and health.
2. Minimize expenditure of public money for costly flood-control projects.
3. Minimize the need for rescue and relief efforts associated with flooding, typically undertaken at the expense of the general public.
4. Minimize prolonged business interruptions.
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; streets; and bridges that are located in areas of special flood hazard.
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage.
7. Ensure that potential buyers are notified that a property is in an area of special flood hazard.
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. **Methods of Reducing Flood Losses.** To accomplish its purposes, this chapter includes regulations to enforce the following:

1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage through measures taken at the time of initial construction.
3. Limit the alteration of natural floodplains, stream channels, and natural protective barriers that help accommodate and channel flood waters.
4. Limit filling, grading, dredging, and other development that may increase flood damage.
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards in other areas.

Section 20.255.020 Applicability

This chapter shall apply to all areas of special flood hazards, areas of flood-related erosion hazards, and areas of mudslide (i.e., mudflow) hazards within the jurisdiction of the City.

Section 20.255.030 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazards, areas of flood-related erosion hazards, and areas of mudslide (i.e., mudflow) hazards identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for the City of San Marcos, California," first established for this City on July 15, 1988, with accompanying Flood Insurance Rate Maps (FIRMs) and all subsequent amendments and/or revisions, on file with the City Clerk and the City Engineer, are hereby adopted by reference and declared

to be a part of this chapter. The FIS and attendant mapping is the minimum area of applicability of this chapter, and may be supplemented by studies for other areas to allow implementation of this chapter and that are recommended to the City Council by the Floodplain Administrator (i.e., City Engineer). The FIS, amendment and/or revisions, and FIRMs are on file at the City Engineer's Office, 1 Civic Center Drive, San Marcos, California.

Section 20.255.040 Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor and constitute a public nuisance. Nothing herein shall prevent the City from taking lawful action as is necessary to prevent or remedy any violation.

Section 20.255.050 Abrogation and Greater Restrictions

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 20.255.060 Interpretation

In the interpretation and application of this chapter, all provisions shall be as follows:

A. Considered as minimum requirements.

B. Liberally construed in favor of the governing body.

C. Deemed neither to limit nor repeal any other applicable provision of the Code or chapters of this Zoning Ordinance, or to conflict with any state or federal statutes.

Section 20.255.070 Warning and Disclaimer of Liability

The degree of flood protection required in this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by built or natural features. By adoption of this chapter, the City does not imply that land outside of the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, any officer or employee thereof; the State of California; or FEMA for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Section 20.255.080 Designation of the Floodplain Administrator

The City Engineer is hereby appointed to administer and implement this chapter by granting, conditionally granting, or denying actions in accordance with its provisions.

Section 20.255.090 Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator (i.e., City Engineer) shall have the duties and responsibilities to do the following:

A. **Permit Review.**

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures.
2. Ensure that all other required state and federal permits have been obtained.
3. Ensure that the site is reasonably safe from flooding.
4. Ensure that the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affect" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City or adjacent communities.
5. Ensure that all Letters of Map Revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood-control project and land preparation, as specified in the "start of construction" definition, found below.

B. **Development of Substantial Improvement and Substantial Damage Procedures.**

1. The cost of replacement of a damaged structure shall be based on a square-foot cost factor determined by reference to a building-cost estimating guide recognized by the building construction industry.
2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure, and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other external ways to determine obsolescence.

   Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

C. **Review, Use, and Development of other Base Flood Data.** When base flood elevation data has not been provided in accordance with this chapter, the Floodplain Administrator will obtain, review, and reasonably use any base flood elevation and floodway data available from a federal or state agency, or other source, to administer the regulations in this chapter. A base flood elevation shall be obtained using one (1) of two (2) methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations," dated July 1995.

D. **Notification of Other Agencies.** When any of the following occur, the described actions shall be carried out.

1. Alteration or relocation of a watercourse:
    a. Notify adjacent communities and the California Department of Water Resources prior to any alteration or relocation of a watercourse.
    b. Submit evidence of such notification to the Federal Insurance Administration.
    c. Ensure that the flood carrying capacity within the altered or relocated portion of said watercourse is not diminished.
2. Base flood elevation changes due to physical alterations:
    a. Within six (6) months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or ensure that the permit applicant submits technical or scientific data to FEMA for an LOMR.
    b. All LOMRs for flood control projects shall be approved prior to the issuance of building permits. Building permits must not be issued based on CLOMRs. Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition, found below. Such submissions are necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
3. Changes in corporate boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means, and include a copy of a map of the community that clearly delineates the new corporate limits.

E. **Documentation of Floodplain Development.** Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by sections 20.255.110(C)(1) (Elevation and Flood Proofing) and 20.255.140 (Standards for Manufactured Homes within Manufactured Home Parks or Subdivisions)
2. Certification required by section 20.255.110(C)(2) (Elevation and Floodproofing)
3. Certification required by section 20.255.110(C)(3) (Elevation and Flood Proofing)
4. Certification of elevation required by section 20.255.130(A)(3) (Standards for Subdivisions and Other Proposed Development)
5. Certification required by section 20.255.160(B) (Floodway)
6. Maintain a record of all variance actions, including justification for their issuance, and report such variances in the biennial report submitted to FEMA

F. **Map Determination.** Make interpretations, where needed, concerning the exact location of the boundaries of the areas of special flood hazards or areas of mudslide (i.e., mudflow) where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, as provided in chapter 20.500 (Permits and Applications Process).

G. **Remedial Action.** Take action to remedy violations of this chapter as specified in section 20.255.040 (Compliance).

H. **Biennial Report.** Complete and submit a biennial report to FEMA.

I. **Planning.** Ensure that the City's General Plan is consistent with the floodplain management objectives herein.

Section 20.255.100 Permit Required

A permit shall be obtained before any construction or other development occurs, including manufactured homes, within any special flood hazard areas established in section 20.255.030 (Basis for Establishing the Areas of Special Flood Hazard). Application for a development permit shall be made on forms furnished by the City. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing all of the following:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, and storage of materials and equipment and their location.
2. Proposed locations of water supply, sanitary sewer, and other utilities.
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities.
4. Location of the regulatory floodplain and floodway when applicable.
5. Base flood elevation information as specified in section 20.255.030 (Basis for Establishing the Areas of Special Flood Hazard) or section 20.255.110(C) (Elevation and Flood Proofing).
6. Proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures.
7. Proposed elevation, in relation to mean sea level, to which any non-residential structure will be floodproofed, as required in section 20.255.110(C)(2) (Elevation and Flood Proofing) of this chapter and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the non-residential flood-proofed building meets the floodproofing criteria in section 20.255.110(C)(2) (Elevation and Flood Proofing).

C. For a crawl-space foundation, location and total net area of foundation openings, as required in section 20.255.110(C)(3) (Elevation and Flood Proofing) of this chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in section 20.255.090(E) (Documentation of Floodplain Development) of this chapter.

Section 20.255.110 Standards of Construction

Construction in all areas of special flood hazards shall comply with the standards set forth in this section.

A. **Anchoring.** All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. **Construction Materials and Methods.** All new construction and substantial improvements of structures, including manufactured homes, shall be constructed as follows:

1. With flood-resistant materials and utility equipment resistant to flood damage.
2. Using methods and practices that minimize flood damage.
3. With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Within Zone AH or AO so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. **Elevation and Flood Proofing.**

1. **Residential Construction**. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement, as follows:
   a. In Zones AE, AH, and A1-30, elevated two (2) feet above the base flood elevation.
   b. In Zone AO, elevated above the highest adjacent grade to a height two (2) feet above the depth number specified in feet on the FIRM, or elevated at least four (4) feet above the highest adjacent grade if no depth number is specified.
   c. In Zone A, without base flood elevations specified on the FIRM (unnumbered Zone A), elevated two (2) feet above the base flood elevation, as determined under Section 20.255.090(C) (Review, Use, and Development of other Base Flood Data).

   Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector, to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. **Non-Residential Construction**. All new construction or substantial improvements of any non-residential structures shall either be elevated to conform with section 20.255.110(C)(1) (Elevation and Flood Proofing) or shall be as follows:
   a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 20.255.110(C)(1) (Elevation and Flood

Proofing), so that the structure is watertight, with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

c. Be certified by a registered civil engineer or architect that the standards of section 20.255.110(C)(2)(a) and (b) (Elevation and Flood Proofing) are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. **Flood Openings**. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are useable solely for parking vehicles, building access, or storage, and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

a. For non-engineered openings:

i. Have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding.

ii. The bottom of all openings shall be no higher than one (1) foot above grade.

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwater.

iv. Buildings with more than one (1) enclosed area must have openings on exterior walls for each area to allow flood water to directly enter.

or

b. Be certified by a registered civil engineer or architect.

4. **Manufactured Homes**.

a. Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirements of section 20.255.110(C) (Elevation and Flood Proofing).

b. Manufactured homes placed within manufactured home parks or subdivisions shall meet the standards in sections 20.255.140 (Standards for Manufactured Homes within Manufactured Home Parks or Subdivisions). Additional guidance may be found in FEMA Technical Bulletins TB 1-93 and TB 7-93.

5. **Garages and Accessory Structures**.

a. Attached Garages

i. A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry of flood waters. See section 20.255.110(C)(3)

(Elevation and Flood Proofing). Areas of the garage below the base flood elevation must be constructed with flood-resistant materials. See section 20.255.110(B) (Construction Materials and Methods).

ii. A garage attached to a non-residential structure must meet the above requirements or be dry floodproofed.

b. Detached Garages and Accessory Structures

i. Accessory structures used solely for parking (two [2]-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in section 20.255.170 (Definitions), may be constructed such that its floor is below the base flood elevation, provided the structure is designed and constructed in accordance with all of the following requirements:

a. Use of the accessory structure must be limited to parking or limited storage.

b. The portions of the accessory structure located below the base flood elevation must be built using flood-resistant materials.

c. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement.

d. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the base flood elevation.

e. The accessory structure must comply with floodplain encroachment provisions in section 20.255.160 (Floodway).

f. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with section 20.255.110(C)(3) (Elevation and Flood Proofing).

ii. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in section 20.255.110 (Standards of Construction).

6. **Crawlspace Construction**. This sub-section applies to buildings with crawl spaces up to two (2) feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.

a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.

b. The crawl space is an enclosed area below the base flood elevation and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters.

c. Crawl space construction is not permitted in V Zones. Open pile or column foundations that withstand storm surge and wave forces are required in V Zones.

d. Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevation.

e. Any building utility systems within the crawl space must be elevated above the base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

f. Requirements for all below-grade crawl space construction, in addition to the above requirements, shall include the following:

i. The interior grade of a crawl space below the base flood elevation must not be more than two (2) feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 3 of Technical Bulletin 11-01.

ii. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall, must not exceed four (4) feet (shown as L in Figure 3 of Technical Bulletin 11-01) at any point.

iii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time (not to exceed seventy-two [72] hours) after a flood event.

iv. The velocity of floodwaters at the site shall not exceed five (5) feet per second for any crawl space. For velocities in excess of five (5) feet per second, other foundation types shall be used.

7. **Mechanical Equipment.** All new construction and substantial improvements of structures shall ensure that all mechanical equipment complies with the following criteria:

a. The mechanical equipment shall be elevated above the base flood elevation, or

b. the mechanical equipment shall be designed or located in such a way as to prevent water from entering or accumulating within the components during a flood event.

Section 20.255.120 Standards for Utilities

A. All new and replacement water supply and sanitary sewage systems shall be designated to minimize or eliminate the following:

1. infiltration of flood waters into the system and

2. discharge from systems into floodwaters.

B. On-site water disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 20.255.130 Standards for Subdivisions and Other Proposed Development

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall do the following:

1. Identify the Special Flood Hazard Areas (SFHAs) and base flood elevations.
2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
    a. Lowest floor elevation
    b. Pad elevation
    c. Lowest adjacent grade

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

E. All subdivisions and other proposed developments located within special flood hazard areas shall comply with the planning requirements set forth in this section.

1. **Master Drainage Plan**. All proposed projects located within a Special Flood Hazard area shall investigate the City's Master Drainage Plan for required improvements along Special Flood Hazard Areas. If the City determines that improvements are required, the project shall construct or pay for their fair share of the required improvements.
2. **Areas of Future Drainage Projects**. For projects located within an area of Special Flood Hazard that will be affected by a future drainage project, the developer shall investigate any proposed or potential improvements required by the project to ensure that the proposed development does not encroach on areas required by the drainage improvements.
3. **Construct to Ultimate Conditions**. Projects located within an area of Special Flood Hazard shall be designed for both the interim and ultimate hydraulic buildout condition. The ultimate hydraulic buildout condition shall be determined by the City Engineer.

Section 20.255.140 Standards for Manufactured Homes within Manufactured Home Parks or Subdivisions

All manufactured homes in special flood hazard areas shall meet the anchoring standards in section 20.255.110(A) (Anchoring), construction materials and methods requirements in section 20.255.110(B) (Construction Materials and Methods), flood openings requirements in section 20.255.110(C)(3) (Elevation and Flood Proofing), and garages and low-cost accessory structure standards in section 20.255.110(C)(5) (Elevation and Flood Proofing). Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirement in section 20.255.110(C) (Elevation and Flood Proofing).

A. All manufactured homes that are placed or substantially improved on sites located in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall use the following standard:

   1. Within Zones A1-30, AH, and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two (2) feet above the base flood elevation and is securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 30, AH, and AE on the community's FIRM that are not subject to the provisions of section 20.255.140(A) (Standards for Manufactured Homes within Manufactured Home Parks or Subdivisions) shall be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either of the following is applied:

   1. Lowest floor of the manufactured home is at or above the base flood elevation.
   2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

   Upon the completion of the structure, the elevation of the lowest floor, including the basement, shall be certified by a registered civil engineer or licensed land surveyor and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

Section 20.255.150 Standards for Recreational Vehicles

All recreational vehicles placed in Zones A1 30, AH, and AE shall apply one (1) of the following:

1. Be on the site for fewer than one hundred eighty (180) consecutive days,
2. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions), or

3. Meet the permit requirements of section 20.255.100 (Development Permit Required) of this chapter and the elevation and anchoring requirements for manufactured homes in section 20.255.140(A) (Standards for Manufactured Homes within Manufactured Home Parks or Subdivisions).

Section 20.255.160 Floodway

Since floodways are an extremely hazardous area due to the velocity of flood waters and related debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.

B. Within an adopted regulatory floodway, the City shall prohibit all encroachments, including fill, new construction, substantial improvements, and other development, in all areas of the floodway, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If Sections 20.255.160(A) and (B) (Floodway) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard-reduction provisions of this chapter.

Section 20.290.170 Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. Whenever the following words or phrases are used in this chapter, they shall have the meanings established by this section.

A. **A Zone/Zone A**. *See* Special Flood Hazard Area.

B. **Accessory Structure, Low-Cost and Small**. A structure located on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure. This may include a structure that meets the following criteria.

1. solely for parking of no more than two (2) cars or limited storage (small, low-cost sheds) and
2. less than one hundred fifty (150) square feet and $1,500 in value.

C. **Alluvial Fan**. A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that has been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floor and that is subject to flash flooding, high-velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

D. **Apex**. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

E. **Appeal**. A request for a review of the Floodplain Administrator's interpretation of this chapter or a request for a variance.

F. **Area of Shallow Flooding.** Designated Zone AO, AH, or VO on the Flood Insurance Rate Map (FIRM) where the base flood depths range from one (1) to three (3) feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and areas of channelized or velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

G. **Base Flood**. A flood that has a one percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year flood" or the 0.01 annual exceedance probability [AEP] flood). Base flood is the term used throughout this chapter.

H. **Base Flood Elevation**. The elevation shown on the FIRM for Zones AE, AH, A1-30, VE, and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

I. **Basement**. Any area of the building having its floor subgrade (i.e., below ground level) on all sides.

J. **Building**. *See* Structure.

K. **Development**. Any built/created (not natural) change to improved or unimproved real estate, including buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.

L. **Encroachment**. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain that may impede or alter the flow capacity of a floodplain.

M. **Existing Manufactured Home Park or Subdivision**. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before October 24, 1978.

N. **Expansion to an Existing Manufactured Home Park or Subdivision**. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

O. **Flood, Flooding, or Flood Water**. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, the unusual and rapid accumulation or runoff of surface waters from any source and/or mudslides (i.e., mudflows), and the condition resulting from flood-related erosion.

P. **Flood Insurance Rate Map (FIRM)**. The official map on which FEMA or the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium Zones applicable to the community.

Q. **Flood Insurance Study**. The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

R. **Floodplain** or **Flood Prone Area**. Any land area susceptible to being inundated by water from any source. See *Flood, Flooding, or Flood Water*.

S. **Floodplain Administrator**. The City Engineer; the community official designated by title to administer and enforce the floodplain management regulations.

T. **Floodplain Management**. Operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

U. **Floodplain Management Regulations**. This chapter and other zoning requirements, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other application of police power that control development in flood-prone areas. This term describes federal, state, and local regulations in any combination thereof that provide standards for preventing and reducing flood loss and damage.

V. **Floodproofing**. Any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

W. **Floodway** or **Regulatory Floodway**. The channel of a river or other watercourse and the adjacent land area that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

X. **Floodway Fringe**. That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

Y. **Functionally Dependent Use**. A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Z. **Governing Body**. The local governing unit (i.e., county or municipality) that is empowered to adopt and implement regulations to provide for the public health, safety, and general welfare of its citizenry.

AA. **Highest Adjacent Grade**. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

BB. **Historic Structure.** Any structure that is any of the following:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register of Historic Places;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

CC. **Lowest Floor**. The lowest floor of the lowest enclosed area (including basement).

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided it conforms to applicable non-elevation design requirements, including the following:
    a. The flood openings standard in section 20.255.110(C)(3) (Elevation and Flood Proofing),
    b. The anchoring standards in section 20.255.110(A) (Anchoring),
    c. The construction materials and methods standards in section 20.255.110(B) (Construction Materials and Methods), and
    d. The standards for utilities in section 20.255.120 (Standards for Utilities).

DD. **Mean Sea Level**. The datum by which base flood elevations shown on a community's FIRM are referenced.

EE. **New Construction**. For floodplain management purposes, structures for which the "start of construction" commenced on or after October 24, 1978, and including any subsequent improvements to such structures.

FF. **New Manufactured Home Park or Subdivision**. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 24, 1978.

GG. **Obstruction**. Includes any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse that may alter, impede, retard, or change the direction and/or velocity of the flow of water or, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood to be carried downstream.

HH. **Riverine**. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

II. **Special Flood Hazard Area (SFHA)**. An area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on a Flood Hazard Boundary Map (FHBM) or FIRM as Zone A, AO, A1-A30, AE, A99, E, M, or AH. Also includes those areas identified by the State of California Department of Water Resources as being subject to one-half of one percent (0.5%) or greater chance of flooding in any given year.

JJ. **Start of Construction**. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

KK. **Structure**. A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

LL. **Substantial Damage**. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Flood-related damages sustained by a structure on two (2) separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred. This is also known as "repetitive loss."

MM. **Substantial Improvement**. Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either of the following:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to ensure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

NN. **Violation**. The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

OO. **Water Surface Elevation**. The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

PP **Watercourse**. A lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourses include specifically designated areas in which substantial flood damage may occur.

CHAPTER 20.260 RIDGELINE PROTECTION & MANAGEMENT OVERLAY ZONE

Sections:

Section 20.260.010 Purpose of Chapter
Section 20.260.020 Identification of Primary and Secondary Ridgelines
Section 20.260.030 Applicability and Exemptions
Section 20.260.040 Permitted and Prohibited Land Uses
Section 20.260.050 Development Regulations within the Ridgeline Overlay Zone
Section 20.260.060 Ridgeline Development Permit and Noticing
Section 20.260.070 Application Submittal Requirements
Section 20.260.080 Development Regulation Modifications
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Section 20.260.100 Violations and Penalties
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Section 20.260.010 Purpose of Chapter

The purpose of this chapter is to preserve primary ridgelines in their natural state and minimize visual impacts to secondary ridgelines through a Ridgeline Overlay Zone (ROZ) and Ridgeline Development Permit (RDP) to protect natural viewsheds and unique natural resources, minimize the physical impacts to ridgelines, and establish innovative site and architectural design standards. In adopting the ROZ, it is the desire of the City Council to have as little financial impact as possible on single-family-home property owners while still meeting the intent of the Zone.

Section 20.260.020 Identification of Primary and Secondary Ridgelines

Primary and secondary ridgelines are identified in North City Area #1, Southeast City Area #2, and Southern City Area #3 within the City limits as of February 14, 2006; delineated in Figures 20.260-1, 20.260-2, and 20.260-3; and shown as bold lines for primary ridgelines and dashed lines for secondary ridgelines on each applicable area map, as described below:

A. **North City Area #1** (Figure 20.260-1) is located in the College Area Community Plan and Twin Oaks Valley Community, which includes portions of "P" Mountain and Owens Peak.

B. **South East and West City Area #2** (Figure 20.260-2) is located in the Questhaven/La Costa Meadows Community Plan, which includes Franks Peak and Mount Whitney (located in San Diego County). This area also includes Double Peak and Cerro de Las Posas as defined by the San Elijo Hills Specific Plan.

C. **Southern City Area #3** (Figure 20.260-3) is located in the Questhaven/La Costa Meadows Community Plan, which includes a southerly primary ridgeline extending from east to west near the San Marcos abandoned landfill.

Figure 20.260-1

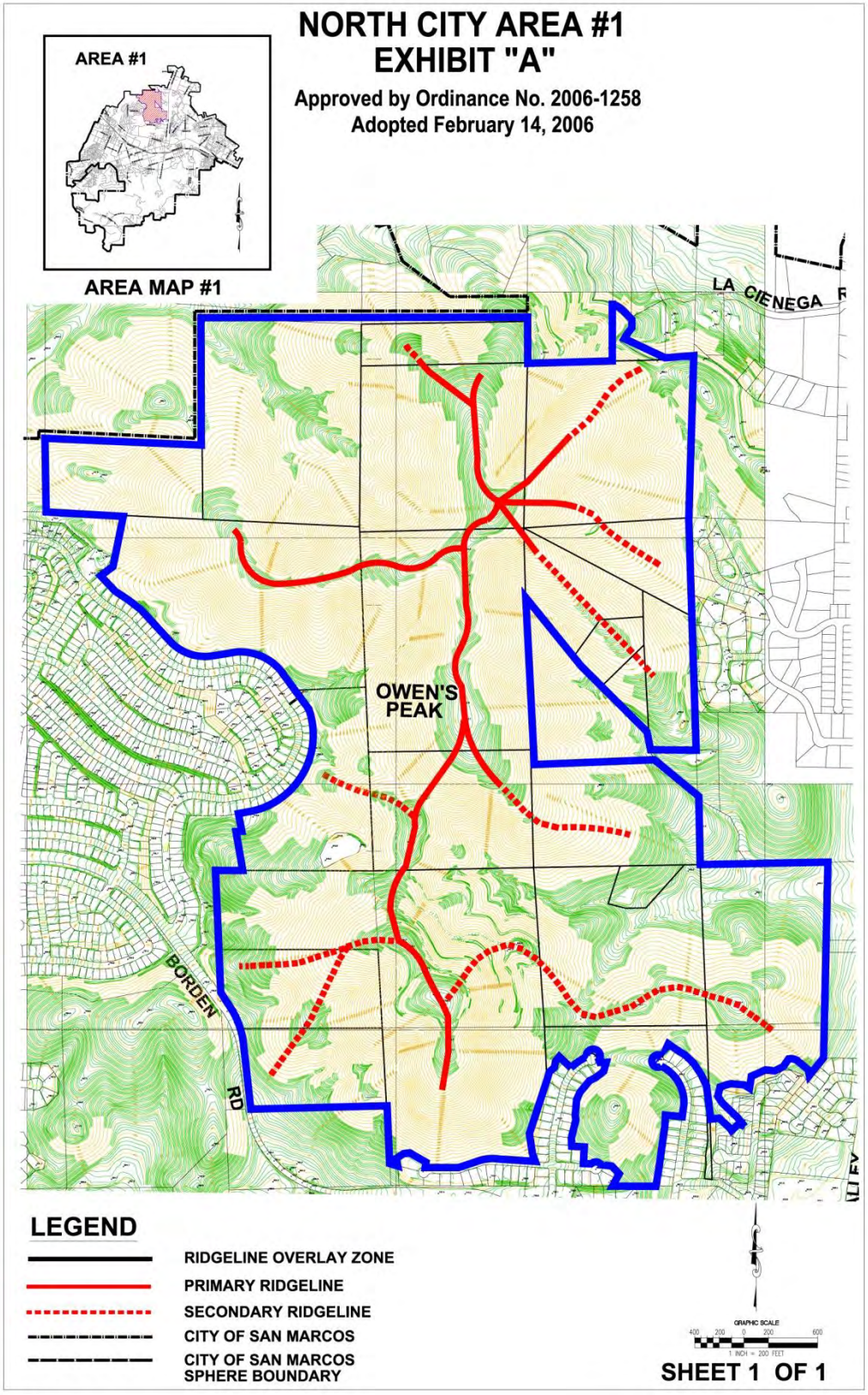


Figure 20.260-2

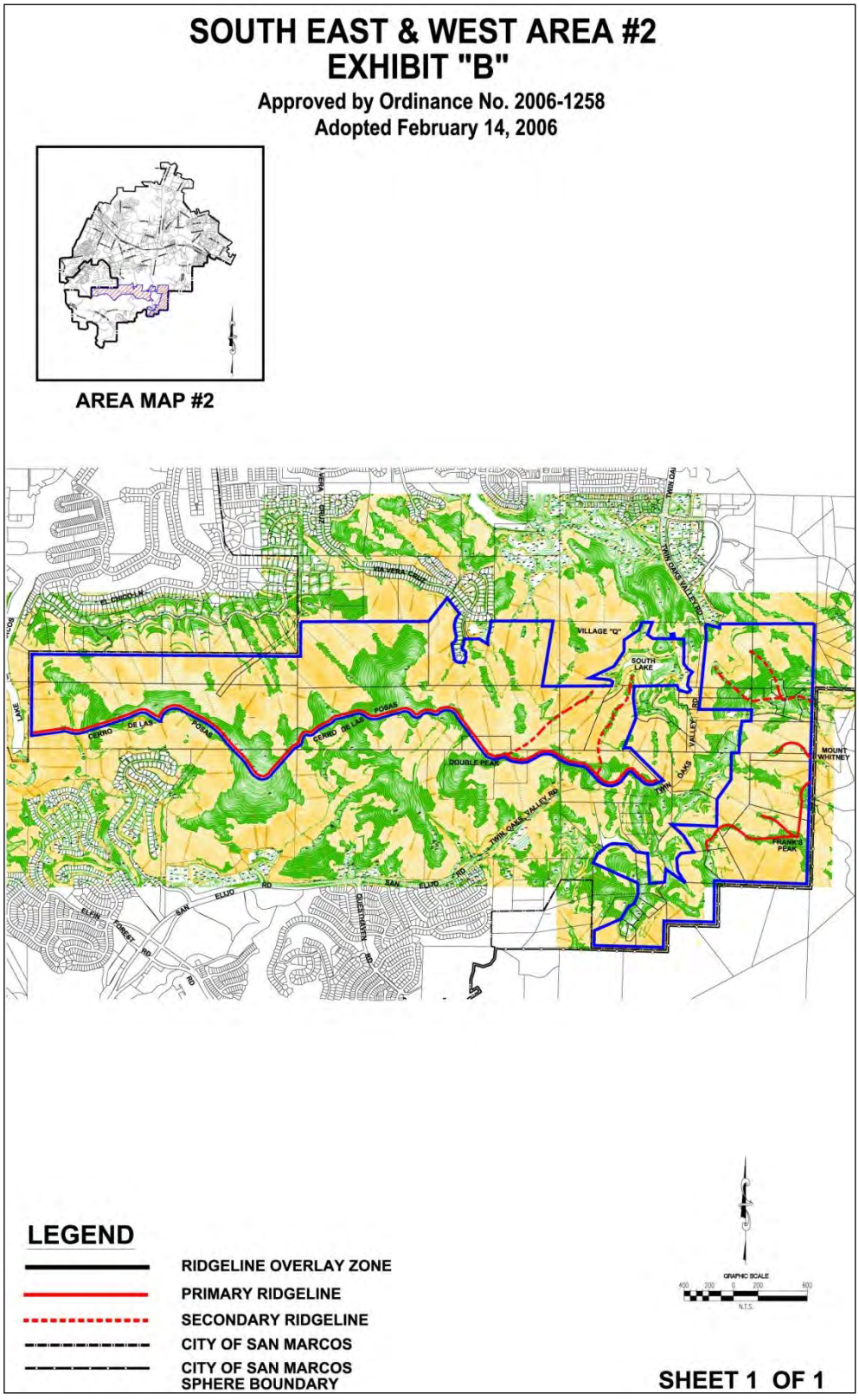
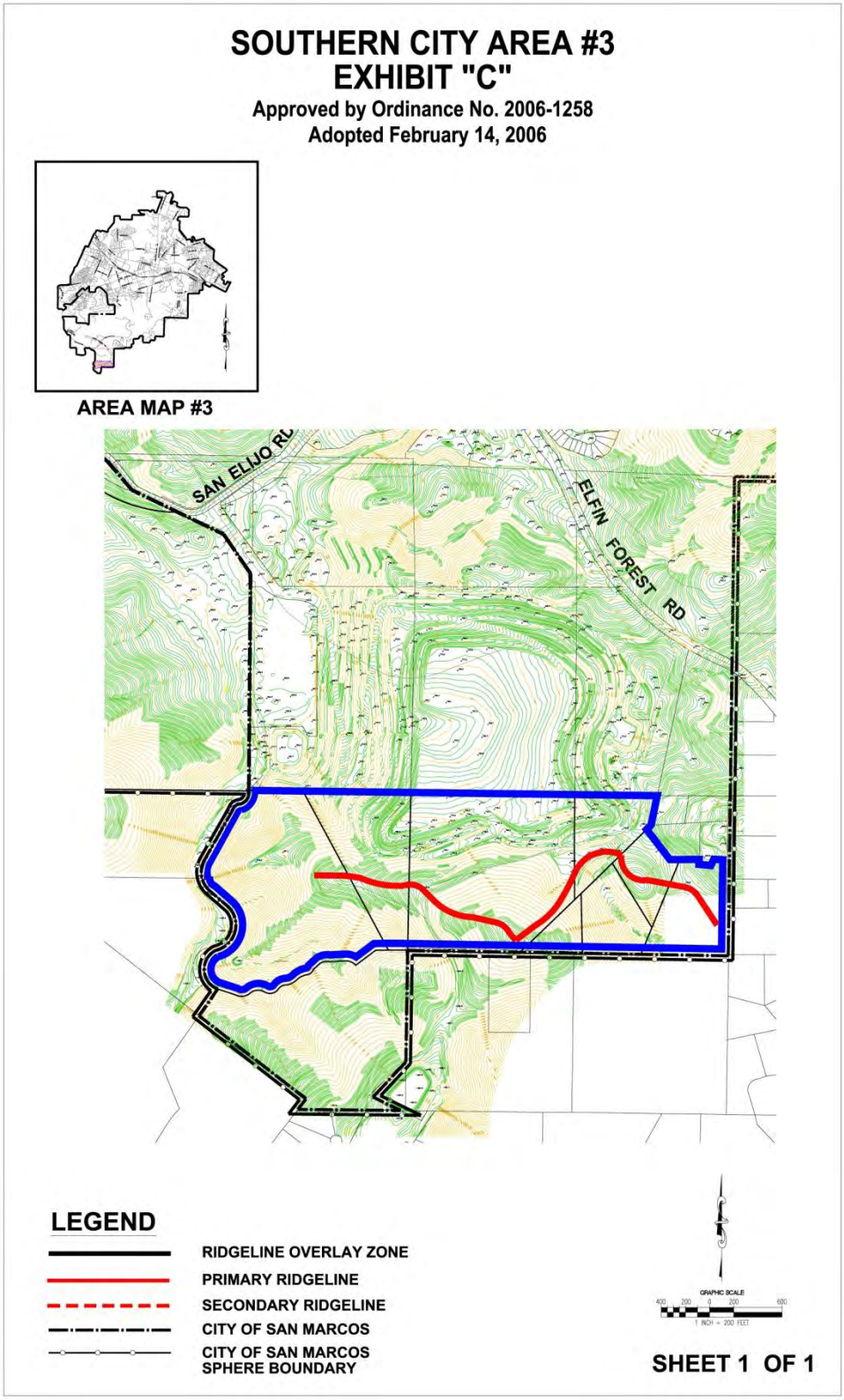


Figure 20.260-3



Section 20.260.030 Applicability and Exemptions

This chapter applies to existing residences, existing permitted uses, and entitled projects as of February 14, 2006, that are located inside the ROZ. Exemption from the requirements of this chapter does not exempt any project or parcel from Code or regulatory requirements. The following projects, permits, and permitted uses shall be exempt from the requirements of chapter 20.260 (Ridgeline Protection & Management Overlay Zone):

A. **Existing Development.** Existing development entitlements such as General Plan Amendments, Specific Plan Amendments, Master Tentative Maps, Final Maps, Site Development Plans, and grading and/or building permits that were issued prior to February 14, 2006, are exempt from this chapter (20.260), provided that either of the following occurs:

1. No permit, map modification, or change in use is proposed after February 14, 2006; or
2. A permit or map modification is proposed where it is deemed in substantial conformance, as determined by the Director, with the previously approved permit or map.

B. **Existing Residences.** Existing residences located outside of the vertical ridgeline setback are exempt from this chapter, provided the following occurs:

1. No expansion or modification of the primary residence would require an RDP.
2. Architectural elements, including decks, trellises, and other similar architectural enhancements that do not increase the building or roofing square footage and do not exceed a maximum building height of twenty-eight (28) feet.
3. An expansion is proposed provided that expansion does not exceed 1,000 square feet of additional building footprint and that the total combined square footage does not exceed 4,500 square feet maximum or a building height of twenty-eight (28) feet.

C. **Existing Primary Residences.** Existing primary residences located within the vertical ridgeline setback are exempt from this chapter, provided the following occurs:

1. No expansion or modification of the structure is proposed.
2. Architectural elements, including decks, trellises, and other similar architectural enhancements, are proposed that do not increase the building footprint and do not exceed a building height of twenty-four (24) feet.
3. An expansion is proposed provided that the expansion does not exceed five hundred (500) square feet of additional building footprint, create a new building footprint exceeding 3,000 square feet, or exceed a building height of twenty-four (24) feet.

D. **Damaged Existing Residences.** Existing single-family residences damaged or destroyed by natural disasters (i.e., fires, earthquakes, landslides) can be replaced as previously built; fees will be limited to building/grading permit processing fees.

E. **Other Exemptions.** Other existing development-related features and activities:

1. View fences (wrought iron, plexi-glass) not exceeding a height of six (6) feet.

2. Construction and/or maintenance of local public streets or private roads necessary for access, including emergency fire access, to the development site or home site.
3. Public trails for passive recreational use according to an adopted Master Trails Plan.
4. Public and private utility systems.
5. On-site waste disposal systems and water storage tanks.
6. Grading or road construction necessary to maintain a road surface or repair a slope or road failure if such action is deemed necessary by the City Engineer to maintain access or for an emergency (i.e., a situation where life and/or property are threatened). Such actions might include buttressing or repairing a slope failure above or below a structure; repairing access roads; resurfacing an asphalt road; or repairing roadway damage due to erosion, slope failure, or mud slides.
7. Ongoing or expansion of existing agricultural uses where such expansions do not require grading or construction of structures within the ROZ.
8. Existing accessory structures.
9. New accessory structures that do not exceed two hundred (200) square feet in building footprint or a building height of twenty-four (24) feet.
10. Expansion of existing or approved accessory structures that do not exceed two hundred (200) square feet of additional building footprint or a building height of twenty-four (24) feet, or create a new building footprint exceeding four hundred (400) square feet.

Section 20.260.040 Permitted and Prohibited Land Uses

Permitted and prohibited land uses in primary and secondary ridgelines in the ROZ are described in Table 20.260-1.

Table 20.260-1
Land Uses in Primary and Secondary Ridgeline Areas

Primary Ridgeline Areas
Permitted Uses
Trails and open space.
Habitat management/restoration activities.
Circulation roads.
Private driveways of limited length to provide access to single-family development off of the ridgeline, if there is no other alternative access.
All structures shall comply with the vertical contour setback of 100 feet, as measured vertically from the ridgeline crest.
All permitted uses per the relevant Zone are allowed, provided the use complies with guidelines in this chapter.
Prohibited Uses
Subject to Section 20.260.050(E)(1)(e), no structures or construction activity of any kind, including grading, are permitted in the primary ridgeline vertical setback unless exempt or modified through Section 20.260.060.
No greenhouses, storage containers, or any other type of temporary structure or portable structure are permitted in the primary ridgeline vertical setback.

Table 20.260-1
Land Uses in Primary and Secondary Ridgeline Areas

No new agriculture, grazing, or tilling of the soil will be permitted in the primary ridgeline vertical setback, unless an RDP is approved by the Planning Commission.
Subject to the provisions of Chapter 20.465, no Wireless Telecommunication Facility of any kind is permitted in the primary ridgeline vertical setback. **(Ord. No. 2014-1398, 8-12-2014).**
Secondary Ridgeline Areas
Permitted Uses
Trails and open space.
Habitat management/restoration activities.
Circulation roads.
Private driveways of limited length to provide access to single-family development off of the ridgeline, if there is no other alternative access.
All permitted uses per the underlying Zone are allowed, provided the use complies with guidelines in this chapter.
All structures shall comply with the vertical ridgeline setback of 50 feet as measured vertically from the ridgeline crest.
Limit permitted uses to single-family large-lot residential consistent with the underlying General Plan designation. In large-lot single-family Residential Zones, a cluster concept per the regulations set forth in this Zoning Ordinance may be used.
Agricultural structures (barns, greenhouses, etc.) shall be limited to lower lying areas to avoid disruption of the skyline silhouette of the primary ridgeline.
Tennis courts, basketball courts, and any other type of private recreational amenity shall be located so that it does not create a visual impact to the ridgeline.
Prohibited Uses
Subject to Section 20.260.050(E)(1)(e)(ii), no structures or construction activity of any kind, including grading, are permitted in the secondary ridgeline area within the 50-foot vertical ridgeline setback.
Subject to the provisions of Chapter 20.465, no Wireless Telecommunication Facility of any kind is permitted in the secondary ridgeline area within the 50-foot vertical ridgeline setback. **(Ord. No. 2014-1398, 8-12-2014).**

Section 20.260.050 Development Regulations within the Ridgeline Overlay Zone

A. **Determination of Development Yield**. The determination of development yield shall comply with the City's Slope Density Formula, even with clustering through a Specific Plan and the allowable density that is consistent with the General Plan designation and underlying Zone.

B. **Lot Size/Configuration**. Lots shall be designed to avoid impacts to primary ridgelines and to preserve secondary ridgelines to the greatest extent practicable. The creation of new residential lots, including residential subdivisions, and adjustments of residential lot lines shall comply with the following standards:

1. Clustering shall be permitted for a residential development consisting of five (5) residential lots or more through a Specific Plan.
2. Clustered residential development shall be allowed through a Specific Plan where appropriate and to the extent feasible as a means to preserve the natural appearance of hillside areas. Under this concept, dwellings shall be located in the more level portions of the site, while steeper areas shall be preserved in a natural state. Lots developed through

clustering may be smaller in size than would be allowed by the underlying Zone, so long as the following occurs:

a. The resultant development generally retains the architectural mass, bulk, and scale of surrounding/existing development.

b. The resultant development preserves, as much as feasible, other environmentally sensitive areas or habitat on-site.

3. In cases where clustering is not used, lot sizes shall be consistent with the minimum lot size permitted under the Zone per Section 20.300.040 (Gross Slope/Acreage Analysis).

4. Lots shall be created that are consistent with and conform to the existing City Subdivision Ordinance and ensures that such lots are physically suitable to the existing site topography, geology, and biology, and is feasible for site development.

C. **Circulation**. Where feasible, street and driveway layouts shall follow the natural contours of the terrain to minimize grading and visual impacts. The following street and driveway designs may be considered, subject to approval by the City Engineer and the Fire Marshal.

1. Cul-de-sacs, split-level roads, and loop roads where appropriate to fit the natural topography.

2. Narrower street sections shall be allowed to minimize grading, habitat removal, and visual impacts.

3. In ROZ areas with light pedestrian traffic or single-loaded streets, sidewalks installed on only one (1) side of the street shall be allowed.

4. Improvements necessary to provide for safe, convenient pedestrian access to schools, parks, and other recreational facilities.

D. **Grading/Landform Modification**.

1. Volume of grading.

a. To the extent feasible, the volume of earth moved for cuts and fill shall be minimized.

b. Cuts and fill in excess of twenty (20) feet in depth are discouraged.

c. Grading shall be limited to no more than twenty-five percent (25%) of the lot area.

2. Screening of manufactured slope

a. Hillside development should vary the location and design of structures, landscaping, and access to give a more natural appearance, follow the natural contour of the land, and limit land alteration.

b. Berms shall be used at the top of slopes and other locations to screen, vary profile, and ensure drainage away from slopes.

3. Building pads, driveways, roads, and structures, including recreational courts and accessory buildings, in hillside development areas shall follow and avoid significantly altering the natural contour of the land.

4. Contour grading.
    a. Cut and fill slopes shall be contoured to be compatible with the existing natural landforms. Continuous unbroken slope surfaces that are visible from off-site are discouraged.
    b. Graded slopes should be contoured by varying slope increments and undulating banks vertically and horizontally.
    c. Cut and fill banks and drainage terrace spacing shall be varied to alleviate monotony and allow random landscaping.

E. **Building Placement, Maximum Building Height, and Basements**.

1. In areas adjacent to ridgelines or in moderate slope areas, dwelling units and structures should be sited to do the following:
    a. Use the natural ridgeline as a backdrop for structures.
    b. Use landscape plant material that blends with the adjacent natural vegetation as a backdrop.
    c. Use structures to maximize concealment of any cut slopes.
    d. Locate structures in the most accessible, least visually prominent, and most geologically stable portion or portions of the site.
    e. No new main or accessory structure shall be constructed within:
        i. the one-hundred (100)-foot vertical contour setback of a primary ridgeline, or
        ii. the fifty (50)-foot vertical contour setback of a secondary ridgeline

    unless it can be proven through computer/photo simulation that each development is consistent with the objectives of this Zoning Ordinance, cannot be seen from the identified viewing platform locations or does not adversely affect the ridgeline silhouette, and is approved by the Planning Commission under Section 20.260.080 (Development Regulation Modification). Additionally, the structure shall not exceed a height of twenty-four (24) feet.
    f. Design dwelling units and structures to incorporate hillside adaptive features such as split-level pads or single-story dwellings.
    g. Exposed basement or stem walls shall be architecturally enhanced and shall be included in the overall measurement of the maximum allowable height from finished grade to the top of the roof pitch.
    h. Build new structures or room additions to not exceed a height of twenty-eight (28) feet.
    i. Locate buildings and improvements to minimize visual impacts.
    j. Allow the option of development to soften or eliminate off-site visual impacts from viewing platforms through ridgeline re-creation, berming, and landscaping.

F. **Architecture**. The primary structures shall be designed as follows:

1. Sensitive architectural design shall be applied. Buildings and improvements shall be scaled to be compatible with the hillside and to avoid excessively massive forms that dominate views of the hillside.
2. Building facades shall have varying vertical planes, and overhangs shall be used as a means to create changing shadow lines to reduce the visual mass of forms. Buildings shall be stepped to follow the natural contour of the slope and to minimize building heights.
3. Wall surfaces that are visible shall be minimized in scale through such design features as the use of single-story elements, setbacks, low roof pitches, and landscaping.
4. Roof pitches shall be generally designed to follow the angle of the site slope, but variation may be provided to avoid a monotonous appearance. Flat roofs are prohibited.
5. Structures with visible underpinnings that extend more than six (6) feet above grade shall be avoided. Integrate structural underpinnings for decks, additions, or foundation structures that exceed six (6) feet in height into the design aesthetics of the building.
6. No above-ground swimming pools will be allowed unless there are architectural features added to the exposed wall; in-ground pools must meet all code requirements. The exposed wall of a vanishing-edge pool shall be constructed with a stone veneer.
7. Mechanical equipment shall be screened by a structure or landscaping.

G. **Accessory Structures**.

1. Existing accessory structures greater than four hundred (400) square feet will be allowed a twenty-five percent (25%) maximum expansion provided they comply with the regulations stated herein.
2. The size of the accessory or second dwelling unit shall be regulated by chapter 20.410 (Second Units and Accessory Structures), and the structure location shall blend with the main dwelling unit while requiring the least amount of grading as feasible.
3. No temporary or portable car covers or car tents shall be allowed.
4. Accessory structures shall comply with chapter 20.410 (Second Units and Accessory Structures).

H. **Color and Materials**. Exterior finishes and colors of structures and walls shall blend with the color tones of the natural surroundings through the use of earth tones and the avoidance of reflective or bright materials and finishes. The following standards shall also apply:

1. Exterior finishes, walls, and roof colors should emulate the colors of the surrounding native vegetation and soils. Darker, flatter tones and earth tones, such as browns, greens, and terra cotta, shall be used for exterior siding and roofs. Reflective and bright colors shall be avoided.
2. Exterior finishes, walls, and roofs shall be a mix of rough textures to blend with the coarseness of the natural surroundings. Materials may include stone, stucco, wood, earth-tone brick, low reflective glass, and integrated color coarse block. Highly reflective glass and polished metal surfaces shall be avoided. Use materials that will reduce light reflection.

3. The facade of retaining walls shall incorporate architectural enhancements to blend with the natural surroundings.

I. **Walls and Fences**.

1. Fiberglass sheeting, galvanized chain-link fence with inserts, bamboo sheeting, or other similar temporary material shall not be permitted as a fencing material.
2. Wrought-iron fencing, dark green or black vinyl-clad chain-link fencing without inserts/slats, or suitable alternative shall be permitted.
3. Electrified, razor, or concertina wire fencing is prohibited.
4. Tall and/or elongated retaining walls shall be avoided. Retaining walls higher than eight (8) feet (unless used as part of the structure as a stem wall) shall be divided into terraces and landscaped to reduce their visual prominence.

J. **Fire Fuel Modification**.

1. Fire Clearance:
   a. Buildings should be setback a minimum of twenty (20) feet from down slopes.
   b. A one-hundred-fifty (150)-foot clearance, or as approved by the Fire Marshal, shall be provided from all structures with vegetation, as approved by a specialized study.
   c. Roofs, overhangs, undersides of exposed balconies, and roof eaves shall be protected with fire-resistant material.
2. Fire Fuel Management:
   a. New plantings shall feature fire- and drought-tolerant species.

K. **Landscaping**.

1. Retaining walls shall be covered in stone veneer or camouflaged with native landscaping or planted as approved by a fire fuel management plan.
2. All graded slopes and manufactured open space shall be irrigated and landscaped as approved by the City.
3. Properties required to use landscaping as a screening method will be allowed to plant so that views are preserved in conjunction with adequate screening.
4. Larger tree specimens may be required for immediate screening results. Trees shall be selected and placed on property so that trees do not impact the silhouette or skyline of the ridgeline as they mature.
5. Planting of native landscape shall be used to camouflage visible structures as required by the Director.

L. **Interface with Biological Reserves/Subarea Plan (Focused Planning Areas) Preserved Design**. All development within the ROZ shall be consistent with the City's Multiple Habitat Conservation/Subarea Plan.

M. **Exterior Lighting**. Exterior lighting shall be the minimum necessary to provide adequate illumination of pathways, entryways, and private outdoor areas. Lighted outdoor recreational facilities, including basketball, tennis, and volleyball courts, and athletic fields may be permitted under a DP. The following standards shall also apply:

1. Flood lighting shall be prohibited.
2. Outdoor lighting, including street lighting, mounted light fixtures, and landscape lighting shall use full cut-off light fixtures. Light fixtures shall be shielded so that the illuminated area does not extend beyond the property boundaries.
3. Site and building design shall incorporate low-intensity exterior lighting.
4. The use of ground-level fixtures is encouraged. Taller, more visible fixtures shall be avoided.

N. **Findings**. Projects of two (2) or more dwellings units shall comply with the required findings:

1. Conforms to the General Plan.
2. Can be adequately, reasonably, and conveniently served by public services, utilities, and public facilities.
3. Undevelopable areas of the project pursuant to Section 20.260.020 (Identification of Primary and Secondary Ridgelines) of this Zoning Ordinance, have been properly identified.
4. Complies with the purpose and intent provision of section 20.260.010 (Purpose of chapter) of this chapter.
5. Substantially conforms to the ridgeline development guidelines.

Section 20.260.060 Ridgeline Development Permit and Noticing

The regulations of this chapter are intended to streamline development and protect visual aesthetics of the ridgeline.

A. **Ridgeline Development Permit (RDP) Required.** The proposed construction of two (2) or more main structures or parcels located within a primary or secondary ridgeline setback area that involves grading, or construction into or onto the areas identified as the City's ROZ Map must obtain an RDP pursuant to this chapter prior to any construction. The Development Regulations herein shall apply to subdivisions, uses, new structures, and additions to existing structures including accessory structures and to all development on a parcel(s) located within any ROZ.

B. **Ridgeline Development Permit Exemption.** The proposed construction of one (1) single-family residence, on a legal lot in the ROZ, that conforms to the regulations of this chapter shall not be required to obtain an RDP. Noticing, consistent with Section 20.260.060(D), shall occur based on receipt of the building plans submitted by the property owner.

C. **Required Review.** The RDP and submitted building plans must be reviewed and approved by the Planning Commission.

D. **Noticing**. Within twenty (20) working days of the receipt of the RDP (or receipt of the building plans) by an applicant, the San Marcos Planning Division shall:

1. Mail out a Notice of Intent (NOI) to the surrounding property owners within 1,000 feet of project boundary; or expand the NOI to include a minimum of one hundred (100) property owners, whichever is greater.
2. Post the NOI on the City's website.

Section 20.260.070 Application Submittal Requirements

Application for an RDP shall be made in accordance with the procedures set forth in this section.

A. **Chapter Compliance.** Although an RDP is not required for a single lot proposing a single-family dwelling unit or accessory structure, the applicant shall conform to the design and development standards in this Zoning Ordinance prior to approval of a building permit.

B. **Filing.** An application for an RDP may be made by the record owner or owners of the property affected or authorized agent of the owner or owners. The application shall be filed with the Planning Division upon filing forms required by the Planning Division. The application shall be accompanied by the requirements listed under Section 20.260.070(D), which allow for detailed review pursuant to this chapter and demonstrate compliance with this Zoning Ordinance.

C. **Noticing and Fee**. At the time of filing the RDP application, which will include a Public Notice procedure consistent with that described in 20.260.060, above, the applicant shall pay a processing fee as established by the City plus appropriate environmental fees.

D. **Submittal Requirements.** The required submittal of plans and material are as follows:

1. Legal description, Assessor's Parcel Number, and vicinity map.
2. A brief outline of proposed project.
3. A description of and zoning of adjacent properties.
4. Photographs of site.
5. An existing conditions map showing all trees, shrubs, vegetation, rock outcroppings, ridges and hilltops, drainage courses, lakes, ponds, access points, easements, existing buildings, proposed buildings, above-grade utility lines, buildings on adjacent lots within fifty (50) feet of the project property line, and any other significant natural features.
6. A slope map with a minimum two (2)-foot contour interval at a scale of one (1) inch = one hundred (100) feet clearly depicting all contours on-site. In cases where applicant may rely on an off-site easement for brush management and access, show all slopes in these areas as well.
7. A preliminary soils report submitted by a certified engineer.
8. A preliminary hydrology report.
9. An erosion control plan.
10. Grading and drainage plan, if applicable.
11. Fuel Management Plan.
12. A landscape plan.
13. Plans and elevation or rendering of proposed dwelling and other buildings.
14. Samples of the proposed building material on a material board.
15. A photo simulation may be required for subdivisions of five (5) or more lots, or as determined by the Director. The simulation should be taken from off-site viewing platforms and showing the relationship between the Primary/Secondary Ridgeline versus

the proposed development as determined by the Director. Minor subdivisions may still require, at a minimum, visual cross-sections as determined by the Director.

16. Other technical studies addressing visual and design aspects of the project as deemed necessary by the Director.

Section 20.260.080 Development Regulation Modifications

When the strict literal interpretation and/or enforcement of the provisions of this chapter creates practical difficulties or results that are inconsistent with the goals and purposes of the ROZ, a modification of the applicable development regulations and/or required setbacks may be granted in accordance with the following.

A. **Request for Modification Procedure.** The variance procedure established by chapter 20.525 (Variances) of this Zoning Ordinance, including noticing and appeals procedures, shall be applicable to the modification of development regulations within the ROZ. However, for any ROZ modifications the Planning Commission shall have final review and approval responsibilities, subject to the following finding requirements in place of those findings required by Section 20.525.040 (Required Findings).

1. The visual impacts of the proposed development have been minimized through creative or innovative design.
    a. A photo simulation, acceptable to the Director, of the proposed development (exempting single family units in compliance with this chapter) shall be submitted with the modification application to properly evaluate the scope of minimization of visual impacts.
2. Granting of any modification will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity and Zone in which the property is located.
3. Granting of any modification will be adversely affect the silhouette of any ridgeline and not adversely affect the overall goals and purposes of the ROZ.

B. **Modification of Ridgeline Development Permit.** Any permitted projects reviewed and approved under the ROZ that requires a modification and is considered an intensification of the original approval must request and receive approval by means of a substantial conformance determination by the Planning Commission.

Section 20.260.090 Appeals Process

An RDP is required if a developer or property owner is proposing two (2) or more residential dwellings units that falls within the ROZ. The decision of the final decision-making body or official is final and effective ten (10) calendar days after adoption or the resolution or written decision, unless a written appeal is filed within the ten (10)-day period using the same appeal procedure to the other permits that are processed concurrently with the RDP.

If no other discretionary permits are being processed concurrently with the RDP, then the appeal procedures in Chapter 20.545 (Appeals and Revocations) shall apply.

Section 20.260.100 Violations and Penalties

A. Any person who violates any of the provisions of this chapter shall be punishable in accordance with chapters 1.12 and chapter 1.14 of the Municipal Code.

B. In addition to receiving any fines or other monetary remuneration, the City shall have the right to seek injunctive relief for any and all violations of this chapter and all other remedies provided by law or in equity.

Section 20.260.110 Conflict, Enforcement, and Interpretation

In the event of a conflict between this chapter and another chapter in this Zoning Ordinance, the more restrictive shall apply.

Section 20.260.120 Definitions

As used in this chapter, the following terms shall have the indicated meanings:

A. **Area**. One (1) of three (3) designated geographical sections located either within the City or its sphere of influence, and referenced in Figure 20.260-1, 20.260-2, or 20.260-3 as Area #1, Area #2, or Area #3.

B. **Area Map**. An approved topographic map at one (1) inch equals two hundred (200) feet that defines primary and secondary ridgelines, and delineates the boundaries of the ROZ.

C. **Contour Grading**. A grading technique that results in manufactured slopes that resemble a more natural terrain. Contour grading typically includes horizontal and vertical curve variations along manufactured slope banks.

D. **Development**. Any grading or construction activities, including agricultural operations.

E. **Grade**. To excavate cut or fill or any combination thereof.

F. **Hillside**. That part of a hill between the summit and the foot of the hill, excluding saddles and flat areas.

G. **Ridgeline Development Permit (RDP)**. The permit required to be approved by the Planning Commission for two (2) or more residential dwellings before any grading, construction, or development can occur within the ROZ.

H. **Manufactured Slope**. A built (not natural) cut or fill slope.

I. **Natural Slope**. A slope that is not manufactured.

J. **Primary Ridgeline**. The centerline or crest of the predominant ridge of a mountain, as identified in Figure 20.260-1, 20.260-2, or 20.260-3.

K. **Ridge**. An elongated crest or series of crests of a mountain.

L. **Ridgeline Overlay Zone (ROZ)**. A geographically defined Zone, as delineated in Figure 20.260-1, 20.260-2, or 20.260-3 where the requirements of chapter 20.260 (Ridgeline Protection & Management Overlay Zone)are applied.

M. **Secondary Ridgeline**. The centerline or crest of a ridge descending from a primary ridgeline.

N. **Slope**. Ground that forms a natural or artificial incline.

O. **Skyline**. The interface between the ridgeline and the sky as seen from one (1) or more viewing platforms (see Table 20.260-2).

P. **Square Footage of Building**. For the purpose of this chapter, the square footage of a building shall be determined by calculating the area of the foundation from outside to outside edge.

Q. **Vertical Ridgeline Setback**. A development setback established vertically from primary and secondary ridgelines constituting one hundred (100) vertical feet from primary ridgelines and fifty (50) vertical feet from secondary ridgelines. See Figure 20.260-4.

R. **Viewing Platforms**. Those portions of major thoroughfares and other selected public vantage points (City parks) located within the City and its sphere of influence lands that were used to assess the visual significance of the primary and secondary ridgelines covered by this chapter. The viewing platforms are identified in Figure 20.260-1 and listed in Table 20.260-2.

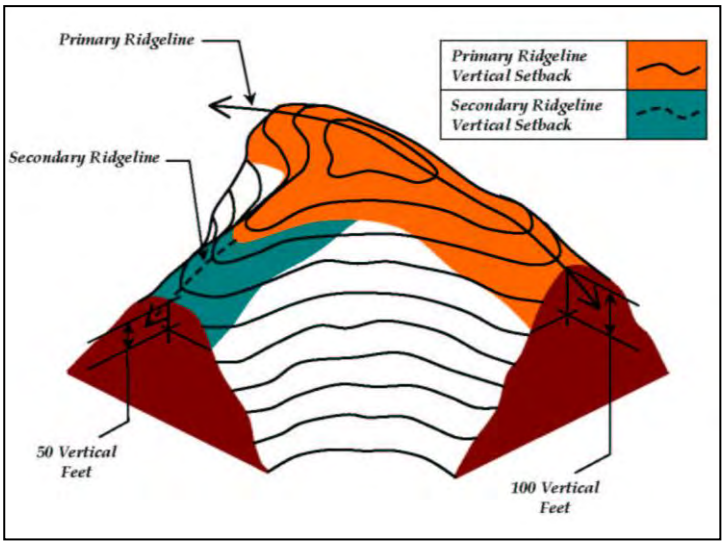
S. **Total Graded Area**. All graded areas (including on- and off-site) of a development project.

T. **View Fence**. A type of fence consisting of a material (wrought iron, plexiglass, etc.) that allows visibility both on- and off-site.

Table 20.260-2
Viewing Platform Locations

Viewing Platforms	
Twin Oaks Valley Road	**Parks**
At Village Drive	Walnut Grove Park
At Craven Drive	Hollandia Park
At San Marcos Boulevard	Cerro De Las Posas Park
At Borden Road	Bradley Park
At Del Roy Drive	Discovery Park
At La Cienega	Simmons Park
North of fork on Deer Springs Road	Jack's Pond Park
On North Twin Oaks Valley Road	
State Route 78	**Borden Road**
Eastbound	West of Avenida Amiga
Westbound	
Cesar Chavez Plaza at California State University San Marcos	

Figure 20.260-4
Illustration of Vertical Ridgeline Setbacks



CHAPTER 20.265 AIRPORT OVERLAY ZONE

Sections:

Section 20.265.010 Purpose of Chapter
Section 20.265.020 Applicability
Section 20.265.030 Regulations

Section 20.265.010 Purpose of Chapter

The purpose of this chapter is to properly regulate land use and building design within the Airport Influence Area defined in the Airport Land Use Compatibility Plan for McClellan-Palomar Airport. Prohibition of incompatible land uses in this area is critical for the proper function of the airport and the health, safety, and welfare of the San Marcos community.

Section 20.265.020 Applicability

The provisions of this chapter shall be applicable to all real property and the establishment, renewal, and expansion of all land uses within the Airport Influence Area. Figure 20.265-2 establishes the Airport Influence Area consistent with the Airport Land Use Compatibility Plan for McClellan-Palomar Airport. The provisions of this chapter shall prevail in all cases where regulatory conflicts exist between this chapter and any other chapter of this Zoning Ordinance.

Section 20.265.030 Regulations

The following regulations shall apply to all land uses, new structures, and additions to existing structures that increase the height of the structure within the Airport Influence Area, in addition to all regulations of the applicable Zone.

A. **Site Development Plan Review.** All permits, including building permits, for land uses and structures within the Airport Influence Area shall be subject to Site Development Plan Review, consistent with the provisions of chapter 20.515 (Site Development Plan Review). All proposed projects and building permits shall be reviewed during Site Development Plan Review for compliance with the following:

1. Federal Aviation Administration (FAA) requirements concerning the height of structures.
2. Safety standards identified in Part 77 of FAA's regulations. If any structures or appurtenances are permitted to penetrate the transitional surface (defined by FAA as a seven to one [7:1] slope extending from the end of the runway primary surface), obstruction lighting shall be required.
3. The applicant shall be required to file a Notice of Proposed Construction or Alteration with FAA pursuant to Part 77 of the Federal Aviation Regulations (14 Code of Federal Regulations Part 77). No building permit shall be issued for any structure subject to this section until the building permit applicant submits to the Director proof of submission of the Notice of Proposed Construction or Alteration and copies of all documentation received from FAA in response to such notice, including the determination and any final

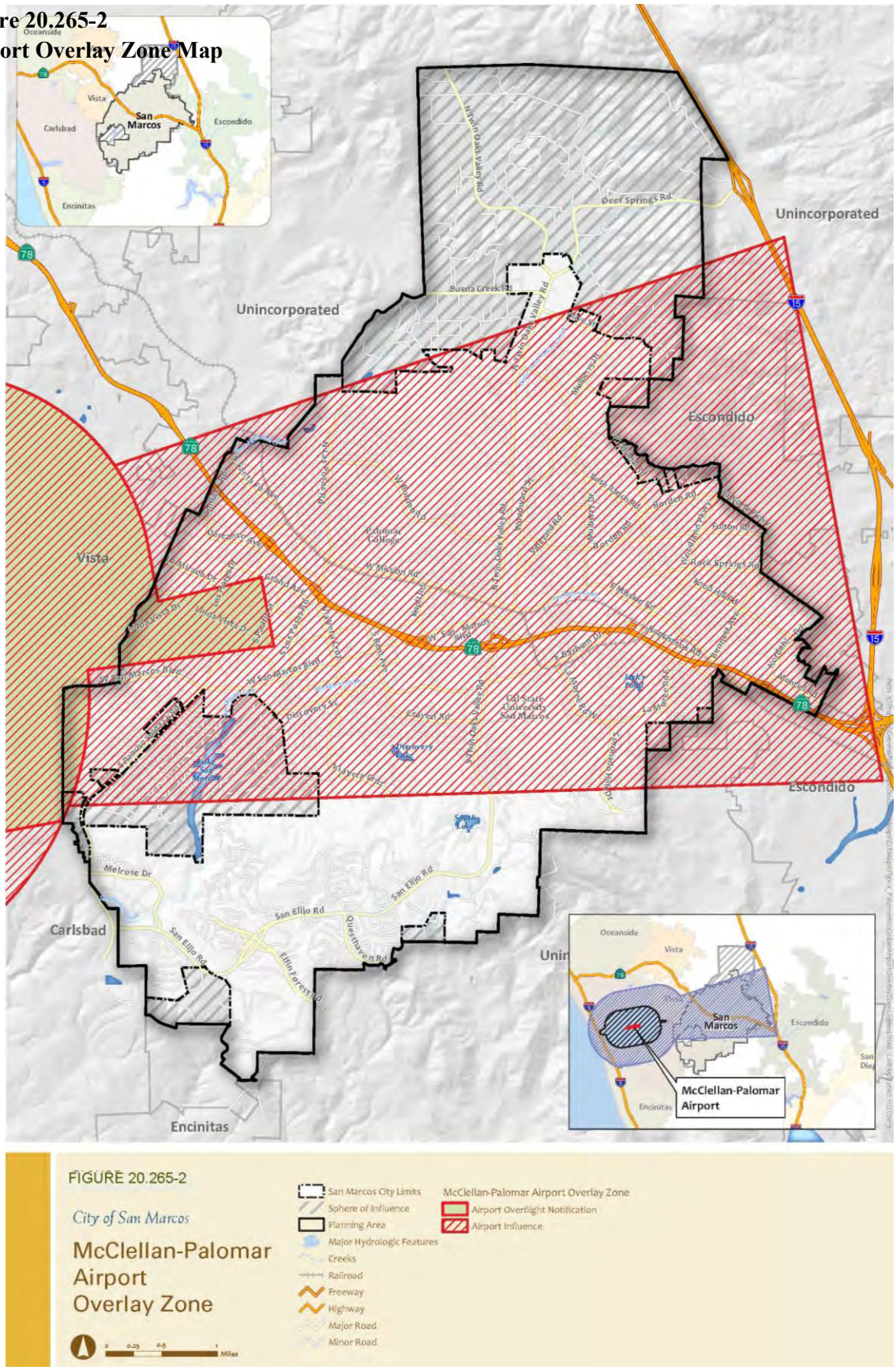
decision of FAA as to whether the proposed structure would be an obstruction or hazard to air navigation.

B. **Real Estate Disclosure.** Newly subdivided lands, new residential developments, condominium conversions, and the sale of existing residential property within the Airport Overlay Zone shall require a real estate disclosure consistent with Figure 20.265-1.

C. **Overflight Notification Document.** Developers of new residential projects within the Airport Overlay Zone shall write an overflight notification document as a condition of development approval. The overflight notification document include a disclosure consistent with Figure 20.265-1.

Figure 20.265-1
Real Estate Disclosure/Overflight Notification Document
NOTICE OF AIRPORT IN VICINITY: This property is located in the vicinity of an airport, within what is known as an Airport Influence Area. For this reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example, noise, vibration, and odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with this property, and determine whether they are acceptable to you, before you complete your purchase.

Figure 20.265-2
Airport Overlay Zone Map



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CHAPTER 20.300 SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

Sections:

Section 20.300.010 Purpose of Chapter
Section 20.300.020 Lot Standards Applicable to All Zones
Section 20.300.030 Lot Averaging
Section 20.300.040 Gross Slope/Acreage Analysis
Section 20.300.050 Development Regulations Applicable to All Zones
Section 20.300.060 Special Setbacks for General Plan Routes
Section 20.300.070 Performance Standards
Section 20.300.080 Light and Glare Standards

Section 20.300.010 Purpose of Chapter

The purpose of this chapter is to provide additional regulations and exceptions applicable to all Zones regarding lots, development, and performance standards. The provisions of this chapter shall prevail over the development standards of any individual Zone standard or regulation.

Section 20.300.020 Lot Standards Applicable to All Zones

A. **Lot Sizes.** All structures shall be limited to development on legal lots meeting the minimum lot area required by the applicable Zone, unless otherwise modified by a specific chapter. Single-family residential development shall be limited to one (1) primary building and one (1) accessory dwelling unit per legal lot.

1. Lot size and setbacks for standard and irregular lots shall be measured subject to Figure 20.300-1, at the discretion of the Director. See Section 20.300.050(C) Standard Setbacks, for more information regarding setback measurements.
2. Where a lot or building site is devoted exclusively to public buildings and uses owned by the City, county, City and county, municipality, or other political subdivision or is devoted exclusively to public utility buildings and uses and no living quarters are located on such lot or parcel, a Conditional Use Permit may be issued authorizing a reduction in the minimum required area for such lot or building site.

B. **Minimum Required Area.** Actions resulting in reduction of lot size to less than the minimum required area for the applicable Zone are prohibited, except when such action(s) from partial acquisition are for public use; the remaining lot shall be considered as conforming under this Zoning Ordinance until such time as the lot is redeveloped.

C. **Architectural Compatibility.** All fencing, walls, carports, and accessory structures shall be architecturally compatible in design and material to the primary building or dwelling unit.

D. **Mechanical Equipment.** All mechanical and electrical equipment, including solar panels, fencing, walls, and accessory structures, shall be architecturally integrated with associated structures and appropriately screened from view, especially from State Route 78, subject to

Director approval. Sound shall be buffered from adjacent properties and streets to the satisfaction of the Director.

E. **Preexisting Lots.** Developed lots and buildings legitimized by a deed on record or executed contract of sale existing prior to the date it was first zoned by the City shall be exempt from minimum lot area requirements if the following conditions apply:

1. The owner owns no adjoining land, and
2. It is not the result of a division of land in violation of any state law or City ordinance.

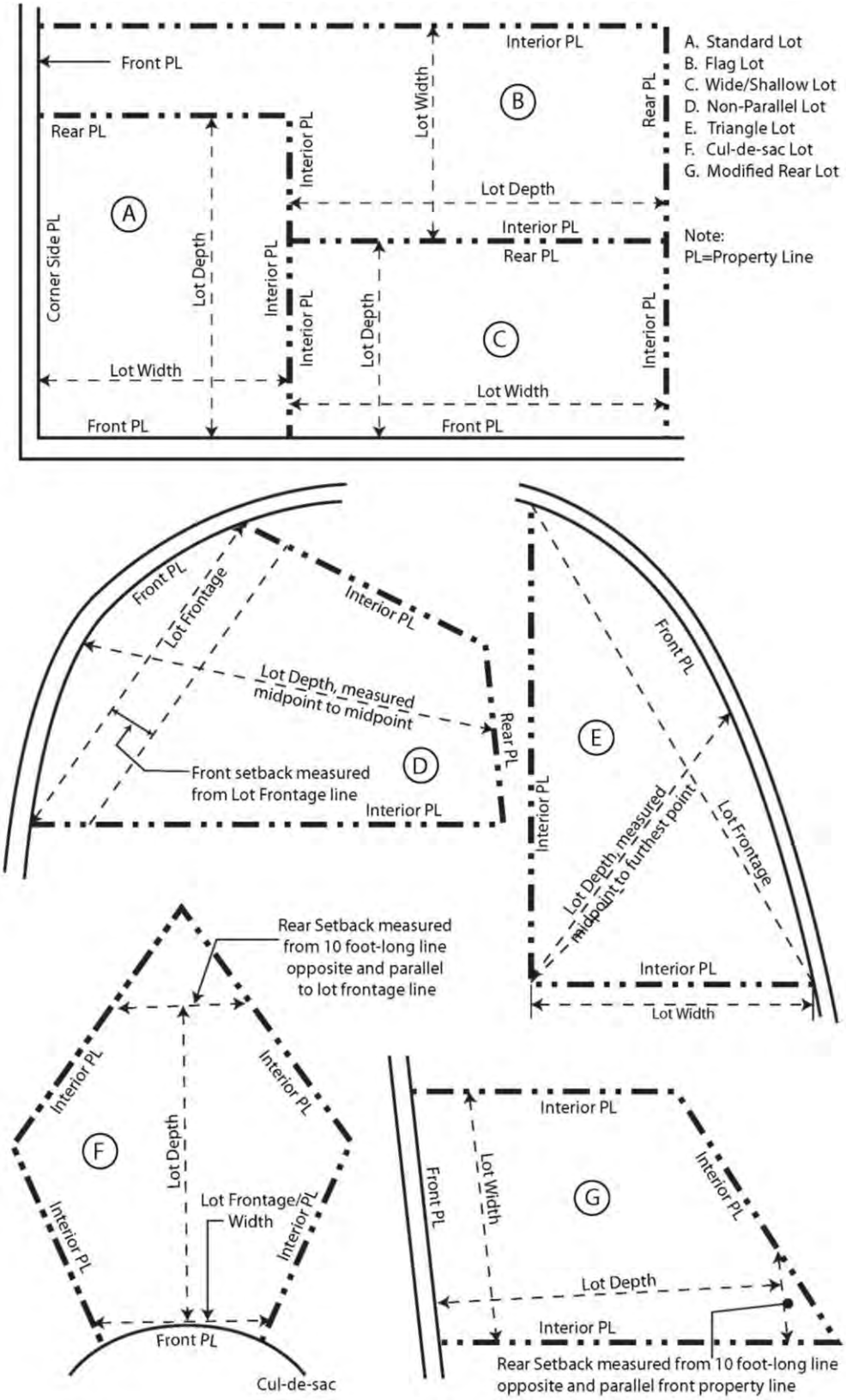
F. **Public Acquisition Remainder Lots.** If a portion of a legally existing lot in any Zone is acquired for public use in any manner, including dedication, condemnation, or purchase, the remainder of such lot shall be considered as meeting the minimum lot area and conforming under this Zoning Ordinance if the following standards are met:

1. A rectangular buildable area of thirty (30) feet by forty (40) feet (1,200 square feet) is usable after all applicable front and side setbacks are met, and a minimum of fifty percent (50%) of the required rear setback is met; *or*
2. The lot area is equal to at least fifty percent (50%) of the required minimum lot area of the applicable Zone; *or*
3. The lot area is equal to at least 6,000 square feet in Zones requiring a minimum lot area of one-half (0.5) acre (21,780 square feet or maximum of two [2] units per acre) or more; *and*
4. The remaining lot has access to a street.

If the above conditions are not met after a portion of the lot is acquired for public use, then a variance shall be used to define the permissible lot standards.

The subsequent lot, deemed conforming based on the above conditions, shall have a reduced rear setback standard of fifty percent (50%) of the rear setback required by the applicable Zone.

Figure 20.300-1
Measuring Lot Size and Setbacks, Standard and Irregular Lots



G. **Permitted Encroachment Standards.**

1. **Residential Zone Permitted Projections**. All buildings and structures shall conform to setbacks established by Tables 20.215-3 and 20.215-4, except where modified per the permitted encroachments standards of this section and the standards of Table 20.300-1 (Permitted Encroachments by Zone).

   a. Porches and Decks. Porches and decks may be permitted to encroach into front and rear setbacks per the following standards:

      i. Front setback encroachments may be permitted to a maximum of three (3) feet.

      ii. Rear setback encroachments (deck, patio) may be permitted to a maximum of five (5) feet. Second-story balconies on single-family homes are not permitted.

      iii. Any encroachment shall be limited to fifty percent (50%) of the required setback area.

      iv. Deck level in any required setback area may not exceed thirty (30) inches above surrounding grade.

   b. Front Setback Pavement. Pavement in the front setback shall be limited to driveways, walkways, steps, and terraces; these paving features shall not occupy more than fifty percent (50%) of the required front setback area. If these features are placed directly upon grade, they shall not be required to meet setbacks subject to Building Division approval. See chapter 20.340 (Off-Street Parking and Loading) for driveway limitations.

   c. Pools and Hot Tubs. Pools and hot tubs may be permitted to encroach into side and rear setbacks per the following standards:

      i. Minimum setback from any side or rear property line shall be five (5) feet to any portion or feature of the pool or hot tub.

      ii. Minimum setback from any side or rear property line shall be four (4) feet to any equipment; equipment shall be screened from public view.

      iii. Height of all features and equipment of the pool or hot tub shall be limited to three (3) feet or less above the finished grade of the lot.

   d. Recreational Facilities in the R-3 Zones: Buildings/structures that abut a plaza, private park area, lake, paseo, greenbelt, or other permanent open space shall be permitted to abut a common property line, and may have pedestrian openings onto such spaces in accordance with current Building and Fire Codes.

2. **Commercial Zone Permitted Projections**. All buildings and structures within Commercial (C, NC, OP, SR) Zones shall conform to setbacks established by Table 20.220-3, except where modified per the standards of Table 20.300-1 (Permitted Encroachments by Zone).

3. **Mixed Use Zone Permitted Projections**. All buildings and structures within Mixed Use (MU-1, MU-2, MU-3(SP), MU-4(SP)) Zones shall conform to setbacks established by the applicable development standard table (Table 20.225-1, 20.225-2, 20.225-3, 20.225-4

except where modified per the standards of Table 20.300-1 (Permitted Encroachments by Zone).

4. **Industrial Zone Permitted Projections**. All buildings and structures within Industrial Zones shall conform to setbacks established by Table 20.230-3, except where modified per the standards of Table 20.300-1 (Permitted Encroachments by Zone).

Table 20.300-1
Permitted Encroachments by Zone

	Encroachments Permitted by Zone			
Permitted Encroachment Type and Standard	**Residential** (R-1, R-2, R-3)	**Commercial** (C, NC, OP, SR)	**Mixed Use** (MU-1, MU-2, MU-3(SP), MU-4(SP))	**Industrial** (L-I, B-P, I, I-2)
Americans with Disabilities Act (ADA) Features				
ADA accessible features or structures required for accessibility shall be permitted to encroach into any required setback, consistent with current Building Code(s), but may require building official approval.	P	P	P	P
Architectural Features				
Architectural features may be permitted to encroach into any required setback a maximum of two (2) feet.	P	P		P
Courtyards				
• Courtyards may be permitted to encroach into front setbacks per the following standards: • Maximum height of courtyard wall(s) shall not exceed forty-two (42) inches from surrounding grade, except on corner lots, line of sight standards shall apply. • Walls or paving shall not project into required site setback areas.	P - Minimum property line setback: 10 feet	P - Minimum property line setback: 5 feet		P - Minimum property line setback: 5 feet
Utilities				
Necessary utility services may be permitted to encroach into required setbacks as required for functionality. All utilities shall be adequately screened from view and subject to Director review and approval.	P	P	P	P
Mixed Use Encroachments				
Allowable encroachments may project into the public ROW provided that the encroachments are ten (10) feet above the sidewalk height, except for street-level awnings which may be placed between eight (8) feet and fifteen (15) feet above the sidewalk. Awnings shall not obstruct or prevent the placement of street trees or other improvements within the public ROW. All encroachments shall be subject to a recorded encroachment permit.				P
Landscape Elements				
Landscape elements may be allowed in any setback; however, such elements shall not obstruct sight distances, nor shall any hedge or planter be allowed at a height or location other than as approved by the City's Site Development Plan Review Committee or other designated administrative body.		P	P	P

Section 20.300.030 Lot Averaging

A. **Applicability.** Lot averaging may be permitted for the following proposed residential projects, subject to a CUP and the standards of this section:

1. Single-family residential development of five (5) or more units.

2. Any single lot development in the R-1-20, R-10, or A Zone. Lot averaging may be allowed per the following standards and subject to a CUP.

B. **Minimum Lot Requirements.** Minimum lot/parcel sizes shall not be less than the standards established by the development standard table of the applicable Zone (Table 20.210-3 or 20.215.3) except where modified below.

1. In the R and A Zones, all lots shall meet the minimum lot size requirement of the Zone, except as follows:

    a. Where land in an R-1-20, R-1-10, or R-1-7.5 Zone is subdivided into five (5) or more lots, a Conditional Use Permit may be granted to authorize a reduction in the minimum lot size required, provided that the subdivided property complies with all conditions that may be imposed by such Conditional Use Permit and that no lot has an area less than three-quarters percent (0.75%) of the minimum lot area required by the applicable Zone. In the R-1-7.5 Zone, no lot shall have a net area less than 6,000 square feet.

2. Density shall not exceed the maximum density permitted within the Zone.

3. The total area of all lots in the subdivision shall be equal to or greater than the product of the lots in the subdivision multiplied by the minimum lot area required by the Zone of the property being subdivided.

4. The slope averaging shall reduce the amount of required grading, thereby leaving more natural ungraded slopes in the project area.

Section 20.300.040 Gross Slope/Acreage Analysis

In the A and R-1 Zones where the slopes may vary from relatively easy (moderate) slopes to excessive slopes, a gross acreage analysis shall be completed by the property owner or the subdivider to determine the minimum lot/parcel size by gross acreage and slope based on the following calculation standards:

1. For all R-1 and R-2 Zones, compute the required size and density of each lot based on the standards of Table 20.300-2.

2. For all A Zones, compute the required size and density of each lot based on the standards of section 20.210.050 (Agricultural Zone Development Standards) and Table 20.210-3.

3. Verify that the density for each lot is not less than one (1) dwelling unit.

4. Determine that the size of each lot as proposed is not less than the minimum permitted by the Zone.

Table 20.300-2
Gross Slope Acreage Analysis Standards

Development Standards	R-1-20	R-1-10	R-1-7.5	R-2
Lot Requirements				
Minimum Lot Area	20,000 s.f.	10,000 s.f.	7,500 s.f.	3,500 s.f.
10% to 15% slope	20,000 s.f.	15,000 s.f.	15,000 s.f.	7,500 s.f.
15% to 25% slope	¾ acre	20,000 s.f.	20,000 s.f.	10,000 s.f.
25% to 35%+ slope	1 acre	1 acre	1 acre	20,000 s.f.
35%+ slope	1 acre	1 acre	1 acre	1 acre

All standards are minimums unless otherwise noted.

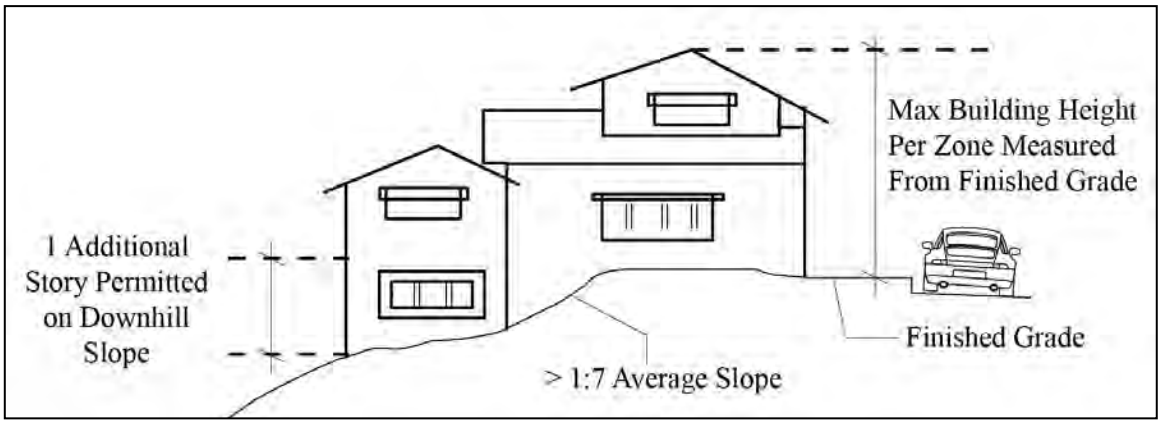
Section 20.300.050 Development Regulations Applicable to All Zones

A. **Maximum Building Height.** Except as provided in this chapter, no building or structure shall be erected, reconstructed, or structurally altered to exceed the height limit established by this Zoning Ordinance for the applicable Zone, except as modified below. See Figure 20.300-2 for a height measurement example.

1. Architectural features such as chimneys, elevators, dormer windows, and tanks shall be measured from the finished grade to the top of the feature, not to exceed the maximum height established by the applicable Zone.

2. Additional Story Permitted. An additional story on the downside of any building shall be permitted for lots with an average slope greater than a one to seven (1:7) ratio (rise to run), or where no established grade exists at the property line due to the slope location of the lot. The additional story and overall design of the building shall be subject to chapter 20.260 (Ridgeline Protection and Management Overlay Zone).

Figure 20.300-2
Measuring building height and permitted additional story.



B. **Setback Areas.**

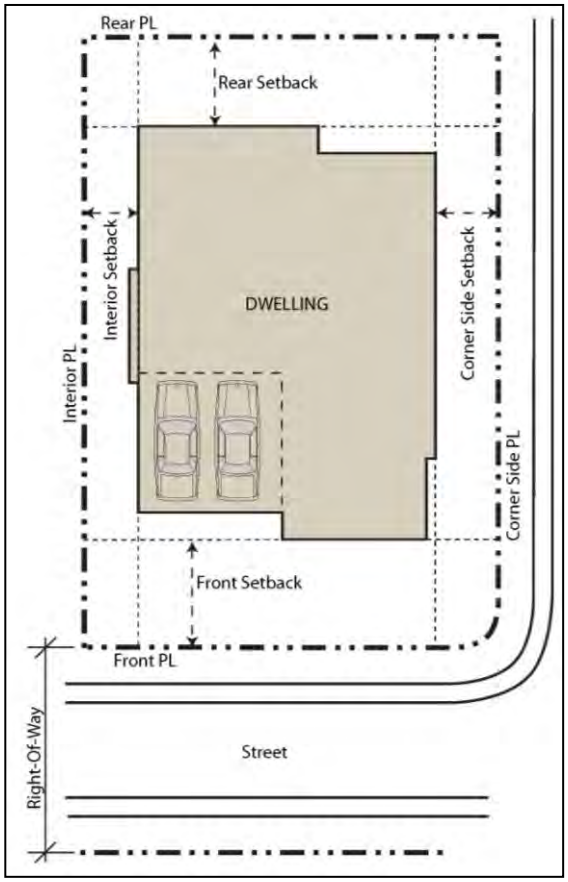
1. Required setbacks and open space shall apply only to the individual parcel, building, or development; setbacks established for a lot shall not be applicable to adjacent parcels.

2. Except as modified in this chapter, every required setback shall be open and unobstructed from the ground to the sky.
3. Actions, including building modification, lot division, or lot reduction, resulting in any required setback or open space to be less than that required by this Zoning Ordinance are prohibited.

C. **Standard Setbacks.** All applicable setbacks shall be measured from the recorded property line, except in the following conditions (see Figure 20.300-3):

1. Where property lines exist at the center of the street/public ROW, the front setback shall be measured from the outer edge of the dedicated ROW or edge of the future planned ROW extension. The Planning Commission, upon request, shall determine the required maximum ROW width.
2. In all cases where a lot is located next to an existing or planned street, alley, or public ROW, all applicable setbacks shall be measured from the immediately adjacent edge of the ROW.
3. For lots located on a dead-end street or a partially dedicated ROW (half street) where no extension or full dedication is planned, applicable setbacks shall be measured from the edge of the existing ROW at the time of lot development or modification.
4. Where plans exist to vacate the ROW, the center line of the completed ROW width shall be used as the line from where to measure required setbacks.
5. For lots abutting private road or access easements, the setback requirement shall be measured from the easement line, or where the building envelope would overlap the recorded easement the building may be located a minimum of 2 feet from the closest edge of the easement unless otherwise specified by the recorded easement.
6. Setbacks for irregularly shaped lots shall be measured consistent with Figure 20.300-1. In all cases, the front setback shall be measured from the property line which borders on the street/ROW. Setbacks for irregular lot configurations not identified in Figure 20.300-4 shall be measured based on the closest relevant interpretation as deemed appropriate by the Director.

Figure 20.300-3
Measuring Standard Setbacks



D. **Maximum Setbacks.** Where required front setbacks of this Zoning Ordinance conflict, the larger setback requirement shall prevail, except as further modified by an adopted Planned Residential Development or Specific Plan, which shall prevail.

E. **Special Rear Yard Conditions.** Within all Residential and Agricultural Zones, the required rear setback may be reduced by fifty percent (50%) where the residential use property rear property line is shared with a public park or designated open space.

F. **Non-Standard Lot Setback Requirements.** Setback for lots of unusual shape or dimension or primarily characterized by topography that renders literal application of required setbacks impractical shall measure required setbacks in a practical manner that is appropriate to the context of the lot, at the discretion of the Director and appealable to the Planning Commission.

Section 20.300.060 Special Setbacks for General Plan Routes

The following setback shall apply to all Zones and land uses, taking precedent over the established requirements of the applicable Zone chapter where these parcels are adjacent to the identified ROW. Setback requirements of Table 20.300-3 establish overriding setbacks for the specified ROWs from all specified Zones adjacent to the identified ROW.

Table 20.300-3
Special Setback Requirements

Right-Of-Way		Minimum Setback from Center Line to Zone PL	
		R & A Zones	All Other Zones
Barham Drive	Los Vallecitos Boulevard	77 feet	52 feet
Bennett Avenue	Mulberry Drive		
Discovery Street (San Marcos Boulevard to Barham Drive)	Vineyard Road		
Rock Springs Road (east of Mission Road)	Palomar Road		
Grand Avenue	Richland Road		
Knoll Road	Rose Ranch Road		
La Moree Road (south of Barham Drive)	Twin Oaks Valley Road		
Las Posas Road	Via Vera Cruz		
Borden Road	Nordahl Road	86 feet	61 feet
Bougher Road	North Rancho Santa Fe Road		
Buena Creek Road	Rancho Santa Fe Road (south of San Marcos Boulevard)		
San Marcos Boulevard	West La Cienega Road		
Mission Road			

PL = property line; R = Residential; A = Agricultural

Section 20.300.070 Performance Standards

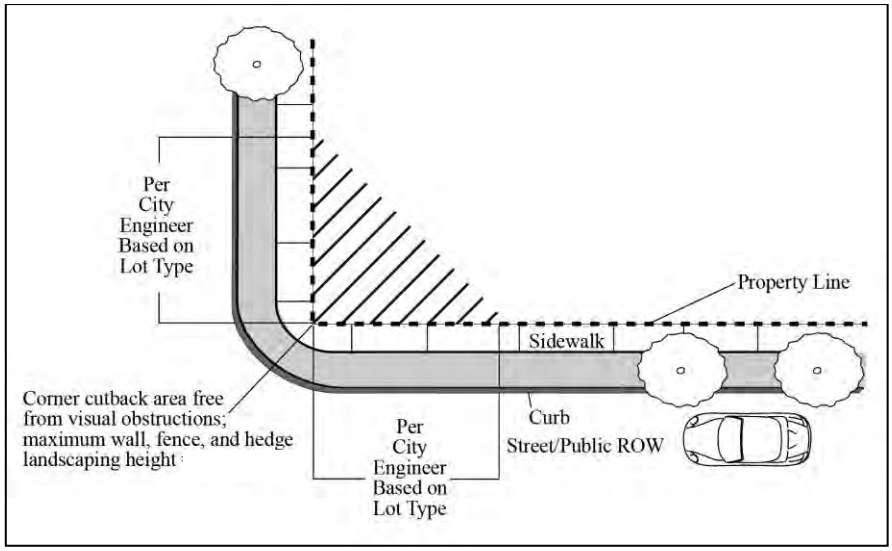
A. **Hazardous Materials and Waste**. The U.S. Environmental Protection Agency (EPA), the California Department of Health Services (DHS), the California Department of Toxic Substances

Control (DTSC), and the County of San Diego identify hazardous materials and prescribe handling, use, and disposal practices. Pursuant to the provision of California Health and Safety Code Section 25135.7(c)(3), this section authorizes EPA, California EPA, and the County of San Diego Hazardous Materials Division to enforce federal and state laws regarding the handling, transportation, and disposal of hazardous materials within the jurisdiction of the City, and, specifically, to implement the following:

- The provision of Article 3.5 of chapter 6.5 of Division 20 of the California Health and Safety Code relating to Hazardous Waste Management Plans within the City.
- The provisions of the San Diego County Hazardous Waste Management Plan within the City.

1. To protect the health and welfare of the residents and business community of San Marcos, the use, storage, manufacturing, and disposal of hazardous materials shall be regulated and monitored according to the standards established by these federal, state, and local agencies.
2. A risk management and prevention program, together with an inventory statement that is in accordance with federal, state, and local laws, shall be prepared for all structures and land uses using materials identified as hazardous by federal, state, and local agencies, as applicable.

Figure 20.300-4
Line of Sight per the City Engineer



3. The use and storage of flammable or explosive materials shall comply with the fire prevention code of the City and all applicable ordinances. No open burning is permitted unless a written permit for such activity has been issued by the local Air Quality Management District.
4. No liquid or solid waste or similar material that may contaminate water supplies, interfere with bacterial processes in sewage treatment, or otherwise cause the emissions of dangerous or offensive elements shall be discharged into the public sewer or private disposal system, except in accordance with the requirements of the City's Public Works Code and other applicable regulations.
5. No activity that emits dangerous levels of radioactivity shall be permitted at any time.

6. The approving authority for any permit or other land use approval, including, without limitation, building permits, for a hazardous waste facility, shall ensure compliance with federal and state requirements and local zoning standards, and may impose any appropriate conditions, as follows:
   a. Determined reasonably necessary to comply with the San Diego County Hazardous Waste Management Plan.
   b. For the issuance of such permit or approval, which the approving authority determines are reasonably necessary to protect the public health, safety, or welfare.
   c. Nothing in this section shall be construed to preclude an approving authority from denying an application, permit, or other land use approval for which the approving authority finds is contrary to the public health, safety, or welfare.

B. **Colors and Materials.** Colors and materials of all building elements approved during permitting or Site Development Plan Review shall be maintained. The entire project shall be subject to repeat review if approved colors and/or materials are modified.

C. **Line of Sight.** Development and structures in all Zones shall maintain the line-of-sight triangle as established by the City Engineer. Line-of-sight geometry shall be shown on applicable plans during permit and review and shall comply with the Sight Distance Minimum Standards, established by the Engineering Division (see Figure 20.300-4).

D. **Electrical Disturbances.** No activity shall be permitted if it causes electrical disturbance that affects the operation of equipment located beyond the property line. Radio, television, and microwave transmitters shall be suitably wired, shielded, and controlled so that they do not emit electrical waves or impulses that may affect other electronic devices or equipment.

F. **Noise.** These regulations aim to prohibit unnecessary, excessive, and annoying noises from all sources, as certain noise levels are detrimental to the health and welfare of individuals. The standards apply to all land uses in all Zones unless otherwise specified.
   1. Noise shall be measured with a sound-level meter that meets the standards of the American National Standards Institute (ANSI) (Section S1.4-1979, Type 1 or Type 2). Noise levels shall be measured in decibels at the property line of the receptor property, and at least four (4) feet above the ground and five (5) feet from the nearest structure or wall. The unit of measure shall be designated as an A-weighted decibel (dBA) Leq standard. A calibration check shall be made of the instrument at the time any noise measurement is made.
   2. No person shall create or allow the creation of exterior noise that causes the noise level to exceed the noise standards established by Table 20.300-4. Increases in allowable noise levels listed in Table 20.300-4 may be permitted in accordance with the standards outlined in Table 20.300-5.

Table 20.300-4
Noise Standards by Zone

Zone	Allowable Noise Level (dBA) Measured from the Property Line
Single-Family Residential (A, R-1, R-2)	
7 a.m. to 10 p.m. (daytime)	60
10 p.m. to 7 a.m. (overnight)	50
Multifamily Residential (R-3)	
7 a.m. to 10 p.m. (daytime)	65
10 p.m. to 7 a.m. (overnight)	55
Commercial (C, O-P, SR)	
7 a.m. to 10 p.m. (daytime)	60
10 p.m. to 7 a.m. (overnight)	55
Industrial	
7 a.m. to 10 p.m. (daytime)	65
10 p.m. to 7 a.m. (overnight)	60

3. No person shall create nor allow the creation of noise that causes the interior noise level when measured within a dwelling unit to exceed forty-five (45) dBA at any time, except as permitted by Table 20.300-6.
4. Use of compressors or other equipment, including vents, ducts, and conduits, but excluding window or wall-mounted air-conditioners, that are located outside of the exterior walls of any building, shall be enclosed within a permanent, non-combustible, view-obscuring enclosure to ensure that the equipment does not emit noise in excess of the ANSI standards.

Table 20.300-5
Permitted Increase in Noise Levels

Permitted Increase (dBA)	Duration (cumulative minutes per hour)
5	15
10	5
15	1
20	Less than 1 minute

Table 20.300-6
Permitted Increase in Interior Noise Levels

Permitted Increase (dBA)	Duration (cumulative minutes per hour)
5	1
10	Less than 1 minute

G. **Vibration.** Vibration may disturb the conduct of certain activities and create discomfort for some individuals. To minimize the disturbance and inconvenience from vibrations, no person or use shall create, maintain, or cause ground vibration that is discernible without instruments to a person of normal sensitivity at any point on a property that is adjacent to the property of the vibration source. The ground vibration caused by moving vehicles, trains, aircraft, or temporary construction or demolition is exempted.

H. **Odor.** Any process that creates or emits odors, gases, or other odorous matter shall comply with standards set by the San Diego Air Pollution Control District.

1. No use shall be permitted to emit continuous, frequent, or repetitive odorous gases such as to be perceptible at any lot line of the site. An odor emitted no more than fifteen (15) minutes in any one (1) day shall not be deemed as continuous, frequent, or repetitive.

Section 20.300.080 Light and Glare Standards

Lighting for safety purposes shall be provided at entryways, along walkways, between buildings, and within parking areas. Lighting is important to the visibility, identity, and safety of all developments. The following standards are intended to minimize glare, conflict, and light pollution and to provide performance standards to promote the visibility and safety of all premises in the community.

1. **General Standards**. The following general lighting standards shall apply to all non-residential development:

a. All lighting shall comply with the City's lighting standards.

b. Any lights used in conjunction with a permitted use shall be shielded or directed away from adjacent residential uses.

c. All exterior and parking lot lighting fixtures shall be approved by the City. Use of the lowest wattage and highest energy efficiency available is required.

d. Shielded fixtures with well defined cut-offs directing light downward toward ground surfaces shall be used to confine illumination to on-site areas only. Landscape and signage lighting shall be exempt from this standard.

e. Lighting directed upward that does not light buildings, landscape, or site surfaces is prohibited in all Zones.

f. Flood lighting is prohibited.

g. Light producing varying intensities or colors, moving lights, or search lights are prohibited in all Zones. Holiday lighting appropriate to the season and consistent with chapter 20.320 (Signs on Private Property) of this Zoning Ordinance are exempt.

h. Security lighting shall use high-efficiency fixtures and lamps and shall be located in entries, pathways, and parking areas.

i. Wall-mounted security light packages shall be used.

j. Accent lighting shall be integrated into building design. Lighting fixtures in parking areas, access drives, and internal vehicular circulation areas shall have zero (0) cut-off. Parking lot illumination level shall achieve a uniformity rating of three to one (3:1) (average to minimum), a maintained average of one (1) foot candle, and a minimum of one-half (0.5) foot candle.

k. Property perimeter lighting not affiliated with the lighting of parking lots shall not exceed one-half (0.5) foot candle at any point along the property line of the subject or adjacent parcel.

i. Fixtures shall be pole mounted a maximum of twenty-five (25) feet above paved surfaces.

l. Service area lighting shall be contained in any service yard boundaries and enclosure walls. No light spillover shall occur outside of service areas, and the light shall not be visible from any street.

m. Parking garages shall achieve a uniformity of three (3) foot candles minimum maintained within the structure. Perimeter lighting shall be shielded and consistent with "k," above.

n. Lighting fixtures in parking areas, access drives, and internal vehicular circulation areas shall be directed and shielded so as not to illuminate surrounding properties and shall comply with the standards of this section (20.300.080), as verified through a photometric study.

o. Lighting levels shall emphasize the walking areas so as to clearly identify the pedestrian walkway and direction of travel. Stairway steps and changes of vertical level shall be clearly identified and safely lit.

i. Bollard lighting shall be used in and around pedestrian and entry areas.

ii. A maximum of twelve (12)-foot height shall be used for any pedestrian lighting; a maximum of forty-two (42) inches in height shall be used for bollard lighting.

p. Lighting fixtures placed on a building shall be architecturally integrated as part of the overall design of the building.

2. **Prohibited Lighting**.

a. Light producing varying intensities or colors, moving lights, and search lights are prohibited in all Zones. Holiday lighting appropriate to the season and consistent with chapter 20.320 (Signs on Private Property) of this Zoning Ordinance is exempt.

b. Flood lighting is prohibited.

3. **Light Poles**. Notwithstanding other provisions of this Zoning Ordinance, in the C, O-P, SR, all MU, I, and I-2 Zones, lights on poles may be placed within the established setback, upon the following conditions:

a. Lights shall be used for illumination only, and not for or used as an advertising display.

b. Lights shall be at least thirteen and one-half (13.5) feet above the ground.

c. Light fixtures shall be so designed and adjusted as to reflect light away from any road or street, and away from any adjoining premises on which a dwelling is located or that is zoned for a use other than business or industrial.

d. Lights shall be on a single pole that does not exceed fourteen (14) inches in diameter.

e. Such poles shall be at least fifty (50) feet apart; however, two (2) poles may be located on each building site.

f. Poles and lights shall be removed at the owner's expense when property on which they are located is taken for street widening.

4. **Multifamily Development On-Site Lighting**. On-site lighting is important to the safety and security of the multifamily residential environment. Projects that provide adequate on-site lighting reinforce the quality of life and sense of community. Multifamily residential projects shall provide lighting in accordance with this chapter (Chapter 20.300), except as modified by the following standards:

   a. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one (1) foot candle of illumination during the hours of darkness.

   b. On-site walkway areas shall maintain a minimum illumination level equivalent to one-quarter (0.25) foot candle during the hours of darkness.

   c. Methods of illumination may be wall- or ground-mounted with deflectors to confine the rays to the site with minimal intrusion to the dwelling units.

   d. A lighting plan shall be submitted to the Director during the development review process. This plan shall show illumination levels and points of intersection between fixtures, as well as use of energy-efficient exterior lighting in compliance with City standards.

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CHAPTER 20.305 DENSITY BONUS

Sections:

Section 20.305.010 Purpose of Chapter
Section 20.305.020 Applicability
Section 20.305.030 State Density Bonuses and Concessions
Section 20.305.040 Affordability and Occupancy Standards
Section 20.305.050 Requirements
Section 20.305.060 Density Bonus Housing Agreement
Section 20.305.070 Review of Application
Section 20.305.080 Enforcement

Section 20.305.010 Purpose of Chapter

This chapter is intended to provide incentives for the production of housing for extremely low, very low, and low income households, and older adult households in accordance with sections 65915, 65916, and 65917 of the California Government Code. In enacting this chapter, it is the intent of the City to encourage and facilitate the development of affordable housing and to implement the goals, objectives, and policies of the City's Housing Element.

The regulations and procedures set forth in this chapter shall apply throughout the City. Sections of the California Government Code referenced in this chapter, and application forms for complying with this chapter, shall be available to the public.

Section 20.305.020 Applicability

This chapter applies when an applicant seeks a density bonus for a housing development within the City or for the donation of land for housing within the City. The City shall provide the applicant with incentives or concessions for the production of housing units and child care facilities as prescribed in Government Code Section 65915. The granting of the density bonus shall not be interpreted to require a General Plan amendment, Zone change, or other discretionary approval.

A. **Terms**. The following definitions apply for terms used throughout this chapter:

1. **Density Bonus Housing Agreement**. A legally binding agreement between the developer and the City to ensure that the requirements of this chapter are satisfied.
2. **Density Bonus Unit**. An additional residential unit granted according to the provisions of this chapter that exceeds the otherwise maximum residential density of a development site.
3. **Target Unit**. A unit designated to be occupied by a household meeting certain eligibility standards defined by the City.

Section 20.305.030 State Density Bonuses and Concessions

A. **Incentive Grant**. The City shall grant a density bonus after review by the City Council, as set forth in section 20.305.060 (Density Bonus Housing Agreement), to an applicant or developer of

a housing development who seeks and agrees to construct affordable or senior housing units or land, in compliance with the standards set forth in Government Code Section 65915, as amended from time to time.

B. **Calculation**. In determining the minimum number of density bonus units to be granted pursuant to this section, the maximum residential density for the site shall be increased as defined in Government Code Section 65915(f) and (g). When calculating the number of permitted density bonus units, any fraction of units shall be rounded to the next larger integer.

1. The density bonus units shall not be included when determining the total number of target units in the housing development. When calculating the required number of target units, any resulting decimal fraction shall be rounded to the next larger integer.
2. In cases where a density increase less than provided for in Government Code Section 65915 is requested, no reduction shall be allowed in the number of target units required.

C. **Limited Action.** The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zone change, or other discretionary approval.

Section 20.305.040 Affordability and Occupancy Standards

A. **Documentation**. The City Council, by resolution, shall approve standard documents to ensure the continued affordability of target units consistent with Government Code Section 65915 and this section. The documents may include regulatory agreements, promissory notes, deeds of trust, resale restrictions, rights of first refusal, options to purchase, and/or other documents that shall be recorded against all target units. Affordability documents for target units offered for sale may also include subordinate shared appreciation documents permitting the City to capture at resale the difference between the market rate price of the target unit and the affordable price at initial sale, plus a share of appreciation realized from an unrestricted sale in such amounts as deemed necessary by the City to replace the target units.

B. **Rental Affordability Tenure**. Target units offered for rent to low-, very-low-, and extremely low-income households shall be made available for rent consistent with Government Code Section 65915, and shall remain restricted and affordable to the designated income group for thirty (30) years or more. A term of affordability longer than thirty (30) years may be required if the residential development receives a subsidy of any type, including a loan, grant, mortgage financing, mortgage insurance, or rental subsidy, and the subsidy program requires a longer term of affordability, or as prescribed in any guidelines adopted by the City for the Density Bonus Program.

C. **Ownership Affordability Tenure**. Target units offered for sale to low-, very-low-, extremely low-, or moderate-income households shall be sold at an affordable cost. For all other target units offered for sale, any subordinate shared appreciation documents shall continue for a term of thirty (30) years or more. If resale restrictions are used in lieu of shared appreciation documents, any resale restriction shall continue for a term of thirty (30) years or more. A term of affordability longer than thirty (30) years may be required if the residential development receives a subsidy of

any type, including a loan, grant, mortgage financing, mortgage insurance, or rental subsidy, and the subsidy program requires a longer term of affordability.

D. **Principal Residence**. Any household that occupies a target unit must occupy that dwelling unit as its principal residence.

E. **Occupancy Requirements**. No household may begin occupancy of a target unit until the household has been determined by the City or its designee to be eligible to occupy that dwelling unit. The City Council, by resolution, shall establish guidelines for determining household income, maximum occupancy standards, affordable ownership cost, affordable rent, provisions for continued monitoring of tenant eligibility, and other eligibility criteria.

F. **Fees**. The City Council, by resolution, may establish fees for projects requesting density bonuses and incentives or concessions and for the ongoing administration and monitoring of the target units and daycare centers; fees shall be subject to the provisions of the regulatory agreement between the parties.

G. **Eligibility Restrictions**. Any person who is a member of the City Council, the Planning Commission, and their immediate family members, and any person having any equity interest in the residential development, including a developer, partner, investor, or applicant and their immediate family members, is ineligible to rent, lease, occupy, or purchase a target unit. The City Council, by resolution, may establish guidelines for determination of "immediate family members."

Section 20.305.050 Requirements

All residential projects, including density bonus projects, are subject to and must satisfy the requirements of any inclusionary housing policies or ordinances of the City.

A. **Design.** All units within a density bonus project, including the density bonus units and the target units, must comply with all applicable building and housing codes. The design of the target units shall be consistent and compatible with the design of the total project development in terms of size, appearance, materials, and finished quality.

B. **Agreement Conditions**. A density bonus housing agreement shall be a condition of all housing developments pursuant to this chapter. The relevant terms and conditions of the density bonus housing agreement shall be filed and recorded as a deed restriction on those individual lots or units of a project development that are designated for the location of the target units.

C. **Construction.** Target units shall be constructed concurrent with market-rate units unless both the final decision-making authority of the City and the developer/applicant agree within the density bonus housing agreement to an alternative schedule for development.

D. **On-Site Requirement.** Target units and density bonus units shall be built on-site and, whenever reasonably possible, distributed throughout the project site.

E. **Housing Options.** The target units created shall provide a range of housing options to specifically address the affordable housing needs and priorities of the residents of the City. This includes such factors as housing configuration (condominiums, townhouses, apartments, single-family occupancy, etc.); number of bedrooms; and certain amenities specific to the housing type such as facilities for older adults, students, and families.

F. **Affordability Tenure.** Target units shall remain restricted and affordable, as determined pursuant to Section 20.305.040(B) and (C).

Section 20.305.060 Density Bonus Housing Agreement

A. **Agreement Required.** Applicants/developers requesting a density bonus shall agree to enter into a density bonus housing agreement with the City. The terms of the draft agreement shall be reviewed and revised, as appropriate, by the Director, and approved by the City Manager.

B. **Recordation.** Following execution of the agreement by all parties, the completed density bonus housing agreement, or memorandum thereof, shall be recorded and the conditions recorded as a deed restriction on the parcel(s) or unit(s) designated for the location of target units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The density bonus housing agreement shall be binding to all future owners and successors in interest.

C. **Required Items.** The density bonus housing agreement shall include the following:

1. The total number of units approved for the housing development, including the number of target units and density bonus units.
2. A description of the household income group to be accommodated by the housing development, as outlined in section 20.305.030 (State Density Bonuses and Concessions), and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
3. The household/unit size assumptions used for the purpose of calculating housing costs, which shall be as follows (unless an adjustment is agreed to by the City, or the applicable state or federal funding source has different requirements):
    a. One (1)-bedroom units shall be based on the median income for a household of two (2)
    b. Two (2)-bedroom units shall be based on the median income for a household of three (3)
    c. Three (3)-bedroom units shall be based on the median income for a household of four (4)
    d. Four (4)-bedroom units shall be based on the median income for a household of five (5)
4. The location, unit size (square feet), and number of bedrooms of target units.
5. Tenure of restrictions for target units of at least ten (10) or thirty (30) years, in accordance with section 20.305.050 (Requirements).

6. A schedule for completion and occupancy of target units.
7. A description of the additional incentive(s), equivalent financial incentives, or direct financial assistance being provided by the City.
8. A description of remedies for breach of the agreement by either party (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement).
9. For for-sale units, conditions governing the initial sale and resale of for-sale target units to eligible very-low- or low-income households or qualifying residents to ensure continued compliance with the restrictions of this chapter.
10. For for-sale units, a condition requiring disclosure by the developer to the buyer of for-sale target units of the existence of the deed restrictions affecting the re-sale of the property.
11. For rental units, conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining units as rental target units.
12. For rental units, a method to annually monitor rental target units to ensure continued compliance with the restrictions of this chapter that identifies the number of bedrooms and monthly rent or cost of each target unit, the income of each person occupying said unit for the prior year, vacancy information for each target unit for the prior year, and any other information as required by the City.
13. A provision allowing the City or its designee the first right of refusal to buy the rental or for-sale target unit(s) for the purposes of providing affordable housing.
14. Other provisions needed to ensure implementation and compliance with this chapter and Sections 65915 through 65917 of the California Government Code.

Section 20.305.070 Review of Application

For purposes of this chapter, the City shall act by and through the City Council or its designee, the City Manager. All density bonus projects shall be reviewed by the City Council.

A. **Fee Required.** A developer and/or subsequent owner of a target unit(s) shall be required to pay such fee as may be established by resolution of the City Council to recover the cost to the City of administration of the provisions of this chapter.

Section 20.305.080 Enforcement

The regulations of this chapter, including the terms of any density bonus housing agreement or documents prepared to administer the affordability and eligibility requirements per Section 20.305.040 (Affordability and Occupancy Standards), shall be enforced according to the provisions in chapter 20.550 (Enforcement and Penalty) of this Zoning Ordinance.

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CHAPTER 20.310 INCLUSIONARY HOUSING

Sections:

Section 20.310.010 Purpose of Chapter
Section 20.310.020 Applicability, Definitions
Section 20.310.030 Exemptions
Section 20.310.040 Inclusionary Requirements
Section 20.310.050 In-Lieu Fee
Section 20.310.060 Options for Providing Inclusionary Units
Section 20.310.070 Incentives
Section 20.310.080 Inclusionary Housing Agreement
Section 20.310.090 Administration
Section 20.310.100 Building Permit

Section 20.310.010 Purpose and Intent

It is the intent of this chapter to establish requirements for the inclusion of affordable housing units for low-, very-low-, extremely-low-, and moderate-income households in residential projects that require development plans.

Section 20.310.020 Applicability, Definitions

The provisions of this chapter shall apply to all residential projects of one (1) or more units, including rental and for-sale market-rate dwelling units, condominium or cooperative conversions, and time extensions of development plan approvals for previously approved residential projects.

Please refer to chapter 20.600 (Definitions) for definitions that apply throughout this Zoning Ordinance.

Section 20.310.030 Exemptions

This chapter shall not apply to the following, except at the discretion of the City:

A. Any project developed pursuant to the terms of an existing development agreement entered into pursuant to Government Code Section 65964 et seq. before the effective date of this Zoning Ordinance. Inclusionary requirements, if any, shall be as set forth in such development agreement.

B. Non-residential uses, except in the case of single-room-occupancy hotels.

C. The construction of a new residential structure that replaces a residential structure that was destroyed or demolished within two (2) years prior to the application for a building permit, provided that the number of residential units is not increased.

D. Second dwelling units developed in accordance with chapter 20.410 (Second Dwelling Units and Accessory Structures).

E. Density bonus units provided pursuant to the Density Bonus Ordinance adopted as required by section 65915 of the Government Code. Developers are entitled to density bonuses and/or other incentives provided pursuant to the Density Bonus Ordinance adopted as required by section 65915 of the Government Code. The provisions of this chapter, however, must still be met for density bonus projects. Inclusionary housing units are not counted toward any density bonus entitlement.

F. The construction of a new residential rental project, except that this exemption shall not apply if the developer has otherwise agreed by contract with the City to build affordable housing in consideration for a direct financial contribution or any other forms of assistance specified in Chapter 4.3 (commencing with section 65915) of Division 1 of Title 7 of the Government Code.

Section 20.310.040 Inclusionary Requirements

A. **Requirements for For-Sale Single-Family Units:**

1. **Inclusionary requirement**. No development plan for a for-sale single-family residential project of one (1) or more units subject to this chapter (including time extensions) shall be approved unless an in-lieu fee is paid to provide housing opportunities for target households in the City in accordance with section 20.310.050 (In-Lieu Fee). Alternatively, the requirements of this chapter may be satisfied on- or off-site through the reservation of new units or existing market-rate units for target households, as described in section 20.310.060 (Options for Providing Inclusionary Units). The final determination if an in-lieu fee will be accepted or if the development must provide the required inclusionary units shall be based on review by the City Council.
2. **Calculation of inclusionary requirement**. The calculation of the amount of in-lieu fee to be paid shall be based on the total number of housing units in the development prior to including any increase in the allowable number of such housing units authorized by any density bonus granted pursuant to Government Code Section 65915 et seq.

B. **Requirements for Rental Units.**

1. **Inclusionary requirement**. No rental residential project of more than six (6) units that is subject to this chapter shall be approved unless at least fifteen percent (15%) of such housing units are reserved for target households. The number of inclusionary units by target household shall be determined by the City to assist, to the greatest extent possible, in meeting its self-certification goals and regional share needs as set forth in the Housing Element of the General Plan. Notwithstanding the above, the number of inclusionary units reserved for moderate-income households may not exceed twenty-five percent (25%).
2. **Calculation of inclusionary requirement**. Rental projects of six (6) or less units shall pay an in-lieu fee. The provisions of section 20.310.050 (In-Lieu Fee) shall apply to the calculation of the number of inclusionary units to be built in any rental housing development. If the calculation of the number of inclusionary units to be reserved results in a fraction of a whole number, the developer shall either reserve one (1) additional

housing unit or pay a partial in-lieu fee equal to the remaining fraction. The amount of the in-lieu fee shall be determined in accordance with section 20.310.050 (In-Lieu Fee).

3. **Design and construction of inclusionary units**. The design and exterior appearance of the inclusionary units shall be compatible with and substantially the same as the market-rate units within the development, and shall contain proportionately the same or a larger number of bedrooms and square footage per unit as the market-rate units.

   The inclusionary units shall be constructed either prior to or simultaneously with the market-rate units within the development. If the development is being constructed in phases, the percentage of inclusionary units to be constructed in each phase shall be equivalent to fifteen percent (15%) of the total number of market-rate units being constructed in that phase.

4. **Rental restriction**. The rent to be charged for an inclusionary unit shall be restricted to be affordable to target households within the definition of section 20.310.020 (Applicability, Definitions). Such rental restrictions shall be effective for a minimum of fifty-five (55) years.

   Additionally, said property shall be restricted in perpetuity to prohibit the conversion of the rental inclusionary units to a condominium, stock cooperative, community apartment, or such other form of ownership that would eliminate the inclusionary units as rental units.

C. **Requirements for Condominiums and Condominium or Cooperative Conversions:**

1. **Inclusionary requirements**. No for-sale condominium project or condominium/cooperative conversion project subject to this chapter (including time extensions) shall be approved unless at least fifteen percent (15%) of such housing units are reserved for target households or an in-lieu fee is paid to provide housing opportunities for target households in the City. The inclusionary requirements for condominium or condominium/cooperative conversion projects shall be determined by the City and may include the options in section 20.310.060 (Options for Providing Inclusionary Units).

2. **Requirements for rental units**. If inclusionary units are required to be reserved for rental purposes, the requirements of section 20.310.040(B) (Requirements for Rental Units) shall apply.

3. **Requirements for for-sale units**. If inclusionary units are required to be reserved as for-sale units, the requirements of section 20.310.040(B) (Requirements for Rental Units) shall apply, excepting Section 20.310.040(B)(4) (Rental Restrictions). For-sale inclusionary units shall be sold at an affordable sales price to target households.

   The initial sale price of for-sale inclusionary units shall be restricted to ensure that the price is affordable to target households within the definition of section 20.310.040(B) (Requirements for Rental Units) for a minimum of fifty-five (55) years. Resale of units shall be structured to recapture a percentage of the difference between the affordable price and the market value of the unit as determined by the City. This difference shall be

used by the City to provide other for-sale housing opportunities at the same affordability level.

4. **Calculation of in-lieu fee**. If an in-lieu fee is required, said fee shall be calculated in accordance with section 20.310.050 (In-Lieu Fee).

Section 20.310.050 In-Lieu Fee

A. For residential projects of six (6) units or less and for-sale projects, developers may pay a fee in lieu of reserving units for target households where the City Council has approved the payment of an in-lieu fee. The in-lieu fee shall be established from time to time by City Council resolution.

B. The amount of the in-lieu fee for each required inclusionary unit shall be determined by the City in accordance with this section, and shall be paid at the time of issuance of building permits for the first residential units in a development project subject to this chapter.

C. All in-lieu fees collected hereunder shall be used by the City exclusively to provide housing opportunities for extremely-low-, very-low-, low-, or moderate-income households anywhere within the City. All in-lieu fees shall be held in a separate account, with interest accruing to said account. All funds in the account shall be spent in any manner authorized by law as the City deems appropriate, and at such times as the City deems appropriate, solely to provide housing opportunities for extremely-low-, very-low-, low-, or moderate-income households and associated, reasonable administrative costs.

D. At the discretion of the City, when a developer is authorized to pay an in-lieu fee, an irrevocable dedication of land or other non-monetary contribution of a value not less than the sum of the otherwise required in-lieu fee may be accepted as an alternative to paying the in-lieu fee if said non-monetary contribution will be effective in furthering the goals and policies of the Housing Element of the General Plan or this chapter. The determination of the City shall be final in this regard. The valuation of any land offered in place of an in-lieu fee shall be determined by an appraisal made by a qualified agent mutually agreed upon by the City and the applicant, with costs for the appraisal borne by the applicant.

Section 20.310.060 Options for Providing Inclusionary Units

A. On-site inclusionary units for new for-sale residential projects may be provided as “for-sale” or rental units on-site in compliance with the requirements of section 20.310.040 (Inclusionary Requirements) at the determination of the City Council.

B. Off-site provision of inclusionary units for new for-sale residential projects may be provided as “for-sale” or rental units at another site within the City or in existing market-rate developments in conformance with the requirements of section 20.310.040 (Inclusionary Requirements) at the determination of the City Council. The location of these units shall be at the discretion of the City.

C. On- or off-site inclusionary units reserved for for-sale developments shall be rented or sold at an affordable rent or sales price to target households.

D. Inclusionary unit credits. If an applicant of a new for-sale development provides newly constructed off-site rental units to meet the inclusionary requirements, and such rental units exceed the number of inclusionary units required by this chapter, the excess units may be used to meet the inclusionary unit requirements for another applicant. Any sale of "inclusionary unit credits" shall be a civil transaction with no regulation by the City (i.e., the inclusionary unit credits may be sold at whatever price the market will bear). All inclusionary units must be deed restricted to comply with the requirements of section 20.310.040 (Inclusionary Requirements).

Section 20.310.070 Incentives

A. Certain types of affordable housing are relatively more desirable in satisfying the City's affordable housing goals and the goals of the Housing Element of the General Plan. As an incentive to assist the City in providing this housing, applicants may receive additional credit for such units, thereby reducing the total inclusionary housing requirement. Whether such credit is appropriate and, if so, the amount of such additional credit shall be determined by the City based on the housing needs identified in the Housing Element of the General Plan and the credit the units provide toward the City's self-certification affordable housing goals.

B. Although nothing in this chapter establishes a right to receive any incentive from the City or any other party or agency to enable the applicant to meet the obligations of this chapter, the City, at its sole discretion, may waive or modify certain development standards to assist the applicant in meeting the City's housing needs as described in section 20.310.070(A) (Incentives).

C. Projects are entitled to density bonuses and/or other incentives in accordance with state law, and applicants are encouraged to use local, state, or federal assistance to meet the requirements of this chapter. The requirements of this chapter shall not, however, require the City to agree to a density increase beyond that allowed by state's Density Bonus Law.

Section 20.310.080 Inclusionary Housing Agreement

A. **Agreement Required**. Applicants/developers subject to this chapter who are required to provide rental or for-sale inclusionary units shall agree to enter into an inclusionary housing agreement with the City. The terms of the draft agreement shall be reviewed and revised as appropriate by the Director and approved by the City.

Following execution of the agreement by all parties, the completed inclusionary housing agreement, or memorandum thereof, shall be recorded and the conditions recorded as a deed restriction on the parcel(s) or unit(s) designated for the location of inclusionary units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The inclusionary housing agreement shall be binding to all future owners and successors in interest.

B. **Agreement Items**. The inclusionary housing agreement shall include the following:

1. The total number of inclusionary units.
2. The location, unit size (square feet), and number of bedrooms of the inclusionary units.

3. A description of the household income group(s) to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
4. The household/unit size assumptions used for the purpose of calculating housing costs shall be as follows (unless an adjustment is agreed to by the City, or the applicable state or federal funding source has different requirements):
    a. One (1)-bedroom units shall be based on the median income for a household of two (2),
    b. Two (2)-bedroom units shall be based on the median income for a household of three (3),
    c. Three (3)-bedroom units shall be based on the median income for a household of four (4), and
    d. Four (4)-bedroom units shall be based on the median income for a household of five (5).
5. Tenure of affordability for inclusionary units (fifty-five [55]-year minimum).
6. A schedule for completion and occupancy of inclusionary units.
7. A description of remedies for breach of the agreement by either party (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement).
8. For for-sale units, conditions governing the initial sale and resale of inclusionary units to eligible households to ensure continued compliance with the restrictions of this chapter.
9. For for-sale units, a condition requiring disclosure by the developer to the buyer of inclusionary units of the existence of the deed restrictions affecting the re-sale of the property.
10. For rental units, conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining units as rental inclusionary units for target households.
11. For rental units, a method to annually monitor inclusionary units to ensure continued compliance with the restrictions of this chapter that identifies the number of bedrooms and monthly rent or cost of each inclusionary unit, the income of each person occupying said unit for the prior year, vacancy information for each inclusionary unit for the prior year, and any other information as required by the City.
12. Conditions providing the City or its designee the first right of refusal to buy the rental or for-sale inclusionary unit(s) for the purposes of providing affordable housing.
13. Other provisions needed to ensure implementation and compliance with this chapter.

Section 20.310.090 Administration

For purposes of this chapter, the City shall act by and through the City Council or its designee, the City Manager.

A developer and/or subsequent purchaser of an inclusionary unit shall be required to pay such fee as may be established by resolution of the City Council to recover the cost to the City of administration of the provisions of this chapter.

Section 20.310.100 Building Permit

No building permit shall be issued for any residential project subject to this chapter unless the Director has certified that the proposed development has complied with or is otherwise exempt from the provisions of this chapter.

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CHAPTER 20.315 RESIDENTIAL GROWTH MANAGEMENT

Sections:

Section 20.315.010 Purpose of Chapter
Section 20.315.020 Findings
Section 20.315.030 Funding of Public Facilities and Services
Section 20.315.040 Guidelines

Section 20.315.010 Purpose of Chapter

The purpose of this chapter is to ensure that adequate public facilities and services are available to meet the needs created by and to mitigate the impacts of new development prior to or as it occurs.

Section 20.315.020 Findings

A. The City has, in recent years, experienced a high rate of new commercial, industrial, and residential development, causing rapid population growth within the City.

B. As a result of the high development rate and rapid growth, several of the City's neighborhoods do not have adequate public facilities and services. These facilities and services include streets; parks and recreation facilities; drainage facilities; water storage and distribution facilities; sewer facilities; fire, paramedic, and police services and facilities; schools; libraries; and gas, electricity, telephone, and cable television utilities. A lack of public facilities and services in those neighborhoods creates a severe negative impact on the various facility networks and systems within the City, resulting in conditions that are hazardous and/or detrimental to the public health, safety, and welfare of the people of San Marcos. Because the various public facilities and the services networks within the City and systems are integrated, a failure or shortfall in necessary facilities or services in one (1) portion of the City creates burdens and adverse impacts on other portions of that network or system elsewhere in the City.

C. In the past, developers of new commercial, industrial, or residential projects have not always provided the facilities or services necessary to meet the demands created by the new development or to mitigate the environmental and public facilities and services impacts or burdens created by the new development.

D. To effectively implement the City's General Plan and to manage the projected growth of residential, industrial, and commercial development, it is necessary to require that all new development bear the cost of providing the public facilities and services needed to effectively serve the new development and to mitigate the impacts on the City created by that new development.

E. Establishment of a growth management program that ensures that all public facilities and services are, or will be, provided to serve future development and allow the City to continue to provide needed jobs and housing without adversely impacting existing facilities and services or current residents within the City.

Section 20.315.030 Funding of Public Facilities and Services

A. The City Council shall require any individual, partnership, joint venture, corporation, or other person receiving approval or conditional approval of any tentative subdivision map, tentative parcel map, Site Development Plan Review, CUP, DP, zoning, rezoning, or any other discretionary permit or approval required by the City's subdivision or Zoning Ordinance for development projects to ensure funding and timely construction of all threshold public facilities or services necessary to manage the development as identified in the neighborhood in which the development is located.

B. To "ensure funding and timely construction" is defined as actual construction of the improvements or the establishment of any financing method acceptable to the City Council (including secured agreements for the construction of the improvements, reimbursement agreements, assessment districts, or community facilities districts) that provide a guarantee to the City that the improvements will be constructed in a timely fashion or that funds will be available for timely construction, renovation, or expansion of the facilities or provision of the services identified as necessary to manage development in the applicable neighborhood's public facilities and services plan. The construction, or assurance of construction, and financing shall be in place or otherwise established to the satisfaction of the City Council before issuance of building permits for the development.

C. As a condition of any discretionary approval for a development, a project applicant shall pay or agree to pay the public facilities and services fee that was previously established by the City Council. The City Council may modify that fee by resolution, as necessary, to ensure adequate financing of neighborhood public facilities and services.

D. The City Council shall establish a separate account or accounts for the funds received pursuant to this chapter, and shall ensure that the funds are used for the purposes for which they were received. The City Council shall ensure timely expenditure of the funds for the construction of required public facilities identified by the City Council to be financed from the funds when the appropriate thresholds are reached.

Section 20.315.040 Guidelines

The City Council may, by resolution, adopt guidelines and take any action that the City Council finds appropriate or necessary to implement the provisions of this chapter in a timely and efficient manner.

CHAPTER 20.320 SIGNS ON PRIVATE PROPERTY

Sections:

Section 20.320.010 Title, Authority, Scope
Section 20.320.020 Purpose and Intent
Section 20.320.030 Basic Principles
Section 20.320.040 Sign Permits
Section 20.320.050 Permanent Sign Rules by Zones
Section 20.320.060 Temporary Sign Rules by Location, Land Use, or Sign Function
Section 20.320.070 Construction and Maintenance
Section 20.320.080 Signs Exempt from the Sign Permit Requirement
Section 20.320.090 Prohibited Signs
Section 20.320.100 Nonconforming Signs
Section 20.320.110 Enforcement, Violations
Section 20.320.120 Definitions

Section 20.320.010 Title, Authority, Scope

A. **Title.** This chapter shall be known as Signs on Private Property.

B. **Authority.** This chapter is adopted in accordance with the freedom afforded to charter cities generally, the Charter of the City of San Marcos, specifically, and pursuant to the City's general and police powers, California Constitution Article XI, Section 7; California Government Code Sections 65000 et seq., 65850(b), 38774, and 38775; Business and Professions Code sections 5200 et seq., 5230, and 5490 et seq.; and other applicable state laws.

C. **Scope.** This chapter regulates signs, as defined herein, that are within the legal corporate limits of the City, but not on City property, as defined herein, or in the public ROW, or on property owned and/or controlled by other City entities or other City-related districts. Signs on City property and the public ROW are controlled by chapter 20.325 (Signs on City Property). The provisions of this chapter and chapter 20.325 (Signs on City Property) collectively constitute the "City Sign Ordinance."

Section 20.320.020 Purpose and Intent

The purpose of this chapter is to create, execute, and enforce a comprehensive system for the reasonable regulation of signs within the City that are within the defined scope of this chapter. By adopting this chapter, the City intends to balance many competing interests, including the following:

A. **Expression.** To allow businesses, establishments, and individuals to exercise their right to free speech by displaying an image on a sign and to allow audiences to receive such information.

B. **General Plan.** To execute the goals of the visual element of the City's General Plan.

C. **Cumulative Visual Impact.** To limit the adverse cumulative effects of signs and sign structures on community aesthetics and the visual element of the physical environment. Regulations of signs

consistent with the goals and objectives of the community are necessary to ensure that the community character and image are protected.

D. **Visual Attractiveness.** To make San Marcos visually attractive to residents; visitors; and commercial, industrial, and professional businesses while maintaining economic stability.

E. **Public Health.** To protect the general public health, safety, and welfare of the community.

F. **Safety.** To reduce possible traffic and safety hazards through regulations designed to eliminate visual clutter along City streets and freeway corridors.

G. **Information.** To direct persons to various places, activities, and uses to provide for maximum public convenience.

H. **Reasonable Regulation.** To provide a reasonable system of sign regulations to ensure the development of a high-quality visual environment.

I. **Preserve Rural Areas.** To preserve established rural portions of the community with a minimum of visual clutter.

J. **Preserve Open Space.** To preserve and protect open space, identified scenic areas, and natural and built resources.

K. **Economic Enhancement.** To enhance the economic value of the community and each area, business, and use thereof through the regulation of such elements as size, number, location, design, and illumination of signs.

L **Protect Property Values.** To preserve and protect the appearance of and property values within the City.

Section 20.320.030 Basic Principles

The principles stated in this section apply to all signs and procedures within the regulatory scope of this chapter and to all provisions of this chapter.

A. **Applicability.** All signs within the City shall conform to the provisions of this chapter. If any Zone regulation or development standard within this Zoning Ordinance, an adopted Specific Plan, CUP, or sign program imposes more stringent requirements than are set forth within this chapter, the more stringent provisions shall prevail. Except as provided in section 20.320.110 (Enforcement, Violations), this chapter is intended to have prospective effect only.

B. **Enforcement.** The Director is authorized and directed to enforce and administer this chapter.

C. **Regulatory Interpretations.** All regulatory and administrative interpretations of this chapter are to be exercised in light of the message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a “structure” as defined in the Zoning Ordinance or the Building Code, then the Director shall approve,

conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated or prohibited by this Article, in light of the principles stated in this chapter.

D. **Message Neutrality.** It is the City's policy and intent to regulate signs in a manner consistent with the U.S. and California constitutions that is content neutral as to non-commercial speech and that does not favor commercial speech over non-commercial speech.

E. **Message Substitution.** Subject to the property owner's consent, a non-commercial message of any type may be substituted, in whole or in part, for the message displayed on any legal or legal nonconforming sign without consideration of message content. Such substitution of message may be made without any additional approval or permitting, provided that the message substitution makes no changes to the physical structure of the sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular protected non-commercial message over any other protected non-commercial message. In addition, any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, provided that the sign structure or mounting device is legal, without taking message content into consideration. Message substitution is a continuing right and may be exercised any number of times, in whole or in part.

This message substitution provision does not do any of the following:

- create a right to increase the total amount of signage on a parcel, lot, or land use beyond that otherwise allowed;
- affect the requirement that a sign structure or mounting device be properly permitted when the permit requirement applies;
- allow a change in the physical structure of a sign or its mounting device; or
- authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

F. **On-Site/Off-Site Distinction.** Within this chapter, the distinction between on-site signs and off-site signs applies only to commercial messages. It does not apply to non-commercial messages.

G. **Permanent Signs – Accessory or Appurtenant Uses Only.** Unless otherwise provided herein, permanent signs are to be accessories to, or appurtenant to, or auxiliary to, a main, principal, or primary use on the same parcel; the signs themselves are not to be a primary, principal, or secondary principal use on any parcel. This provision applies prospectively only.

H. **Billboard Policy.** New "billboards," as defined herein, are prohibited. The City completely prohibits the construction, erection, or use of any billboards, other than those that legally exist in the City. No existing, legal billboard may be converted to digital display, electronic changeable image display, or to function as a "message center" as that term is defined in Business and Professions Code Section 5216.4. No permit shall be issued for any sign that violates this policy, and the Director shall take immediate action against any billboard constructed, installed, or maintained in violation of this policy. In adopting this provision, the City Council affirmatively

declares that it would have adopted this billboard policy even if it were the only provision in this chapter.

The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Article may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid, or unenforceable.

This provision shall control over any other more specific provision to the contrary.

I. **Non-Communicative Aspects.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

J. **Permit Requirement.** Unless expressly exempted from the permit requirement by this chapter, all permanent and temporary signs may be mounted, constructed, installed, or displayed only pursuant to a sign permit issued by the City. In addition, the sign owner or sponsor and the property owner must satisfy all other applicable permit and approval requirements, such as building permits, electrical permits, grading permits, etc., even if the sign is exempt from the sign permit requirement.

K. **Discretionary Approvals.** Whenever any sign permit, Variance, CUP, Specific Plan, Site Development Review Plan, Planned Development approval, comprehensive sign program, or other sign-related decision is made by any exercise of official discretion, such discretion shall be limited to the non-communicative aspects of the sign, as defined herein, and compatibility with the location. Graphic design themes may be evaluated only for a comprehensive sign program, and then only as applicable to commercial message signs. Signs under a comprehensive sign plan must be complete in all other building, structural, and electrical requirements.

L. **Legal Nature of Sign Rights and Duties.** As to all permanent signs attached to real property, the sign-related rights, duties and obligations arising from this chapter attach to and travel with the land on which a sign is mounted, installed, or displayed; such rights and duties do not travel with the permittee or sign owner. A sign permit is an official authorization to place a specific permanent sign on a specific parcel of land in a specific location. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases, or the ownership of sign structures. This provision does not apply to hand-held signs, personally attended signs, or aspects of personal appearance. This provision does not prevent a sign owner from removing a sign structure from a given location and installing it in another location, so long as all permit requirements applicable to the new location are satisfied and any permits and/or modifications thereof have been approved and issued.

M. **Owner's Consent.** No sign may be placed on private property without the consent of the legal owner of the property owner and all persons holding the present right of possession and control. In this context, the owner is the party holding the present right of immediate possession and control, as well as the fee title holder.

N. **Responsibility for Compliance.** The responsibility for compliance with this chapter rests jointly and severally upon the sign owner; the permit holder; all parties holding the present right-of-possession and control of the property whereon a sign is located, mounted, or installed; and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected, or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control.

O. **Mixed Uses.** Residential and non-residential land uses co-exist or are allowed to be developed on the same parcel or project only as specified in the General Plan, Zoning Ordinance, and Specific Plan (if applicable). The sign-related rights and responsibilities applicable to any particular parcel or land use in such areas shall be determined by reference to the regulations of the applicable zoning regulations or Specific Plan, as applicable.

P. **Severance.** If any section, sentence, clause, phrase, word, portion, or provision of this Article is held invalid or unconstitutional or unenforceable by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Article that can be given effect without the invalid portion. In adopting this Article, the City Council affirmatively declares that if it had been made aware of any invalid provision(s), it would have approved and adopted the remaining provisions, and that it desires for all valid provisions to remain in force.

Section 20.320.040 Sign Permits

A. **Scope.** This section applies to all signs that may be erected, maintained, or displayed only by a sign permit. The internal review and appeal procedures also apply to any other sign-related decision made by the City, including removal orders, revocation of permits, orders to abate, etc.

B. **Permit Generally Required.** It shall be unlawful for any person, firm, or corporation to authorize, erect, construct, maintain, move, alter, change, place, suspend, or attach any sign within the City without first obtaining a sign permit to do so, and paying the appropriate fees prescribed therefore. This rule does not apply to signs that are exempted from the permit requirement by an explicit provision of this chapter.

C. **Right to Permit or Display.** When any sign permit application fully complies with all applicable provisions of this chapter, and all other applicable laws, rules, and regulations, the permit shall be approved and issued within the required time, provided that all application materials are complete and have been submitted in a form sufficient to permit the City to review and act upon such application within said timeframe, and are in accordance with the conditions for sign permits as set forth below. In the case of signs that are expressly exempt from the permit requirement, there is a right to erect, display, and maintain such signs as are authorized by this chapter, subject to the applicable rules. This "right to permit or display" provision does not apply when the relevant City law is under active consideration for amendment at the time the application for a sign permit is submitted.

No permit shall be issued for any sign or sign structure except in compliance with the provisions of this chapter. A sign permit may be issued subject to compliance with permitting requirements

imposed by other sources of law, including the safety codes for building, electrical, plumbing, grading, etc. Where there is a conflict between the provision of this chapter and other applicable regulations, the more restrictive shall apply. The Director shall ensure that any sign proposal is in conformance with this chapter and is consistent with its intent and purpose. In addition to all other requirements of the Code, the Director shall consider and ensure a sign's compatibility with the surrounding environment as a permit requirement. In determining compatibility with the surrounding environment, the following criteria may be considered: style or character of existing improvements upon the site and lots adjacent to the site; visual elements such as construction materials, design details, and the number and spacing of signs in the area; the sign's height, design, and location in relation to its proposed use; the sign's relationship with other nearby signs, other elements of street and site furniture, and adjacent structures; form, proportion, scale, materials, surface treatment, and overall sign size; potential effect of the proposed sign on driver and pedestrian safety; potential blocking of view (whole or partial) of a structure or facade or public view of historical or architectural significance; potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks; potential negative impact on visual quality of public spaces, including recreation facilities, public squares, plazas, courtyards, and the like; and whether the sign will impose an aesthetically foreign or inharmonious element into the existing skyline or local viewscape. Such compatibility review is subject to and limited by section 20.320.030(K) (Discretionary Approvals).

D. **Exemptions; Alterations.** Signs legally existing prior to the effective date of this chapter shall be exempt from the sign permit requirement unless a structural alteration is made, the sign area or any other point of nonconformity is enlarged or expanded, or the sign face is changed. In the case of such structural alterations or expansion, a permit is required.

E. **Application for a Sign Permit.** Any person seeking a permit for a sign, for which a permit is required, shall submit to the Director a written application for such sign permit. The Director shall prepare a sign permit application form and provide it to any person on request. The same form may be used for both the application and the decision thereon. A single form may be used for multiple signs on the same site. A sign permit application is complete only when it is accompanied by the appropriate application fee, in an amount set by resolution of the City Council. In the case of after-the-fact permitting, the otherwise applicable fee shall be doubled.

1. **Application Contents**. The form may call for the following information:
    a. Fully dimensioned Site Plan (four [4] sets drawn to scale and dimension), in color, showing the location of all property lines, buildings, parking areas, driveways, landscaped areas, utility poles and wires, public and private street lines (including center lines), structures, easements, and the location and size (in square feet) of all existing and proposed signs, and as to all existing signs information as to whether each is permitted or exempt from permitting.
    b. Fully dimensioned architectural and building elevation drawings (four [4] sets shown to scale) accurately indicating thereon all sign matter, graphic design elements, materials and method of illumination, and if required by the Director, a photographic simulation.

c. Name, address, and telephone number of the applicant and, if applicable, the name, address, APN (Assessor's Parcel Number) and telephone number, as well as the license number, if any, of the sign contractor.

d. Address and Zone of the property where the sign is proposed to be displayed.

e. Existing and proposed sign area of each individual sign and the combined area of all signs (including those already existing or previously permitted) in relation to the maximum allowed sign area.

f. Written evidence of all owners' consents, such as land owner or lessor.

g. A statement as to whether the sign is intended to be used in whole or in part for off-site commercial messages, advertising for hire, or general advertising.

h. A statement or graphical description as to whether the proposed sign, or any part of it, is proposed to use any of the following physical methods of message presentation: sound; odor, smoke, fumes, or steam; rotating, moving, or animated elements; activation by wind or forced air; neon or other fluorescing gases; fluorescent or day-glow type colors; flashing or strobe lighting; light emitting diodes, liquid crystal displays, or other video-like methods; digital display technology; use of live animals or living persons as part of the display; or mannequins or statuary.

i. A statement as to whether the property or parcel on which the sign is proposed to be erected or displayed, or any currently existing sign thereon, is the subject of any outstanding notice of zoning violation or notice to correct, including whether any such deficiencies are to be remedied by the proposed application.

j. Photographs of the existing property, parcel, and/or building on which the sign is proposed to be erected or displayed.

k. In the case of any proposed sign that is subject to a discretionary process, such as a variance, CUP, or sign program, all information required by such process(es).

l. The Director is authorized to modify the list of information to be provided on a sign permit application; however, additions may be made only after thirty (30) day's public notice. The Director is also authorized to request, require or accept application materials, in whole or in part, in electronic form, and to specify the acceptable computer formats for such submissions.

F. **Completeness.** The Director shall determine whether the application contains all the required information. If the application is not complete, the applicant shall be so notified in person or in writing initially within forty-five (45) days of the date of receipt of the application; the notice shall state the points of incompleteness and identify any additional information necessary. The applicant shall then have one (1) opportunity, within thirty (30) calendar days, to submit additional information to render the application complete; failure to do so within the thirty (30)-day period shall render the application void. This time period may be repeated as is reasonably necessary to secure the submission of all required information and documents in good form and in compliance with City requirements.

G. **Disqualification.** No sign permit application will be approved if any of the following occurs:

1. The applicant has installed a sign in violation of the provisions of this chapter and, at the time of submission of the application, each illegal or non-permitted sign has not been legalized, removed, or a cure included in the application.
2. There is any other existing code violation located on the site of the proposed sign(s) (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different establishment) that has not been cured at the time of the application, unless the noncompliance is proposed to be cured as part of the application.
3. The sign application is substantially the same as an application previously denied, unless:
   a. 12 months have elapsed since the date of the last application, or
   b. new evidence or proof of changed conditions is furnished in the new application.
4. The applicant has not obtained any applicable required permit including Site Development Plan Review, Variance, Specific Plan, and/or CUP. However, applications for such permits may be processed simultaneously with a sign permit application.

H. **Multiple Sign Applications.** When an application proposes two (2) or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When a multiple sign application is denied in whole or in part, the Director's written notice of determination shall specify the grounds for such denial.

I. **Signs That Are Part of a Larger Project.** Permit applications for Comprehensive Sign programs as part of planned commercial, office-professional and industrial development shall include the above information as part of a Site Development Plan Review, CUP, or Specific Plan. When approval is sought for a development that includes one (1) or more signs, then the sign aspects of the proposed development must satisfy the applicable provisions of this chapter. Such proposals may be reviewed by the Director and shall be decided by the Planning Commission.

J. **Revocation or Cancellation.** The Director may revoke any approval or permit upon refusal or failure of the permittee to comply with the provisions of the permit and the requirement of this chapter after written notice of noncompliance and at least fifteen (15) calendar days opportunity to cure. The notice and opportunity to cure does not apply when a sign, by virtue of its physical condition, constitutes an immediate and significant threat to public safety.

K. **Permits Issued in Error.** Any approval or permit issued in error may be summarily revoked by the City upon written notice, to the permittee, stating the reason for the revocation. "Issued in error" means that the permit should not have been issued in the first place and includes omissions, errors, or misrepresentations in the application materials, and oversights or errors in the processing thereof.

L. **Inspections**. Inspection and approval of foundations is required when a sign includes a footing design. The purpose of such inspection is to allow the inspector to verify the size and depth of excavated footing, reinforcement method, etc., and for compliance with all applicable safety codes. All signs subject to permit require final inspection and approval by the Building Official.

M. **Sign-Related Decisions.** Challenges to sign-related decisions, other than approval or denial of a sign permit, do not require a particular form, but must be in writing, signed by the applicant or challenger, and particularly state the matter challenged and the grounds therefore. Challenges shall be made to the Director. Challenges to sign-related decisions not made in accordance with these procedures shall not be eligible for appeal.

N. **Levels of Review.** Except for signs subject to initial review by the Planning Commission, initial review and decisions on all sign permit applications shall be by the Director unless otherwise stated herein**.**

O. **Conditional Approval.** A sign permit may be approved subject to conditions, so long as those conditions are required by this chapter or some other applicable law, rule, or regulation.

P. **Safety Codes.** When a sign qualifies as a "structure" under the Building Code, a building permit shall also be required. Compliance with all applicable safety codes shall be a condition of all sign permits.

Q. **Permit Denial.** When a sign permit application is denied, the denial shall be in writing and sent or delivered to the address shown on the applicant's application form, and shall specifically state the grounds for denial.

R. **Timely Decision.** At each level of review or appeal, the decision shall be rendered in writing within forty-five (45) calendar days. The time period begins running when a challenge is received, the application is complete (or is deemed complete because no notice of incompleteness has been given), an amendment is received, or the notice of appeal has been filed, whichever applies. The timely decision requirement may be waived by the applicant or appellant. If a decision is not rendered within the required time, then the application or appeal shall be deemed denied; in the case of an appeal, the lower level decision shall be deemed affirmed.

S. **Appeal.** Any decision regarding a sign permit application may be appealed by any affected person. Appeals shall be heard by the Planning Commission. The decision of the Planning Commission shall be final unless appealed to the City Council.

T. **When Appeal Right Arises.** The appeal right arises at the earlier of:

1. whenever a written decision is delivered to the applicant, or

2. the time for decision has run without a written decision. In this context, "delivered" means personally delivered or placed in the U.S. Mail, whichever occurs first.

U. **Time and Method for Appeal.** Any affected person may appeal any sign permit or other sign-related decision to the next level of review, so long as the notice of appeal is delivered to or received by the City within ten (10) calendar days of the subject decision (if the tenth [10th] calendar day falls on a day when City Offices are closed, then the time period is extended until the close of business hours on the next day that City Offices are open). The appeal process is begun by filing a written notice of appeal with the Planning Commission within ten (10) days of notice of the decision, particularly stating the matter appealed from, and the grounds for the

appeal. Further appeal to the City Council is begun by filing a written notice of appeal with the City Clerk within ten (10) days of notice of the decision of the Planning Commission, particularly stating the matter appealed from, and the grounds for the appeal.

V. **Status Quo.** During the pendency of review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical condition, constitutes an immediate threat to public safety.

W. **Judicial Review.** Following final decision by the City Council, any affected person may seek judicial review of the final decision on a sign permit application pursuant to the applicable provisions of the California Code of Civil Procedure.

X. **Notices.** Written notices required within this chapter shall be deemed given on the earliest of the following: when personally delivered, when publicly posted, or on the day of mailing. Notices are deemed effective when sent to the last known address of the addressee.

Section 20.320.050 Permanent Sign Rules by Zone

A. **All Commercial Zones.** The following signs are allowed in all commercial Zones, subject to a sign permit and the following regulations:

1. **All Signs**. Maximum sign area allowed, excluding window signs. The total area of all permanent signs for any establishment shall not exceed:
   a. maximum of two (2) square feet per lineal foot of building frontage, ***OR***
   b. maximum of three hundred (300) square feet, whichever is less, except that:
      i. A minimum allowance of one hundred (100) square feet of sign area is provided per establishment; different establishments using the same space and the same or overlapping personnel must share the available display space.
      ii. Coverage ratio: The maximum allowable sign copy area shall be seventy-five percent (75%) of the total display area of the sign.
2. **Freestanding Signs**. Maximum freestanding sign area and height for any one (1) sign or any establishment's share of a common sign shall be limited to:
   a. maximum fifty (50) square feet in area and ten (10) feet in height.
3. **Maximum window sign area – Window signs**. All window signs combined, permanent and temporary, shall not exceed an area one-third (1/3) the area of frontage window area.
4. **Number/Type of Signs**. The following standards establish the maximum number of each type of sign per each establishment:
   a. One (1) freestanding sign per frontage.
   b. One (1) projecting sign per frontage.
   c. Number of wall and window signs is limited only by the total square footage allowed on-site.

d. Where signs per frontage are allowed, those signs shall be placed at some point along the frontage that qualifies them.

e. No more than two (2) freestanding signs per frontage shall be allowed in shopping centers. Such signs may not be used for off-site commercial advertising.

f. One (1) flag may be displayed, either under this Section 20.320.050(A)(4)(f) or under Section 20.320.060(B)(5)(e). If a flag is displayed pursuant to one (1) section, no additional flag may displayed under the other section. A flag displayed under either section must be displayed in accordance with the standards set forth in section 20.320.060(B)(5)(e) (Temporary Signs in Commercial and Industrial Zones).

B. **Additional Rules That Apply to Signs in C, NC, OP, SR, B-P, L-I, I, and I-2 Zones.** The rules in this section apply to signs in the commercial (C) Zones (see section 20.320.050(A) above) and to signs in the NC, OP, SR, B-P, L-I, I, and I-2 Zones (for more rules applicable to the I Zones, see next section).

1. **Illumination**. All sign illumination shall be interior or indirect exterior, with no exposed light bulbs or neon tubes shining directly at the passing public. No light may be reflected off mirrors at the passing public.

2. **Maximum Sign Height**.

a. Wall signs may not exceed the building walls that support them.

b. Projecting signs may not exceed the height of the parapet walls.

c. All freestanding signs (including monument signs) shall be designed and placed on-site to provide unobstructed viewing of traffic from cars and trucks driving past and at intersection, driveways.

d. Projecting signs: No signs shall project over a public ROW.

3. **Signs Used Only for Non-Commercial Messages and/or as Real Estate Signs**. In addition to the sign display area otherwise allowed, signs used exclusively for the display of non-commercial messages and/or as real estate signs, or any combination thereof, may be displayed at any time, subject to the following:

a. Number: One (1) sign per frontage may display (a) non-commercial message(s) and/or advertising the sale or lease of each commercial or industrial parcel, or each leased area of a shopping center or of an industrial park only.

b. Area: Such signs shall not exceed in area thirty-two (32) square feet each, single-face. No such sign shall exceed eight (8) feet in overall height and shall not be located within the public ROW. These signs shall not count against the maximum sign area permitted for the parcel or leased area.

c. Illumination of such signs is prohibited.

d. Removal: If used as real estate signs, the signs shall be removed within one (1) week of the completion of the transaction advertised.

e. Permits: The signs described in this subsection require a sign permit only if they qualify as "structures" under the Building or Zoning codes.

C. **Signs in B-P, L-I, I, and I-2 Industrial Zones.** In addition to the rules stated in the preceding section, the following rules apply to signs in the B-P, L-I, I, and I-2 Zones.

1. **Maximum Sign Area**.

a. All permanent signs combined for any establishment shall not exceed in area one-and-one-half (1.5) square feet per one (1) lineal foot of frontage, or two hundred (200) square feet, whichever is less, except that a minimum allowance of one hundred (100) square feet of sign area per establishment is provided, and the sign area for any one (1) sign or any establishment's share of a common sign shall be determined as follows:

i. Maximum of fifty (50) feet in area and up to ten (10) feet in height (monument sign).

ii. Maximum two hundred (200) square feet for all signs put together into a common sign.

b. Coverage Ratio**.** The maximum allowable copy area for sign copy shall be seventy-five percent (75%) of the total display area of the sign.

c. Maximum Window Coverage**.** Maximum area for all window signs for any establishment shall be one-third (1/3) of maximum area of window.

d. Number/Type of Signs. The following number of signs shall be permitted for any establishment:

i. One (1) freestanding sign per frontage.

ii. One (1) projecting sign per frontage.

iii. One (1) wall sign per frontage.

iv. There is no limit on the number of window signs, but the cumulative area of all such signs may not exceed one-third (1/3) of window area per frontage.

e. Where signs per frontage are allowed, those signs shall be placed at some point along the frontage that qualifies them.

f. Freestanding signs may be located within the required building setbacks from street ROW.

g. Wall signs painted on plywood or on other similar material shall not be permitted.

D**. Comprehensive Sign Program for Commercial, Neighborhood Commercial, Mixed Use, Office Professional, and Industrial Zones.** A comprehensive sign program shall be developed for all commercial, office, professional, and industrial buildings consisting of two (2) or more tenant spaces. The purpose of the program shall be to provide the Director with clear information to evaluate sign compatibility with the surrounding environment as part of the permit requirement as listed under Section 20.320.050(C), considering the factors listed therein.

E. **Agricultural (A) Zones.** Signs in agricultural Zones are subject to the following rules:

1. Structural types allowed: freestanding, mounted on walls.
2. Illumination: prohibited.
3. Maximum display area:
    a. For lots not exceeding two (2) acres: four (4) square feet.
    b. For lots exceeding two (2) acres: sixteen (16) square feet.
4. Number: One (1) per street frontage, but not more than two (2) for any one (1) parcel.
5. Height: wall signs shall not project above the roof line; freestanding signs shall not be higher than eight (8) feet.
6. Message types: non-commercial or on-site commercial; off-site commercial is prohibited.
7. Sign permit not required.

F. **Single-Family Residential Zones.** Signs are allowed on single-family residences, and other legal uses within single-family residential Zones, subject to the rules stated in this section. Permits are required only when the sign qualifies as a "structure" within the Zoning or Building Codes.

1. **Residences**.
    a. Total display area allowed: four (4) square feet at all times.
    b. Number of signs: not limited.
    c. Coverage ratio: The maximum allowable copy area for sign copy shall be seventy-five percent (75%) of the total display area of the sign.
    d. Illumination: illumination is prohibited.
    e. Message types allowed: protected non-commercial, real estate, name plate (not exceeding two [2] square feet, for residences), garage sale.
    f. Flags:
        i. Display time: not limited.
        ii. Size and mounting: total flag area (measured one [1] side only): not more than forty (40) square feet.
        iii. Mounting: On a pole not to exceed the height limitations of the Zone regulations or attached to a legal structure not to exceed the roofline. One (1) flag pole per parcel is allowed. Any such pole or structure must be constructed and maintained in compliance with all existing building and safety codes.
        iv. Location: may not be placed in the public ROW.
        v. Visual Interference: may not interfere with either pedestrian sight distance or vehicular sight distance, any view corridor, visibility to any existing business or any existing permanent sign.
2. Institutional Signs. Establishments of an institutional nature such as educational, religious, civic, non-commercial, hospitals, sanitariums, rest homes, or similar may erect,

maintain, and display one (1) sign, non-commercial or onsite commercial, or any combination thereof, subject to the following:

a. One (1) monument sign, not to exceed a maximum of twenty (20) square feet in area, and six (6) feet in height and not extending above a wall or fence. The sign shall be set back a minimum of five (5) feet from any property line. Location is subject to Engineering Division approval.

b. A non-illuminated wall sign may be permitted with a sign area of one (1) square foot per one (1) foot of building frontage maximum. Wall signs shall not be located above an eave, roof line or parapet.

G. **Multiple-Family Zones.** Signs are allowed in all multiple-family Zones, subject to the rules in this subsection. Permits are required only when the sign qualifies as a "structure" under the Building or Zoning codes. This section does not override provisions in private contracts, such as residential leases. This section does not apply to establishments offering short term, transient occupancy, such as hotels, motels, inns, and "bed and breakfast" places.

1. **Individual Residential Units**.

a. Total display area allowed: four (4) square feet at all times.

b. Number of signs: not limited.

c. Coverage ratio: The maximum allowable copy area for sign copy shall be seventy-five percent (75%) of the total display area of the sign.

d. Illumination: illumination is prohibited.

e. Message types allowed: non-commercial, real estate, name plate (not exceeding two [2] square feet, for residences), garage sale.

f. Flags:

i. Display time: not limited.

ii. Size and mounting: total flag area (measured one [1] side only): not more than forty (40) square feet.

iii. Mounting: On a pole not to exceed the height limitations of the Zone regulations or attached to a legal structure not to exceed the roofline. One (1) flag pole per parcel is allowed. Any such pole or structure must be constructed and maintained in compliance with all existing building and safety codes.

iv. Location: may not be placed in the public ROW.

v. Visual Interference: may not interfere with either pedestrian sight distance or vehicular sight distance, any view corridor, visibility to any existing business or any existing permanent sign.

2. **Master Unit/Office** (apartment hotels, residential hotels, mobile home parks). On legal, attached, multiple family residential uses, at all times and in all Zones, the management office or master unit may display signs, subject to the following:

a. If the office or master unit is used as a principal residence, then the sign display rights for the resident are the same as for other individual dwelling units, as stated in (G)(1), above.

b. Additional Sign. In addition to the signs authorized by (G)(1), above, the master unit or office may display one (1) additional sign, subject to the following message types: nameplate, on-site commercial, Civil Code 713 (temporary real estate signs), protected non-commercial.

c. Maximum area of display face: six (6) square feet; maximum number of display faces: two (2); maximum height: four (4) feet; mounting types: freestanding or wall mounted; illumination: not allowed.

3. **Institutional Uses**. An institutional establishment located within a Multiple-Family Zone, such as educational, religious, civic, non-commercial, hospitals, sanitariums, and rest homes, may erect, maintain, and display one (1) sign per one hundred (100) feet of building frontage maximum, non-commercial or on-site commercial, or any combination thereof, subject to the following:

a. One (1) monument sign, not to exceed a maximum of twenty (20) square feet in area and six (6) feet in height and not extending above a wall or fence. The sign shall be set back a minimum of five (5) feet from any property line. Location is subject to Engineering Division approval.

b. A non-illuminated wall sign may be permitted with a sign area of one (1) square foot per one (1) foot of building frontage maximum. Wall signs shall not be located above an eave, roof line, or parapet.

H. **Signs for Signs for Cemeteries or Memorial Parks.** Entryway signs are not to exceed twenty (20) square feet in area. [Note: this rule applies to a land use, not a Zone.]

Section 20.320.060 Temporary Sign Rules by Location, Land Use, or Sign Function

A. **On-Site Subdivision Signs.**

1. **Number, Size, etc**. A maximum of one (1) temporary on-site subdivision sign is allowed.

a. A maximum of sixty-four (64) square feet total is allowed for two (2) sides, or

b. A maximum of thirty-two (32) square feet for one (1) side;

c. Maximum total overall height of twelve (12) feet is allowed on each Circulation Element street frontage of the property being subdivided, not to exceed two (2) such signs of all phases of any subdivision; otherwise a maximum of one (1) sign is permitted.

2. **Removal**. Such signs shall be removed within ten (10) calendar days from the date of the final sale of the land and/or residences or within twenty-four (24) months, whichever comes first. Extensions of twelve (12) months may be approved by the Director.

a. Removal deposit. A cash deposit per sign shall be deposited with the sign application to ensure compliance with this chapter and removal of such sign. Said deposit shall be refunded to the applicant upon sign removal by the applicant. If

the City is forced to remove any signs, then the cost of removal shall be deducted from the deposit.

B. **Temporary Signs in Commercial and Industrial Zones.** Temporary signs may be displayed in Commercial and Industrial Zones for a limited period of time as a means of publicizing special events, either commercial or non-commercial, including grand openings, new management, sales, Christmas tree or other holiday-oriented lots, and parades and fairs that are to take place within the City, subject to the following:

1. **Approval**. To apply for approval of temporary signs, the applicant shall submit a temporary sign permit application to the Director which describes the dimensions and location of the proposed sign by means of a sketch and written description and that indicates the proposed display dates. The Director, or designee, shall review the request within five (5) working days after receipt and approve, approve with modification or deny the request in writing; if the application is denied, the reasons shall be stated in the written denial. Applications that conform to all applicable laws, rules, and regulations shall be approved unless such laws, rules, and regulations are under consideration for possible revision.
2. **Log of Usage**. The Director shall maintain a log of temporary signage approved for each applicant. If the Director is notified prior to installation of the temporary signs that the signage will not be used, the application will be canceled and the signage not deducted from the total number of days of temporary signage remaining. If a sign is installed without approval of the Director, or designee, it shall be deducted from the total number of days available at a rate of two (2) days for every one (1) day that the unapproved signs are displayed.
3. **Enforcement**. Signs that are installed or displayed without approval of the Director are in violation of this chapter.
4. **Maintenance**. Temporary signage shall be maintained in good condition and shall not be frayed, faded, or dirty.
5. **Specific Types of Temporary Signs**.
    a. Banner Signs. Banner Signs shall be included in and considered a part of, rather than in addition to, the approved sign program allowances for the site.
        i. Display Time: A maximum of thirty (30) combined calendar days during each of the following four (4) month periods.
            - January 1 through April 30
            - May 1 through August 31
            - September 1 through December 31
        ii. Size and Number: A maximum of two (2) signs not to exceed a combined total of sixty (60) square feet measured from one (1) side.
        iii. Location: Suspended and affixed between two (2) support posts and not to exceed a height of five (5) feet. Attached or anchored upon a building frontage face of a legal structure and not placed above the roofline.

Cannot be placed in the public ROW, attached and/or affixed to trees or shrubbery. Must be placed on the frontage of the establishment.

iv. Visual interference: Cannot be placed to interfere with pedestrian or vehicular sight distance, view corridor, visibility to any existing establishment, or any existing permanent sign.

b. Balloon(s).

i. Size: not to exceed sixteen (16) inches in diameter.

ii. Mounting: A string of balloons must be attached to or mounted at one (1) end to a legal structure and anchored at the other end. The length of the mounting string cannot exceed the distance from the face of the building frontage to the ROW. May not be attached and/or affixed to trees or shrubbery.

iii. Display time: Must be removed from public view at the close of operations each day.

iv. Location: Cannot be placed in, project into, or fly above the ROW or pedestrian path of travel.

v. Visual Interference: cannot interfere with either pedestrian sight distance or vehicular sight distance, any view corridor or obstruct visibility to any existing business or existing permanent sign.

c. Temporary Window Signs – Non-Residential Uses. Temporary window signs painted on the window or constructed of paper, cloth, or similar expendable material affixed on the window, wall, or building surface, subject to the following:

i. The total area of such signs shall not exceed twenty-five percent (25%) of the window area. However, in all cases, twenty-five (25) square feet per business frontage is permitted.

ii. Such signs shall be affixed to the surface for no more than thirty (30) continuous calendar days but for no more than sixty (60) days each calendar year.

d. Special Event Signs.

i. Display time: A maximum of fourteen (14) days prior to the special event and no longer than five (5) days after the conclusion of the event.

ii. Size and Number: One (1) sign not to exceed thirty-two (32) square feet.

iii. Mounting: Suspended and affixed on one (1) or between two (2) support posts, fence, or temporary structure.

iv. Location: Cannot be placed in, project into, or fly the ROW or pedestrian path of travel and may not to be attached and/or affixed to trees or shrubbery.

v. Visual Interference: May not interfere with either pedestrian or vehicular sight distance, any view corridor or visibility of any existing business, or any existing permanent sign.

e. Flags

i. Display time: not limited.

ii. Size and mounting: total flag area (measured one [1] side only): not more than forty (40) square feet.

iii. Mounting: On a pole not to exceed the height limitations of the Zone regulations or attached to a legal structure not to exceed the roofline. One (1) flag pole per parcel is allowed. Any such pole or structure must be constructed and maintained in compliance with all existing building and safety codes.

iv. Location: Cannot be placed in, project into, or fly above the ROW or pedestrian path of travel.

v. Visual Interference: may not interfere with either pedestrian sight distance or vehicular sight distance, any view corridor, or visibility to any existing business or any existing permanent sign.

f. Ambient air balloons. Ambient air balloons and other similar inflatable advertising devices may be displayed, subject to the following:

i. Permit required. Such devices are subject to a temporary sign permit. In addition to providing the information required by section 20.320.060(B)(1) (Temporary Signs in Commercial and Industrial Zones), the permit application shall include locational information to include a scale diagram, in a plan and elevation view, indicating the inflatable to be used; the areas in which or on which the inflatables are to be located, as well as providing calculations of square footage of maximum cross-section area and indicating the total number of lineal feet of devices suspended by wire in the air. The locations indicated on the permit and approved and issued on the permit may not change during the period of time for which the permit is issued.

ii. Materials. The applicant or agent shall specify the materials to be used for each ambient air balloon installed. The Director shall determine if the materials used will not fade, tear, rip or otherwise become unsightly during the period of the installations. If such determination cannot be made, then the City may not issue the requested permit. All structural materials and installation materials shall comply with the Director's specification and requirements.

iii. Display time. Such devices shall be allowed for a period of not more than fourteen (14) calendar days within any calendar year and only on commercial or industrial parcels, and only for on-site commercial messages or non-commercial messages.

iv. Height; mounting. Height of the device(s) may not exceed thirty (30) feet from the ground, measured from the ground to the highest point on the inflatable device.

v. Number. No more than three (3) inflatable advertising devices may be displayed at any one (1) site during any allowed time period.

vi. Size. No inflatable allowed by this section shall exceed 1,500 square feet, as measured at the cross-section. When properly permitted, inflatable advertising devices do not count toward the otherwise applicable sign area limits.

C. **Political, Campaign, Election, and Other Protected Non-Commercial Messages on Temporary Signs**

In addition to signage otherwise allowed in any Zone, temporary signs displaying messages related to upcoming elections, or displaying any other variety of protected non-commercial speech, are allowed in all Zones in accordance with this section.

1. Standards for Temporary Signs Displaying Protected Non-Commercial Speech:

a. Illumination is prohibited.

b. Such signs many not be erected, placed, used or maintained in, on or within the public ROW, unless such is specifically allowed by Chapter 20.325.

c. Such signs may be erected, placed, installed, used, or maintained upon private property only with the consent of the owner, lessee, or other person or entity in lawful possession of the property.

d. No such sign shall be erected, placed, used, installed, or maintained so that it:

i. Mars, defaces, disfigures, or damages any public building, structure, or other property;

ii. Endangers the safety of persons or property;

iii. Obscures the view of any fire hydrant, traffic sign, traffic signal, street sign, or public information sign;

iv. Interferes with either pedestrian sight distance or vehicular sight distance, any view corridor, or visibility to any existing business or any existing permanent sign.

v. The total display area of all such signs on a given parcel is limited to sixteen (16) square feet at all times, except as set forth in section 20.320.060(C)(1)(d)(vi) (Temporary Signs in Commercial and Industrial Zones), below.

vi. During the pre-election period, which begins thirty-five (35) calendar days before any primary, general, or special election, and ends ten (10) calendar days after such election, an unlimited number of signs is allowed per parcel with the property owner's permission. Each sign may be increased up to thirty-two (32) square feet during this pre-election period. In the case of freestanding, dual-sided signs, the display area

limit is measured one (1) side only, even if both sides are used for message display.

vii. The signs allowed by this subsection may be installed and displayed without permit, so long as all signs conform to the rules stated in this subsection and all other applicable laws, rules and regulations.

2. Standards in Agricultural (A) and Residential (R) Zones:

a. Double-faced signs as defined in this chapter are allowed.

b. No sign shall be posed in such a manner that any portion of said sign is within five (5) feet of the house side of the sidewalk and, if there is no sidewalk within fifteen (15) feet of said sign, then fifteen (15) feet from the house side of the street curb. Said signs must be placed at least five (5) feet from the house side of intersecting sidewalks or if there are no sidewalks, then fifteen (15) feet from the house or back sides of intersecting curbs. Unless a farther setback is required by the foregoing rules (as in the case of corner lots adjacent to intersecting streets), said signs shall be located at least five (5) feet from side property lines except for lots located at intersections.

c. No sign shall exceed three and one-half (3½) feet in height in the front setback area, and such signs shall not exceed six (6) feet in height in any area unless said sign is attached flush to any building. The measurement shall be taken from the ground level to the top of said sign.

d. No sign may be affixed to an already existing sign.

e. Nothing in this section shall be construed to render a property owner liable for the posting of a sign on his or her property.

Section 20.320.070 Construction and Maintenance, Etc.

A. **Construction.** Every sign and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and City regulations and the existing adopted Building Code.

B. **Maintenance.** Every sign and all parts, portions, and materials shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked or broken surfaces, and malfunctioning or damaged portions of a sign shall be repaired or replaced within thirty (30) calendar days following notification by the City. Any maintenance that does not involve structural changes is allowed. A permit is not required in the case of repairs or maintenance, or change of copy, that does not result in a change in the physical structure of the sign.

C. **Nuisance.** The following are declared to be public nuisances that may be abated as such pursuant to this Code:

1. Any sign not being kept in sound condition by constituting a hazard to the passing public; or by chipping, peeling, or corrosion of surface; or by defacement for more than thirty (30) calendar days after notice to repair.

2. Defective sign illumination that remains uncured thirty (30) calendar days or more after notice to repair.
3. Signs advertising an establishment that has been out of operation for ninety (90) days or more.

Section 20.320.080 Signs Exempt from the Sign Permit Requirement

Signs described in this section are exempt from the application permit and fee requirements and do not count toward the otherwise applicable limits on total sign area. All other provisions of this chapter, and all other applicable laws, rules, and regulations, must still be satisfied. Specifically, these signs may require an electrical and/or building permit. Any signage in excess of the specific exemptions listed herein is prohibited, unless allowed by another provision of this chapter.

A. **Warning, Notice, and Information Signs.** For signs that warn of danger such as "high voltage" and "beware of dog"; safety signs on construction sites; official and legal notices issued by any court, public body, person, or public officer; signs posted by public utilities warning of danger or location of facilities; signs providing direction or informational signs or structures required or authorized by law; signs giving notice of owner policies such as "no trespassing" or "no parking," the cumulative display area on a given parcel may not exceed four (4) square feet, unless otherwise required by law.

B. **Construction Signs.** For residential projects greater than four (4) dwelling units, commercial, and industrial projects, the following standards apply:
   1. Maximum of two (2) directory signs not exceeding thirty-two (32) square feet each are allowed, unless legally required by government contracts to be larger, on the construction site.
   2. No sign shall exceed eight (8) feet in overall height.
   3. No sign shall be located closer than ten (10) feet to any property line.
   4. All construction signs shall be removed upon the granting of occupancy permit by the City.
   5. For all other projects, a total of two (2) signs per development site may be installed with maximum of four (4) square feet in area.

C. **Future Tenant Identification Sign.** Future tenant identification signs may be placed on vacant or developing property to advertise the future use of an approved project on the property.
   1. Signs shall be limited to one (1) sign per parcel.
   2. Maximum of thirty-two (32) square feet in area.
   3. No sign shall exceed eight (8) feet in overall height.
   4. No sign shall be placed no closer than ten (10) feet to any property line.
   5. All signage shall be removed upon finalization of building permits.
   6. Where a project has in excess of six hundred (600) lineal feet of frontage, one (1) additional sign for each six hundred (600) lineal feet is allowed.

D. **Real Estate Signs, Commercial, or Industrial Property.**

1. A maximum of one (1) real estate sign per street frontage.
2. Maximum of thirty-two (32) square feet in area.
3. No sign shall exceed eight (8) feet in overall height.
4. No sign shall be located within the public ROW.
5. Where a property has in excess of six hundred (600) lineal feet of frontage, one (1) additional sign for each six hundred (600) lineal feet is allowed.

E. **Convenience signs.** Convenience and directional signs shall be limited to four (4) square feet in area and may be displayed for commercial and industrial uses.

F. **Vehicle Signs.** Signs on licensed commercial vehicles, provided such vehicles are not used or intended for use as portable signs or for general advertising for hire.

G. **Incidental Signs.** For incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs, and motels and hotels, showing notices of services provided or required by law, trade affiliations, credit cards accepted, and the like, attached to a freestanding sign, structure or building, provided:

1. The signs number no more than four (4).
2. No such sign projects beyond any property line.
3. No such sign shall exceed an area per face of four (4) square feet.

Section 20.320.090 Prohibited Signs

Unless expressly allowed by this chapter, the following signs are prohibited:

A. **Flashing, etc.** Signs that rotate, blink, flash, gyrate, or are animated, blinking, or gyrating signs; use digital displays; or exhibit or give the appearance of animated motion are prohibited. Prohibited digital display signs include those signs that are capable of displaying video or other multimedia content using LCD, LED, projection, plasma, or other similar display technology and any digital display otherwise defined Section 20.320.040 (Sign Permits).

B. **Searchlights, etc.** Searchlights, beacons, and bunting when used for advertising purposes are prohibited.

C. **General Advertising on Vehicles.** General advertising for hire on automobiles, motorcycles, trucks, or trailers used regularly for business uses (except on doors or panels of operable cars, motorcycles, or trucks as allowed under Section 20.320.080[F]) when such vehicles are parked upon City property, the public ROW, or traversing upon any street within the City are prohibited.

D. **City Property.** Private party signs installed, placed, or maintained within, upon, or over any post, pole, tree, shrub, stone, utility pole, traffic control device, hydrant, or other similar object in any street, alley, or sidewalk, or on any public property in the City are prohibited, except as allowed under chapter 20.325 (Signs on City Property).

E. **Unapproved Traffic Control or Safety Signs.** Signs resembling or confusingly similar to traffic control or safety signs that are not approved by the City for traffic control or safety use at the specific location are prohibited.

F. **State Route 78 View Corridor.** Except as permitted for parking lot sales authorized under this Zoning Ordinance, temporary advertising signage as described in section 20.320.060(B)(5)(c) (Temporary Signs in Commercial and Industrial Zones), within the State Route 78 view corridor are prohibited.

G. **Pole Signs**. As defined in section 20.320.120 (Definitions).

H. **Mobile Messaging Signs.** As defined in section 20.320. 120 (Definitions).

I. **Flags, except as specifically allowed under this chapter.** As defined in section 20.320. 120 (Definitions).

J. **Commercial Mascots.** As defined in section 20.320. 120 (Definitions).

K. **Feather Banners.** As defined in section 20.320. 120 (Definitions).

L. **Off-Site Signs, whether Temporary or Permanent.** As defined in section 20.320. 120 (Definitions).

Section 20.320.100 Nonconforming Signs

A. **Intent.** It is the intent of this section to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of local, state, or federal regulations is as important as the prohibition of new signs that would violate these regulations.

B. **General Requirements.** A nonconforming sign may not be:

1. Changed to another nonconforming sign; changes of copy including legal nonconforming billboards shall comply with the requirements of this chapter.
2. Except for normal repair and maintenance, structurally altered to extend its useful life. This prohibition includes the structural alteration of any nonconforming sign that is not being kept in sound condition, either by constituting a hazard to the passing public, or by chipping, peeling, or corrosion of surface, or by defacement, for more than ten (10) consecutive days, which may be deemed a public nuisance, to be abated pursuant to this Code.
3. Expanded, moved, or relocated, unless the City Council approves a relocation of a billboard, as authorized by Business and Professions Code 5412.
4. Re-established after a business, not within a center, or a business within a center without an approved comprehensive sign program, is discontinued.
5. Re-established after damage or destruction of more than fifty percent (50%) of the sign value as determined by current replacement cost.

C. **New Signs.** A new sign may be approved for a site, structure, building, or use that contains nonconforming signs if it meets one (1) or more of the following criteria:

1. It is part of an approved comprehensive sign program; or
2. It lessens the nonconformity.

D. **Historical Signs.** Signs that have historical significance to the community, as defined from time to time by City Council resolution, but do not conform to the provisions of this chapter, may be issued a permit to remain in place, provided that the City Council makes the following findings:

1. The sign has historical significance for the community.
2. The sign does not create nor cause a traffic hazard.
3. The sign does not create a visual nuisance to the character of the community.
4. The sign is properly maintained and structurally sound.
5. The sign does not adversely affect adjacent properties.

Section 20.320.110 Enforcement, Violations

A. **Responsible Parties.** As used in this section, "responsible parties" includes all persons described in the "responsibility for compliance" subsection of the Basic Principles section, above (Section 20.320.030 [Basic Principles]).

B. **Nuisance.** All violations of this chapter are declared to constitute public nuisances that may be abated by any method provided by law.

C. **Enforcement.** Legal procedures and penalties shall be in accordance with the enforcement procedures established by the Municipal Code or state law.

D. **Unauthorized.** Illegal signs may be abated by the City in accordance with local ordinance, state law (including Business and Professions Code 5499.1 et. seq., or state law on abatement of public nuisances), or as otherwise provided by law.

E. **Safety.** If any sign is an immediate threat to the public health and safety by virtue of the physical condition of the sign structure, said sign may be immediately and summarily removed with the cost of such removal charged to the property owner in accordance with this chapter.

F. **Penalty.** Each person, corporation, association, partnership, limited liability company, firm, and/or responsible party who places, maintains, or causes to be placed or maintained a sign in violation of the provisions of this chapter is guilty of an offense punishable pursuant to Section 1.12.010 of this Code.

G. **Separate Offenses.** Any violation of the adopted regulation shall be subject to a default amount for each separate offense. Each day of violation or noncompliance with these regulations shall be deemed as a separate offense and subject to the penalties and payment of default amounts established by the City Council.

H. **Notice of Violation.** Whenever any sign or part thereof, other than those referred to in Subsection E, constitutes an illegal sign and/or is erected or maintained in violation of this chapter, the Director shall give written notice to all responsible parties to remove the sign or to bring it into compliance. The notice shall specify the nature of the violation, order the cessation thereof, require the cure of violation or removal of the sign by a specific date, and advise the permittee, owner, or person in charge of the sign of the hearing rights established by this subsection. The date for removal specified in the written notice shall not be less than fifteen (15) days from the date of the mailing of the notice. Within ten (10) days of the date of mailing the responsible party or parties may request a hearing by filing a written request therefore with the Director.

I. **Hearing.** The hearing shall be held by the Director within thirty (30) calendar days of the notice. The person issuing the notice to remove shall not be designated as the hearing officer. The hearing shall be limited to whether the sign was erected or is maintained in violation of this chapter. Upon receipt of a written request for a hearing, the Director shall schedule a hearing and send written notice by first class mail of the time, place and date for the hearing. After the hearing, the Director may affirm, modify, or revoke the order to remove.

J. **Decision After Hearing.** The decision of the hearing officer shall be in writing, and state reasons for the decision, and shall be issued within thirty (30) calendar days of the hearing.

K. **Maintenance of Status Quo.** The time for compliance with the original order shall be stayed during the pendency of the hearing.

L. **Removal of Uncured Violations.** Whenever the responsible parties fail to comply with an order of the Director made pursuant to this section, the Director may remove the sign, or order it removed, either by the City's own force or by a private party under contract. The expense of the removal shall be charged to the permittee, owner, or person in charge of the sign. Such amount shall constitute a debt owed to the City. No permit shall thereafter be issued to any permittee, owner, or person in charge of a sign who fails to pay such costs. Any costs, including attorney's fees, incurred by the City in collection of the costs shall be added to the amount of the debt.

M. **Removal of Temporary Signs.** Whenever a temporary sign has been erected or maintained in violation of the provisions of this chapter, the Director shall give written notice to remove the sign to the permittee, owner, or person in charge of the sign. The notice shall specify the nature of the violation, order the cessation thereof, require the removal of the sign within seventy-two (72) hours of the time of the notice, and advise the permittee of the hearing rights established by this subsection. Before the expiration of the seventy-two (72)-hour period, the permittee, owner, or person in charge of the sign shall remove the sign or may request a hearing. The request shall be in writing and filed with the Director. The hearing shall be held by the Director or his/her designee within seventy-two (72) hours of the day the request is filed, or the next business day following seventy-two (72) hours from the filing of the request, whichever is sooner. The person issuing the notice to remove shall not be designated as the hearing officer. The hearing shall be limited to whether the sign was erected or is maintained in violation of this chapter. Notice of the time of the hearing may be given in writing, telephone, or other form of communication. After the hearing, the order to remove may be affirmed, altered, or revoked. The decision of the hearing

officer shall be made in writing, with reasons stated. If the permittee, owner, or person in charge of the sign fails to comply with the notice to remove or the decision of the hearing officer, the Director may remove or cause the removal of the sign. The expense of the removal shall be charged to the permittee, owner, or person in charge of the sign. Such amount shall constitute a debt owed to the City. No permit for a temporary sign shall thereafter be issued to any permittee, owner, or person in charge of a sign who fails to pay such costs. Any costs, including attorney's fees, incurred by the City and collection of the costs shall be added to the amount of the debt.

N. **Cumulative Remedies.** The provisions of this section are alternative and additional remedies for the enforcement of this chapter. Nothing in this section shall preclude the City from enforcing the provisions of this chapter by any other criminal or civil proceeding.

Section 20.320.120 Definitions

The definitions in this section apply to this chapter.

Abandoned Sign: Any nonconforming sign for a business, use, or service that has been discontinued or vacated for more than ninety (90) days. Any sign that conforms to the provision of this chapter and that is intended to be re-used in conjunction with a new or reestablished lawful use on a property shall not fall under the definition of abandoned.

Agricultural Sign: A sign displayed on a parcel that is zoned for, and is used for, agricultural purposes.

Alteration: Any change of size, shape, illumination, position, location, construction, or supporting structure of an existing sign. Changes to graphic images or graphic designs are not within this definition.

Balloon Sign: Any type of sign advertising display consisting of a non-porous material bag filled with heated air, a gas lighter than air, or air under pressure, including ambient air balloons.

Banner Sign: Any cloth, bunting, plastic, paper, or similar material for advertising purposes.

Billboard: A permanent structure sign that meets any one (1) or more of the following criteria:

1. Used for the display of off-site commercial messages.
2. Used for general advertising for hire, in contrast to self-promotion.
3. Not an accessory or auxiliary use serving a principal use on the same parcel, but rather is a separate or principal use of the parcel.
4. A profit center on its own, and in the case of multiple principal uses on the same parcel, the sign is distinct from the main operations of the principal use on the parcel.

A sign within a redevelopment project area that displays only non-commercial messages and messages concerning establishments within the same redevelopment project area is not within this definition.

Building Complex: A building or group of buildings on one (1) or more lots or building sites containing two (2) or more unrelated occupants and share common parking facilities.

Canopy Sign: Any sign attached to a projecting canopy or protruding over a sidewalk.

Changeable Copy Sign: A sign with changeable copy, regardless of method of attachment or materials of construction.

Commercial Mascot: A person or animal attired or decorated with commercial insignia, images or symbols, and/or holding signs displaying commercial messages, when a principal purpose is to draw attention to or advertise a commercial enterprise. Includes sign spinners and/or twirlers and sign clowns.

Commercial Message: Any message on a sign that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity that proposes a commercial transaction, or concerns primarily the commercial or economic interests of the speaker and/or the intended audience.

Comprehensive Sign Program: Building design and signs integrated into a single architectural plan. Also known as "sign program," "sign plan," or "master sign program."

Construction Sign: A sign displayed on the site of a construction development project during the period of time of actual construction.

Convenience Sign: A sign that conveys functional information such as hours of operation, credit cards accepted, directions to parking or restrooms, etc.

Copy: Any letters, numerals, or symbols displayed on a sign face to convey a message to the public; the elements of a visual image that are intended to be communicative.

Copy Area: An area circumscribed by the smallest geometric shape created with a maximum of eight (8) straight lines, which will enclose all words, letters, figures, symbols, designs, and pictures, together with all framing, background material, colored or illuminated areas, and attention-attracting devices, forming an integral part of an individual message, except the following:

1. Wall signs having no discernible boundary shall have the areas between letters, words intended to be read together, and any device intended to draw attention to the sign message included in any computation of surface area.
2. For spherical, cylindrical, or other three-dimensional (3D) signs the area of the sign shall be computed from the smallest two-dimensional (2D) geometrical shape or shapes, which will best approximate the greatest actual surface area visible from any one (1) direction.

Digital Display: A system for the display of changeable images, either appearing in motion or as a series of still images, using "light emitting diodes" or digital electronics, which may be remotely programmed or controlled; the definition also includes all functionally equivalent

systems, such as liquid crystal displays and plasma display, regardless of actual technology used. Also known as CEVMS (changeable electronic variable message signs), "dynamic displays," and similar terms. Also includes "message center" signs as defined in Business and Professions Code 5216.4 and 5490.5.

Directional Sign: A sign that provides locational and directional information to pedestrian or vehicular traffic.

Directory Sign: A sign within a multi-tenant property that is used to identify tenants.

Display face: That portion of a sign upon which the visually communicative elements are placed.

Double Faced Sign: A sign with two (2) faces, with each face oriented approximately one hundred eighty (180) degrees (back to back) from the other.

Establishment: Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices, and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums.

Flag: A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol. Includes pennants, which are generally triangular in shape.

Feather Banner or Feather Banner Sign: A flexible pole to which one (1) side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names that include "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "teardrop banners," and others. The definition includes functionally similar display devices.

Freestanding Sign: A sign that is not attached to or supported by another structure, but is mounted directly on the ground and provides its own support structure. Common types include monument (ground) signs.

General Advertising: The commercial enterprise of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising. Also known as "advertising for hire" and "general advertising for hire."

Grade: The elevation of the nearest public sidewalk or curb adjoining the property upon which any sign or structure is place or erected or the average constructed finished ground surface immediately below the sign.

Graphic Design: The overall layout, form, proportion, scale, color, materials, surface treatment, overall sign size and style, character, typography, and size and style of lettering of a sign.

Height: The distance between the highest point of a sign structure and the ground surface beneath.

Illegal Sign: Any sign installed without proper government approval and/or permits at the time it was placed. The term includes any sign that was erected in conformance with all applicable laws, rules, and regulations in effect at the time of installation, but that was subsequently altered so as to be out of compliance with applicable law, including the terms of permits that authorized construction. All signs described in Business and Professions Code Section 5499.1 and defined therein as an "Illegal on-premises advertising display" are also within this definition.

Illuminated Sign: Any electric sign or other sign employing the use of lighting sources (other than natural light or ambient lighting) for the purpose of decorating, outline, accentuating, or brightening the sign area.

Indirect Lighting: The illumination of a sign by a light source that is not a component part of the sign.

Industrial Park: An industrial center composed of more than four (4) establishments identified by one (1) name as being physically grouped, and under common deed restriction for the purpose of design control.

Institutional/Quasi-Public Uses: Uses that are maintained and operated by federal, state, county, district, City, and other public agencies and uses that are maintained and operated by any society, corporation, individual, or foundation for the primary purpose of providing educational, charitable, or social services to the public, groups, or individuals, such as fraternal organizations and lodges, nonprofit civic/community clubs, nonprofit philanthropic institutions, nonprofit museums, nonprofit libraries, churches, hospitals, childcare centers, schools, or other similar uses.

Legal Nonconforming Sign: Any sign that complied with all applicable laws, rules, and policies at the time of installation but that does not conform to current applicable rules.

Marquee: A permanent roofed structure attached to and supported by the building and projecting beyond the building face, used to display signage.

Mobile Messaging Sign: Any off-site sign that is attached to or painted on a vehicle, the principal purpose of which is general advertising.

Monument Sign: A type of freestanding sign that is mounted directly on the ground, not exceeding ten (10) feet in height and that is supported by a base not exceeding twenty-five percent (25%) of the sign area.

Multi-faced Sign: A sign with more than two (2) faces with each face oriented at less than one hundred eighty (180) degrees from the other.

Non-Commercial Message: Any message displayed on a sign that is intended to express a non-commercial idea, including commentary on topics of public concern and debate, including

commentary on social, political, educational, religious, scientific, artistic, philosophical, or charitable subjects.

Non-Commercial Sign: A sign displaying a non-commercial message.

Office Park: A group of two (2) or more office buildings that are planned and developed together with unique identity and function relationships fostered through the use of coordinated design, site orientation, access, and other unifying elements.

Office Park Identification Sign: A sign that identifies the name or logo of an office park.

Off-Site Sign: Any sign that advertises commercial products, accommodations, services, or activities not provided in or on the lot upon which it is located. The on-site/off-site distinction applies only to commercial messages.

On-Site Sign: A sign advertising the commercial business, accommodation, services, or activities provided on the premises on which the sign is located, or expected to be provided in that location in the near future. All establishments within a shopping center are on-site as to any sign(s) also located within that shopping center. The on-site/off-site distinction applies only to commercial messages.

Permanent Sign: Any sign designed and intended to be used in excess of thirty (30) days, or that meets the definition of "structure" in the Building Code and is subject to a permit under any of the safety codes (building, fire, electrical, grading, etc.).

Protected: A message that is within the protection of the First Amendment to the U.S. Constitution and/or corollary provisions of the California Constitution.

Pole Sign: Any free-standing sign based at grade level and supported by one (1) or more uprights or braces. Includes signs upon which the uprights or braces are covered or cladded with metal, stucco, or any other material.

Portable Sign: All of the following are within this definition:

- Any sign not permanently attached or designed to be permanently attached to the ground or other permanent structure.
- Any sign designed to be transported by means of wheels, skids, runners, or moveable frames.
- "A frame" or "T frame" signs.
- Menu and sandwich board signs.
- The functional equivalent of any of these categories. Commercial mascots are not within this definition.

Projecting Sign: A single or double-faced sign attached to the face area or wall of building and that projects eighteen (18) inches or more from said wall and does not exceed any portion of the roof.

Real Estate Sign: A sign whose message concerns a proposed transaction, such as sale, lease, or exchange of real property. Signs on establishments offering transient occupancy, such as hotels, motels, inns, and bed and breakfast places, concerning vacancies and rates are not within this definition. All signs described in Civil Code 713 are within this definition.

Roof Sign: Any sign supported by any portion of a roof of a building.

Safety Codes: Those codes that define and require safe methods of construction or demolition, including the codes for building, electrical, plumbing, grading, demolition, etc.

Shopping Center: A commercial center composed of more than four (4) establishments, identified by one (1) name as being physically grouped and sharing a common parking area.

Sign: A temporary or permanent public display of visible images that, either directly or indirectly, advertises, informs, or identifies persons, businesses, commodities, services, or ideas by the display of any communicative image or graphic that attracts attention when such is visible from any portion of the public ROW or from a private ROW that is open to public use, or any exterior place that is open to the public. The word "sign" includes all writing, trademarks, graphic illustrations, and lighting primarily directed at facilitating communication, as well as supporting structures within sign area. Notwithstanding the generality of the foregoing, the following are not within the definition of sign:

1. Aerial signs or banners towed behind aircraft.
2. Architectural features: Decorative or architectural features of buildings (not including lettering, trademarks or moving parts) that do not perform a communicative function.
3. Fireworks and similar displays.
4. Foundation stones and cornerstones.
5. Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased.
6. Historical plaques.
7. Holiday and cultural observance decorations on private property that are on display in season for not more than forty-five (45) calendar days per year (cumulative, per parcel or use) and that do not include commercial advertising messages.
8. Inflatable gymnasia. Inflatable, temporary, moveable, gymnasium devices commonly used for children's birthday parties, and similar devices. Also called "party jumps."
9. Interior graphics. Visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof.
10. Manufacturers' marks. Marks on tangible products that identify the maker, seller, provider, or product, and that customarily remain attached to the product even after sale.
11. Mass transit graphics. Graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the City.
12. Newsracks and newsstands.

13. Personal appearance. Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots or hand-held signs).
14. Search lights and klieg lights when used as part of a search and rescue or other emergency service operation; this exclusion does not apply to search lights or klieg lights used as attention-attracting devices for commercial or special events.
15. Shopping carts, golf carts, horse drawn carriages, and similar devices; any motorized vehicle that may be legally operated upon a public road is not within this exclusion.
16. Symbols embedded in architecture. Symbols of non-commercial organizations or concepts including religious or political symbols, when such are permanently integrated into the structure of a permanent building that is otherwise legal; by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells, religious statuary, etc.
17. Vehicle and vessel insignia. On street-legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, and messages relating to the proposed sale, lease, or exchange of the vehicle or vessel.
18. Vending machines, automated intake devices, and product dispensing devices that do not display off-site commercial messages or general advertising messages.
19. Window displays. The display of merchandise in a store window when such merchandise is offered to the public for sale.

Sign Area: The area of that triangle, square, or polygon formed on a plane from the least number of straight lines (not to exceed eight [8] in number) all parts of which are measured at least six (6) inches from, and enclosing, all writing, trademarks, illustrations, backing lighting, and those backing structures except building walls. For double-faced back-to-back signs, the area of only one (1) of the two (2) equal faces counts as the sign area. In the case of a statuary sign or a sign device that has communicative visual elements on more than two (2) visual planes, area is calculated by a photograph or image of the sign showing its maximum area on a flat surface, and then calculating the area of that flat surface.

Sign Height: The vertical distance between the average adjacent ground level (for pole signs), or the roof level (for roof signs) and the top of the sign, including all superstructure, support, and architectural or design elements.

Special Event Sign: Any sign that advertises special events and activities, including grand openings/closings, carnivals, parades, charitable events, sales including promotional sales, change of business address, change of ownership or lessee, business anniversaries, seasonal events, Christmas tree or other holiday-oriented lots, public events that take place in the City, or any sign identifying a single time or infrequently occurring event that is outside of the normal activities of the responsible parties.

Temporary Sign: A sign that, by virtue of its construction from lightweight or flimsy materials, and its installation with ordinary hand tools, is not physically suitable for long-term display, including pennants, banners, streamers, or similar attention-getting devices.

Useful Life: The period of time over which a sign may reasonably be expected to be useful to the owner of a sign in the trade or business or in the production of income. Signs within the scope of Business and Professions Code 5490 are presumed to have a useful life of fifteen (15) years. For all other permanent signs, when a sign manufacturer's estimate of useful life is available, that may be presumed to be accurate, unless there is contrary evidence.

Wall Sign: A single-faced sign that is wholly attached to the face area or wall of a building, and that projects less than eighteen (18) inches from said wall.

Window Sign: Any sign painted or affixed to the inside or outside of a window surface, or otherwise so located within a building so as to be visible from the exterior of the building.

Vehicle Sign: Any sign that is attached to or painted on a vehicle that is parked on, adjacent to, or near any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

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CHAPTER 20.325 SIGNS ON CITY PROPERTY

Sections:

Section 20.325.010 Title
Section 20.325.020 Authority, Scope, Proprietary Capacity
Section 20.325.030 Intent as to Public Forum
Section 20.325.040 Signs Must be Permitted or Exempted
Section 20.325.050 Temporary Signs Displaying Non-Commercial Messages
Section 20.325.060 Certain Governmental Signs
Section 20.325.070 Community Directional Signs
Section 20.325.080 Encroachments
Section 20.325.090 Commercial Speech and Activities
Section 20.325.100 Immediate Removal of Signs on City Property
Section 20.325.110 Definitions

Section 20.325.010 Title

This chapter shall be known as Signs on City Property.

Section 20.325.020 Authority, Scope, Proprietary Capacity

In adopting this chapter, the City acts in its proprietary capacity as to City property, as defined herein, within the City. This chapter is adopted in accordance with the freedom afforded to charter cities generally, the Charter of the City of San Marcos specifically, and pursuant to the City's general and police powers; California Constitution Article XI, Section 7; California Government Code Sections 65000 et seq., 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 et seq., 5230, and 5490 et seq.; Penal Code 556; and other applicable state laws. The provisions of this chapter and chapter 20.320 (Signs on Private Property) collectively constitute the "City Sign Ordinance."

Section 20.325.030 Intent as to Public Forum

The City declares its intent that not all City property shall function as a public forum, unless some specific portion of City property is named herein as a public forum of one (1) particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and for the specified time period.

Section 20.325.040 Signs Must Be Permitted or Exempted

Unless specifically authorized by this chapter or other applicable law, no signs may be displayed on City property except in or on a traditional public forum and in accordance with this chapter. Any unauthorized sign posted on City property may be summarily removed by the City as a trespass and a public nuisance.

Section 20.325.050 Temporary Signs Displaying Non-Commercial Messages

In areas defined as traditional public forum areas, private persons may display non-commercial message signs thereon, provided that the signs conform to all of the following:

A. The signs must be personally held by a person, or personally attended by one (1) or more persons. "Personally attended" means that a person is physically present within five (5) feet of the sign at all times.

B. The signs may be displayed only during the time period of sunrise to sunset, except on occasions when the City Council or other public body is holding a public hearing or meeting; on such occasions, the display period is extended to thirty (30) minutes after such meeting is officially adjourned.

C. The maximum aggregate size of all signs held by a single person shall be six (6) square feet. For purposes of this rule only, apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area.

D. The maximum size of any one (1) sign that is personally attended by two (2) or more persons is twenty-four (24) square feet, measured on one (1) side only.

E. The sign must have no more than two (2) display faces and may not be inflatable or air-activated.

F. To serve the City's interests in traffic flow and safety, persons displaying signs shall not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give clearance of at least five (5) feet in width for pedestrians to pass by, unless the sidewalk in question is less than five (5) feet in width, in which case clearance of sufficient width shall be provided so as not to impede or block pedestrian flow on the sidewalk. Persons holding signs may not block the view or line of sight within a "visibility triangle." "Visibility triangle" shall be defined as the area within the vertices of three (3) points, measured from the corner of any vehicular intersection to two (2) points located on the curbline forty-five (45) feet from said corner.

G. The message substitution policy of the sign ordinance applies only to the traditional public forum areas.

Section 20.325.060 Certain Governmental Signs

The following signs may be erected and displayed on City property, subject to the rules set herein:

A. Traffic control and traffic directional signs erected by the City, including temporary traffic and traffic direction signs.

B. Official notices required or authorized by law.

C. Signs placed by the City in furtherance of its governmental functions, including commercial signs authorized by City.

D. Signs placed by the City on City property that express the City's own message, such as community directional signs (see section 20.325.070 [Community Directional Signs]). Such signs do not require a permit.

E. Signs placed by another governmental entity with the City's prior written permission.

Section 20.325.070 Community Directional Signs

The City may locate community directional signs at its discretion on City property to allow persons to be directed to areas within the City, as follows:

A. The maximum number of signs shall be as approved by the City Manager to lead persons to identified areas, locations, or subdivisions within the City.

B. Signs shall be no larger than sixty (60) inches by twelve (12) inches, and shall be grouped on a single-, double-, or four (4)-sided sign kiosk. Such structure shall contain no more than seven (7) separate identifications and a City identification top piece.

C. Signs shall be located at various locations throughout the City along major transportation corridors, as approved by the City Manager. Each such approved sign may state the name of the public facility, subdivision, or community area; provide information to the public as determined by the City; and include a directional arrow.

D. The placement of each sign structure and its copy shall be reviewed and approved of by the Director prior to installation.

E. A plan shall be prepared showing the site of each sign and shall be submitted to and approved by the Director to the acceptance of a sign permit application, if requested by a private party.

F. Any sign approved for a particular community area or subdivision within the City shall not be changed to another community area or subdivision without prior approval of the Director.

G. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved. No other directional signing may be used such as posters, portable signs, vehicle signs, trailer signs, or temporary subdivision signs.

H. All signs not conforming to this chapter shall be deemed a public nuisance and subject to removal from City property pursuant to Section 20.325.110 (Definitions), below.

Section 20.325.080 Encroachments

When authorized by chapter 20.320 (Signs on Private Property), private party signs mounted on private property may project into City property or the public ROW only with an encroachment permit processed for all applicable and required City approvals prior to such projection and/or encroachment. Sign encroachment permits must satisfy all requirements of the sign ordinance, as well as all requirements applicable to encroachments generally, and all applicable safety codes (building, plumbing, electrical, etc.).

Section 20.325.090 Commercial Speech and Activities

Commercial speech by sign, as well as all commercial activity, is prohibited on all City property and the public ROW. This provision does not apply to the City or its designees on City-owned property.

Section 20.325.100 Immediate Removal of Signs on City Property

A. **Removal.** Any lettering, advertisement, card, poster, sign, or notice of any kind placed on City property or on any curb, sidewalk, post, pole, lamp post, hydrant, bridge, tree, or other surface located on City property in violation of the provisions of this chapter, or any sign that constitutes an immediate peril to persons or property, may be removed without prior notice by any officer or employee of the City designated to do so by the City Manager. For the purposes of this subsection, City property shall have the meaning as defined in this chapter. The cost of removal and of any damage to City property resulting from the placement or removal of a sign under this subsection shall be charged to the person who placed the sign or caused the sign to be placed. In any action, hearing, or other proceeding for violation of any of the provisions of this section, proof that the sign or other matter contains the name of or otherwise identifies a person, firm, or corporation, or a particular committee or organization, shall constitute prima facie evidence that such person, firm, or corporation, or chairperson, president, or other head of the committee or organization, posted, or caused to be posted, the sign or other matter.

B. **Charge for Cost of Removal.** The City may recover the cost of removing signs as authorized by this section. When the City has incurred any expense in removing the sign or other matter, or in repairing City property damaged because of the posting or removal of the sign or other matter, any such expense incurred shall constitute a debt owed to the City. The Director or his/her designee shall send a bill to the persons responsible for posting or causing to be posted the sign or other matter for the actual or estimated cost of removal. The Director may establish administrative regulations to govern the billing procedures. Each bill shall include the cost, both direct and indirect, involved in the removal of the sign or other matter and in administering the billing procedure. The bill shall describe the basis of the amount billed by indicating the number of signs or other matter posted illegally, the time necessary for removal, the hourly cost for removal, the right to a hearing as provided by the appeal provisions of the sign ordinance, and other relevant information. The bill shall also specify a date by which the bill is to be paid, shall be not less than fifteen (15) business days after the bill is mailed.

C. **Post Removal Hearing Regarding Signs Summarily Removed.** The owner or person in charge of any lettering, advertisement, card, poster, sign, or notice of any kind placed on City property, or constituting an immediate peril to persons or property, that has been removed by an officer or employee of the City without prior notice to the owner or person in charge pursuant to this chapter, is entitled to a hearing to be conducted by the Director. The request for hearing shall be made in writing to the Director no later than fifteen (15) business days from the date the Director mails the billing statement specified in Subsection B, or within thirty (30) calendar days of the date of the removal, whichever occurs first. The hearing shall be limited to determining whether the lettering, advertisement, card, poster, sign, notice, or other matter was located on City property in violation of the provisions of this chapter, or constituted an immediate peril to persons or property and the accuracy of the amount billed. Upon receiving a written request for the hearing, the Director shall set a hearing, which shall be held within forty-five (45) days from the date of receipt of the request. The Director shall provide written notification of the hearing to the applicant. The notification shall include the date, time, and place of the hearing. Following the

hearing, the Director shall, within ten (10) business days after the date of the hearing, notify the person billed of any adjustment to the bill or any determination not to make an adjustment. This notification shall specify the date by which such bill shall be paid, which shall not be less than thirty (30) calendar days after the date of the hearing. Any person who fails to pay the amount billed to such person within the period specified therein shall also be liable for expenses incurred by the City in collecting the debt, including the cost of paying City employees or other persons engaged in debt collection.

D. **Decision.** The decision of the hearing officer operating under this section shall be final. The decision of the hearing officer shall be made in writing, stating the reasons for the decision reached.

E. **Return of Materials.** Any lettering, advertisement, card, poster, sign, or notice that was removed under this section may be returned to the owner only upon payment to the City of the costs of removal, as specified in this chapter. If no timely request is made for a hearing, or if no demand is made for the return of the materials removed within the time permitted for requesting a hearing, the Director or his/her designee is authorized to destroy or dispose of the removed material with no further notice.

Section 20.325.110 Definitions

Definitions from chapter 20.320 (Signs on Private Property), are incorporated herein, unless modified by the following definitions, which apply specifically to this chapter.

A. **City Property**. Land or other property in which the City holds a present right of possession and control, City road easements, and all public ROWs, regardless of ownership.

B. **Community Directional Sign**. A multi-sided sign structure with a unified design theme accommodating individual directional sign panels; also referenced as a "kiosk."

C. **Traditional Public Forum**. City-owned parks, the surfaces of City-owned streets, and, subject to the limitations set forth herein, sidewalks forming the City's vehicular and pedestrian circulation system. Sidewalks and associated ROWs located along the outside perimeter of the City Hall Complex are included within this definition. Specifically excluded from this definition, and in no way to be construed as a traditional public forum, is the interior of the City Hall Complex. As of the effective date of this chapter, the City Hall Complex consists of three (3) buildings, internal roads and sidewalks, parking lots, a parking structure, adjacent recreation areas (inclusive of a City recreational area located east of the Sprinter rail tracks), and pedestrian grounds.

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CHAPTER 20.330 WATER EFFICIENT LANDSCAPE STANDARDS

Sections:

Section 20.330.010 Purpose of Chapter
Section 20.330.020 Applicability
Section 20.330.030 Water Purveyor Responsibility
Section 20.330.040 Landscape Standards
Section 20.330.050 Landscape Documentation Package Submittal Milestones
Section 20.330.060 Landscape Documentation Package Elements
Section 20.330.070 Water Efficient Landscape Worksheet
Section 20.330.080 Landscape Bonds/Cash Deposit/Letter of Credit
Section 20.330.090 Violations and Penalties
Section 20.330.100 Waiver Application & Review Procedure
Section 20.330.110 Conflict, Enforcement, and Interpretation
Section 20.330.120 Appeal Process

Section 20.330.010 Purpose of Chapter

The purpose of this chapter is to establish responsible landscape standards that promote the quality of life in the community and provide areas for active and passive recreation and aesthetic enjoyment and enchantment. Specifically, the provisions of this chapter are intended to do the following:

A. Implement the Water Efficient Landscape Regulations adopted by the City Council in 2011 for standards for landscape and irrigation design and installation to ensure beneficial, efficient, and responsible use of all available water resources for residence and businesses within the City.

B. Effectively conserve water consistent with the state's model adopted pursuant to California Government Code Section 65595.

C. Establish specific standards for landscape and irrigation design and installation to ensure beneficial, efficient, and responsible use of all available water resources for residence and businesses within the City.

D. Implement a variety of landscaping objectives, including preventing erosion; filtering, treating, and using storm water runoff; and offering fire protection.

E. Promote landscaping design, pH level, installation, maintenance, and management of landscaping that is water efficient.

F. Establish that the right to use water is limited to the amount reasonably required for the beneficial use to be served, and shall not extend to waste or unreasonable method of use.

Section 20.330.020 Applicability

A. The provisions of this chapter shall apply to all of the following landscape projects:

1. New construction and rehabilitated landscapes with a landscape area equal to or greater than 2,500 square feet that require a permit, plan check, or Site Development Plan review:
   a. for public agency projects and private development projects with a landscape area equal to and greater than 2,500 square feet;
   b. developer-installed in single-family and multifamily residential projects.
2. New construction or rehabilitation of landscapes that are homeowner-provided and/or home owner hired in single-family and multifamily residential projects with a total project landscape of equal to and greater than 5,000 square feet requiring a building or landscape permit, plan check, or design review.
3. Existing landscapes are limited to Sections 20.330.030 (Water Purveyor Responsibility), 20.330.070(Q) (Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis), and 20.330.070(R) (Water Waste Prevention).
4. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to the requirements of sections 20.330.030 (Water Purveyor Responsibility), 20.330.070(C) (Maximum Applied Water Allowance), 20.330.070(K) (Landscape and Irrigation Maintenance Schedule), and 20.330.070(L) (Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis); existing cemeteries are limited to Section 20.330.070(L) (Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis).
5. A model home that includes a landscape area.

B. **Exemptions**. The following projects and landscapes shall be exempt from the provisions of this chapter:
1. Homeowner-provided and homeowner-hired landscaping at single-family and multifamily residential projects less than 2,500 square feet.
2. Registered local, state, or federal historical sites.
3. Ecological restoration projects that do not require a permanent irrigation system.
4. Mined-land reclamation projects that do not require a permanent irrigation system.
5. Plant collections as part of a botanical gardens and arboretums open to the public.
6. Any single-family residence that is being rebuilt after it was destroyed due to a natural disaster, such as a fire, earthquake, hurricane, or tornado.
7. Landscaping provided by a Community Facilities District (CFD). Coordination with the Planning Divisions and Public Works Department will be required for such items as plan processing, planting and irrigation specifications, inspection, securities, and maintenance period.

Section 20.330.030 Water Purveyor Responsibility

The City may designate the local retail water purveyors, to implement some or all of the requirements contained in this chapter. The City may collaborate with water purveyors to define each entity's specific responsibility relating to this chapter.

Section 20.330.040 Landscape Standards

Landscaping shall be required in a manner that beautifies the community, supports the purposes of this chapter, and uses water in an efficient and responsible manner. Landscape areas and materials shall be designed, installed, and properly maintained in compliance with this chapter and the following standards.

A. **General Standards Applicable to All Zones.** All landscape areas shall be as follows:

1. Planned as in integral part of the overall project design and not simply located in excess space after structures and parking areas have been planned.
2. Designed in a manner considerate of pedestrian access to sidewalks and structures.
3. A minimum width of five (5) feet to properly accommodate for tree growth. Width may be reduced if the landscape area only contains a mixture of ground cover and shrubs, or if otherwise approved by the Director.
4. Include a combination of trees, shrubs, and groundcover appropriate to the setting, solar exposure, and design of the site, and include a mixture of evergreen and deciduous trees.
5. All areas not devoted to building coverage, walkways, parking, or driveways shall be landscaped.
6. Where healthy mature trees exist on a site, maximum effort in site planning and landscape design shall be given for tree retention; trees shall be protected during construction.

B. **Residential Zones.** All landscape designs, including common open space and landscape setbacks, within multifamily residential Zone development (R-2 and R-3) and PRDs shall incorporate drought-tolerant and native plant palettes to enhance the visual aesthetics of a project while conserving current water supplies and reducing normal water consumption for purposes of irrigation. In addition to the general provisions and process of this chapter, the following standards shall apply:

1. All setbacks shall be landscaped.
2. Greater intensity of landscaping shall be installed at the end of buildings, along street frontages, and side/rear setbacks and adjacent to two (2)-story buildings.
3. All landscape shall be consistent with energy and resource conservation efforts prescribed by California Building Code requirements.
4. Larger specimens of shrubs and trees are encouraged along the site periphery, particularly along setback areas adjacent to public streets.
5. Locate vegetation to screen parking areas and private first floor areas and windows from second story units.
6. Landscaping shall include a combination of size of materials.
7. Landscaping shall be complimentary to building design and architectural treatment.

C. **R-MHP Zone Standards.** The following standards shall apply to all new development, and expansions of ten percent (10%) or greater of the development area, within the R-MHP Zone:

1. Landscaping shall be required for the entire setback area between all required solid masonry walls and property lines abutting public ROW(s), except for the area required for accessways to the park.
2. With the front setback area, between the required masonry wall and the public ROW, tree planting shall be as follows:
    a. A minimum of one (1) twenty-four (24)-inch box tree shall be planted at a maximum spacing of twenty (20)-foot intervals within five (5) feet of the required wall; a bio-barrier shall be installed when tree is planted adjacent to a wall or sidewalk/walkway.
    b. Variations in the tree planting requirements in setback areas may be permitted in effective use with existing trees and vegetation to provide an adequate landscaped buffer between the park and adjoining ROWs.
3. Landscaping along all streets and boundaries shall be limited to a height of not more than three and one-half (3.5) feet within twenty (20) feet of any open vehicular access way to the park.

D. **Parking Area Requirements**. The following standards shall apply to all new development in the Commercial (C), Public Institutional (PI), and Industrial (L-I, I, I-2) Zones.

1. Except for those areas devoted to driveways and/or pedestrian walkways, all off-street parking areas or structures abutting a public street or sidewalk shall be bound by a planting strip or appropriate permeable drainage treatment with minimum widths established by Site Development Plan Review standards or permit application review, and shall comply with ADA standards. The design shall include a method to ensure separation between landscaping and vehicles.
2. For any required parking area of more than ten (10) spaces, landscaping shall be installed and maintained as follows:
    a. All required parking setbacks shall be landscaped.
    b. The landscape plan shall be prepared by a licensed landscape architect.
    c. Landscaped areas shall be evenly dispersed throughout the parking lot and shall include a combination of trees, shrubs, and ground cover, emphasizing drought-tolerant landscaping.
    d. Parking lots shall be required to provide trees for shade at a minimum of one (1) tree for every five (5) parking spaces, in planters or landscaped islands evenly distributed throughout the parking lot. Trees shall be selected from the City's approved planting list, shall be a minimum twenty-four (24)-inch box size, and designed to achieve a goal of fifty percent (50%) shade requirement within fifteen (15) years of planting.
    e. Tree planters shall have a minimum interior dimension of five (5) feet and/or shall be sized to accommodate the selected species of tree growth.

f. To increase the parking lot landscaped area, an additional three (3) feet of the parking stall may be landscaped with low growth, hardy landscaping in lieu of paving.

g. To increase the parking lot landscape area, a two (2)-foot landscaped overhang area may be provided as part of the eighteen (18)-foot minimum length of a parking space, provided the total depth of such overhang area is in accord with the specifications of Table 20.340-3. Such overhang area shall not be considered as part of the landscaping requirement. In no case shall such overhang be considered part of a required walkway or sidewalk width.

h. Landscape irrigation shall be provided per the requirements of this chapter.

i. Parking area landscaping requirements may be reduced if a developer provides substitute open areas as approved by the Director. Substitute areas may include reflection pools, lawns, and similar landscape features.

3. Parking Area Screening.

a. Parking lots shall be screened from major public streets and adjacent residential land uses with plants, low walls fences, or grade changes that is a minimum of three (3) feet in height.

b. Interior property lines between parking lot areas and an existing or proposed residential development shall require a six (6)-foot-high decorative masonry wall.

Section 20.330.050 Landscape Documentation Package Submittal Milestones

Prior to final approval of the Landscape Documentation Package, the Planning Division must obtain approval from the local water purveyor to verify that the water budget calculations specified in the Landscape Documentation Package meet the water allocation specified by the local water purveyor.

A. **Prior to Construction.** Prior to construction, Planning Division shall do the following:

1. Provide the project applicant a copy of the Landscape Regulations and procedures for design review, plan checks, or permits. Copies of the reference Evapotranspiration Table, Water Efficient Landscape Worksheet, Water Budget Calculation Sheet, a Certification of Completion form shall be provided in the landscape application form**.**
2. Review the Landscape Documentation Package submitted by the project applicant.
3. Approve or deny the Landscape Documentation Package.
4. Complete the design review, approved the plans, and issue a permit.
5. Upon approval of the Landscape Document Package, submit an electronic copy of the Water Efficient Landscape Worksheet to the local retail water purveyor.

B. **During Construction.** During construction, the project applicant shall do the following:

1. Maintain an approved Landscape Documentation Package at the job site.
2. Maintain an approved copy of the Landscape Permit and a record the date of the approval of the landscape Permit.

C. **Post Completion.** Upon completion of all landscape design, the project applicant shall do the following:

1. Obtain a Certificate of Completion signed by Planning Division.
2. Submit an electronic copy of the approved Landscape Documentation Package along with the record drawings, and an electronic copy of the Water Efficient Landscape Worksheet to the local retail water purveyor.

D. **On-Going Responsibility.** The applicant's on-going responsibility after Planning Division signs off the Certificate of Completion is to contact the local retail water purveyor, or a certified landscape irrigation auditor, and secure a landscape audit that will include a recommended irrigation schedule.

E. **Establishment Period.** The first eighteen (18) months after the City approves planting shall be considered as the "establishment period" for the landscape plant materials. A bond or cash deposit will be submitted to the City, prior to issuing a Landscape Permit and held until a final inspection is conducted by the City to verify the landscape is thriving in a healthy manner. It will be the responsibility of the developer/owner to contact the City a minimum of thirty (30) days prior to end of the eighteen (18) months for the final inspection.

Section 20.330.060 Landscape Documentation Package Elements

The Landscape Documentation Package shall include following elements:

A. **Project information.** Project information regarding the landscape project shall contain all the following:

1. Date of submittal.
2. Project applicant's full name.
3. Project address and/or assessor parcel number(s).
4. Total existing and proposed landscape area in square feet.
5. Define project type (e.g. new, rehabilitated, public, cemetery, owner-installed).
6. Adjacent land uses and zoning designations.
7. Approximate location and quantity of all proposed and existing specimen trees.
8. Location of all existing and proposed storm, sanitary, and utility lines. Root barriers shall be required when trees are planted within five (5) feet (or as directed by the local water purveyor) of public water and sewer mains.
9. Location of all existing and proposed contours two (2)-foot minimum.
10. Location of proposed and existing buildings, structures and paved areas.
11. Landscape Plans must be drawn to scale, and in cases where a grading permit is required, both landscape and grading plans must be the same scale.
12. Provide a planting schedule with proposed plant material names (common and botanical), quantity, size, and spacing, and any special planting notes. Size of plants should be describing the actual size at the time the planted is installed.

13. Separate landscape plan(s) submittal will be required for:
    a. Community Facilities District (CFD) Areas.
    b. Privately Owned Landscape Areas.
    c. Homeowners' Association (HOAs).
    d. Master Development Associations.
    e. Master Retail Associations.
14. Landscape plans must address all BMPs, coincide with grading plans, address brush management Zones, and address biological constraints.
15. The landscape plan must also address any sight visibility triangle issue if applicable.
16. All hardscape, i.e., decorative paving, scored concrete, trellis design, location of monument sign and other special design items must be addressed on the landscape plans.
17. Water supply type (e.g., potable, recycle, or well, and identify the local retail water purveyor if the applicant is not served by a private well).
18. Completed checklist of all documents in the Landscape Documentation Package.
19. Project contacts to include contact information (name, address, and phone number) for the project applicant, landscape architect, contractor, and property owner.
20. Applicant/property owner signature and date with the following statement: "I agree to comply with the requirements of the Water Efficient Landscape Regulations and submit a complete Landscape Documentation Package."

B. **Water Efficient Landscape Worksheet.** See section 20.330.070 (Water Efficient Landscape Worksheet) for full worksheet information. The worksheet shall include the following**:**
    1. Hydrozone Information Table
    2. Water Budget Calculations
    3. Maximum Applied Water Allowance (MAWA)
    4. Estimated Total Water Use (ETWU)

C. **Soil Management Report.**

D. **Landscape Design Plan.**

E. **Irrigation Design Plan.**

F. **Grading Design Plan.**

G. **Fuel Management Plan.** Establish a meeting with the Fire Marshal early in the design process to determine if a Fuel Management Plan (FMP) is required. The fuel management area shall be design with the appropriate plant species recognized under the FMP.

H. **Biological Constraints Plan.** If it is determined that the project site is located in a biologically sensitive area, the following shall apply:
    1. The landscape plans shall be reviewed and approved by a certified biologist for:

a. Compatible plants that are not considered invasive.

b. Confirm the boundary of the biological constraint area.

c. Arrange for the biologist to be present for the preconstruction meeting to discuss any constraints with developer.

d. Have the biologist assist the civil engineer in stacking the construction buffer area.

e. Submit a copy of all Agency Permits, a copy of an approved Property Assessment Records (PAR) and maintenance plan prior to any grading activity.

I. **Screening of Utilities/Equipment.** A utility plan must be submitted with the site plan prior to recording easements in an effort to coordinate placement of all utilities.

1. Mechanical equipment, such as cooling towers, air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, etc., must be adequately screened.

2. Screening shall exceed the vertical height of the equipment being screened by at least six (6) inches. A three (3)-foot open area shall be maintained around such equipment to facilitate repairs.

J. **Landscape Maintenance/Terms.** All plants shall be maintained in a healthy and thriving condition. Initially, it shall be the responsibility of the developer to maintain (water and weed) all slopes where required by the provisions of this chapter until such time as the property is occupied by reason of lease or purchase, at which time the responsibility for such maintenance shall be transferred to a mandatory Community Association. Covenants, Conditions, and Restrictions of the subject tract shall provide for acceptance of the responsibility for maintenance by the Community Association.

1. Maintenance shall include restoration of any portion of a slope area affected by installation of walls, fences, pools and the like.

2. A special brochure or maintenance plan shall be prepared by the responsible landscape architect for the purpose of instructing the lessee or purchasers of the property and any landscape maintenance company working on the property on the proper maintenance and watering of landscape slopes, and these landscape brochures or maintenance plan must be submitted and approved by the Planning Division prior to issuance of a building permit or as directed by the Director.

Section 20.330.070 Water Efficient Landscape Worksheet

A project applicant shall complete the Water Efficient Landscape Worksheet that contains two (2) sections (worksheet provided in landscape application).

A. **Hydrozone Information Table**. A Hydrozone Information Table for the Landscape project provided in the landscape application handout from the Planning Division.

B. **Water Budget Calculation**. A Water Budget Calculation (provided in the landscape application in Planning Division) for the landscape project. For the calculation of the maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values

from the reference Evapotranspiration Table provided in the landscape application handout from the Planning Division. Water budget calculations shall adhere to the following requirements:

1. The plant factor used shall be from Water Use Classification of Landscape Species (WUCOLS) published by the California Department of Water Conservation. The plant factor ranges from 0 to 0.3 for low water use, from 0.4 to 0.6 for moderate water use plants and from 0.7 to 1.0 for high water use plants.
2. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
3. All special landscape Area shall be identified and its water use calculation as described below.
4. Evapotranspiration Adjustment Factor (ETAF) for Special Landscape Area Water Allowance shall not exceed 1.0. ETAF for existing; nonrehabilitation landscape is 0.8.

C. **Maximum Applied Water Allowance Equations (MAWA).** MAWA and estimate total water usage calculations shall be performed for all landscape project subject to this chapter consistent with Table 20.330-1.

Table 20.330-1
Maximum Applied Water Allowance Equations

Equation	Assumptions
Maximum Applied Water Allowance (MAWA) Landscape projects maximum applied water allowance shall be calculated using this equation:	
MAWA = (ETo)(0.62)[0.7 x LA +SLA]	**MAWA** = Maximum Applied Water Allowance (gallons per year) ***ETo*** = Reference Evapotranspiration (inches per year). **0.7** = ET Adjustment Factor ***LA*** = Landscape Area includes Special Landscape Area (square feet) ***.62*** = Conversion Factor (to gallons per square foot) ***SLA*** = Portion of the landscape area identified as Special Landscape Area (square feet) ***0.3*** = the additional ET Adjustment Factor for Special Landscape Area (1.0 - .07 = .03).
Estimate Total Water Use (shall not exceed MAWA) Estimate total sum of the Estimated Total Water use calculations for all hydrozones shall not exceed MAWA.	
ETWU = $\frac{\text{PF x HA}}{\text{(ETo)(0.62) (IE + SLA)}}$	***EYWU*** = Estimated Total Water Use per year (gallons) ***ETo*** = Referenced Evapotranspiration (inches) ***PF*** = Plant Factor from WUCOLS (see section 20.330.040(B).) ***HA*** = hydrozone Area [high, medium, and low water use areas] (square feet) ***SLA*** = Special Landscape Area (square feet) ***.062*** = Conversion Factor ***IE*** = Irrigation Efficiency (minimum (0.71)

D. **Soil Management Report.** In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed as follows:

1. The soil management plan shall be prepared by a licensed landscape architect, licensed civil engineer, or a licensed architect.
2. Submit soil sample to a laboratory for analysis and recommendations

a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants; and

b. The soils analysis shall include:

i. Soil texture

ii. Infiltration rate determined by laboratory test or soil texture infiltration rate table

iii. pH level

iv. Total soluble slats

v. Sodium level

vi. Percentage of organic matter

vii. Recommendations about the soil amendments may be necessary to foster plant growth and plant survival in the landscape area using efficient irrigation techniques

3. The project applicant shall comply with one (1) of the following:

a. If the project does not exceed the movement of greater than fifty (50) cubic yards of dirt, the soil analysis report shall be submitted to Development Services as part of the Landscape Documentation Package.

b. If greater than fifty (50) cubic yards of dirt is moved, the soil analysis report shall be submitted accompanied by the Certificate of Completion.

c. The soils analysis report shall be readily available to the professionals preparing the landscape and irrigation design plans.

d. The project applicant shall submit documentation verifying implementation of the soil analysis report recommendations to Development Services with the Certificate of Completion.

E. **Landscape Design Plan.** For efficient use of water, a landscape plan shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting following design criteria shall be submitted as part of the Landscape Documentation Package.

1. Plant Material

a. Any plant may be selected for the landscape, providing the total landscape area does not exceed the maximum Applied Water Allowance. To encourage the efficient use of water, the following is highly recommended:

i. Protection and preservation of native species and natural vegetation;

ii. Selection of water-conserving plant species and turf species;

iii. Selection of canopy shading; and

iv. Selection of plants base on disease and pest resistance.

b. Each hydrozone shall have plant materials with similar water use, with the exception of plants with mixed water use. For hydrozones with plants of mixed use, refer to Section 20.330.070(G) (Hydrozone Design) for more information.

Plants shall be selected and planted appropriately based upon their adaptability to climate, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended:

i. Use the Sunset Western Climate Zone that takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continent and marine influence on local climate.

ii. Recognize the horticulture attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., building, sidewalks, power lines).

iii. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

c. Turf is not allowed on slopes greater than twenty-five percent (25%) where the toe of the slope is adjacent to an impermeable hardscape and where twenty-five percent (25%) means one (1) foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run x 100 = slope percent).

d. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensive space or Zone around the Zone a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches.

e. The use of invasive and/or noxious species is prohibited.

f. Invasive species of plants shall be avoided especially near parks, buffers, greenbelts, water bodies, and open spaces because of their potential cause to harm to environmentally sensitive areas.

g. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have an effect of prohibiting the use of low-water use plants as a group (Civil Code Section 1358.8).

2. Water Features. Re-circulating water shall be used for water features. Water features must comply with San Diego County Department of Environmental Health standards. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculations.

a. Mulch and Amendments:

i. A minimum four (4)-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf area, creeping or rooting groundcovers or direct seeding applications where mulch is contraindicated.

ii. Stabilizing mulching products shall be used on slopes.

iii. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirements.

iv. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for plants selected (see section 20.330.070[D] [Soil Management Report]).

b. The landscape design shall at a minimum contain the following:

i. Delineate and label hydrozone by number, letter, or other method.

ii. Identify each hydrozone as low, moderate, highwater use, or mixed water-use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation.

iii. Identify recreation areas.

iv. Identify areas permanently and solely dedicated to edible plants.

v. Identify areas irrigated with recycled water.

vi. Identify type of mulch and application depth.

vii. Identify soil amendments, type, and quantity.

viii. Identify type and surface area of water features.

ix. Identify hardscapes (pervious and on-pervious).

x. Identify location and installation details of any applicable storm water best management practices that encourage on-site retention and infiltration of storm water. Storm water best management practices are encouraged in the landscape design plans and examples include the following:

1. Infiltration beds, swales and basins that would allow water to collect and soak into the ground;

2. Constructed wetlands and retention ponds that retain water, handle excess flow and filter pollutants; and

3. Pervious or porous surfaces (e.g. permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.

xi. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens cisterns).

xii. The landscape design shall have the following statement: "I have complied with the criteria of this chapter and applied them for the efficient use of water in the landscape design plan."

xiii. The signatures of a licensed landscape architect, licensed landscape contractor, or any other applicable landscape professional, person, licensed or unlicensed, as listed in the Business and Professions Code, California Code of Regulations, or Food and Agricultural Code.

F. **Irrigation Design Plan.** For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturer recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation,

management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation package.

1. Automatic irrigation controllers utilizing either evapotranspiration or moisture sensor data shall be required for irrigation scheduling in all irrigation systems.
2. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufactures recommended pressure range for optimal performance:
    a. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
    b. Static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at design stage. If the measurements are not available at the design stage, the measurement shall be conducted at installation.
3. Sensors (rain, freeze, wind, etc.) either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions such as rain or a freeze shall be required on all irrigation systems, as appropriate for local climate conditions. Irrigation should be avoided during windy or freezing weather or during rain.
4. Manual shut-off valves (such as gate valves, ball valve, or butterfly valve) shall be required as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main break) or routine repair.
5. If separate water meters are proposed, backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall contact the San Diego County Department of Environmental Health for additional backflow prevention requirements.
6. High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.
7. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
8. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be used when designing irrigations systems.
9. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
10. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in section 20.330.070(C) (Maximum Applied Water Allowance Equations).
11. The project applicant shall inquire with the retail water purveyor about peak hour water operating demands (on the water supply system) or water restrictions that may impact

water availability or water pressure and could compromise the effectiveness of the irrigation system.

12. In mulched planting areas, the use of low volume water irrigation is required to maximize water infiltration into the roots.
13. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufactures specifications.
14. Head to head coverage is recommended. However, sprinkler spacing shall be set to achieve distribution uniformity using the manufactures specifications.
15. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
16. Check valves or anti-drain valves are required for all irrigation systems.
17. Narrow or irregularly shaped areas including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or low-volume irrigation technology.
18. Overhead irrigation shall not be permitted within twenty-four (24) inches of any non-permeable surface. Allowable irrigation within the setback from a non-permeable surface may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
    a. The landscape area is adjacent to permeable surfacing and no runoff occurs; or
    b. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
    c. The irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation package, and clearly demonstrates strict adherence to irrigation system design criteria in section 20.330.070(F)(7) (Irrigation Design Plan). Prevention of overspray and runoff must be confirmed during irrigation audit.
19. Slopes greater than twenty-five percent (25%) shall not be irrigated with an irrigation system with a precipitation rate exceeding three-quarter (0.75) inch per hour. This restriction may be modified if the landscape designer specifies alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.
20. The irrigation design plan shall contain the following statement: “I have complied with the criteria of this chapter and applied them accordingly for the efficient use of water in the irrigation design plan.”
21. Provide the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other applicable landscape professional person, authorized to design an irrigation system as listed in the Business and professional Code, California Code of Regulation, or Food and Agriculture Code.

G. **Hydrozone Design.**

1. Each valve shall irrigate a hydrozone with a similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
2. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
3. Where feasible, trees shall be place on separate valves from shrubs, groundcovers, and turf.
4. Individual hydrozones that mix plants of moderate and low water use or moderate and high water use, may be allowed if:
   a. Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor or
   b. The plant factor of the higher water using plant is used for calculations.
5. Individual hydrozones that mix high and low water use plants shall not be permitted.
6. On the landscape design plan and irrigation design plan, hydrozones areas shall be designated by number, letter or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information table (provided in the landscape application handout from the Planning Division). This table can also assist with pre- and final inspections of the irrigation system and programming the controller.
7. If proposed, show location and size of separate water meters for landscape.
8. Show location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow devices.
9. Show the static water pressure at the point of connection to the public water supply.
10. Describe the flow rate (gallons per minute), application rate (inches per hour) and design operating pressure (pressure per square inch) for each station.
11. Indicate if there is recycle water being used for the irrigation system and if so, as specified in section 20.330.070(N) (Recycled Water).
12. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufactures specifications. The irrigation system and its related components shall be planned and designed to allow for proper installation, management and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.
13. Weather-based irrigation controllers or soil moister-based controllers or other self-adjusting irrigation controllers shall be required for irrigation scheduling in all irrigation systems.

H. **Grading Design Plan.**

1. For efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading design plan shall be submitted as part of the

Landscape Documentation Package. A comprehensive grading plan shall be prepared by a civil engineer, that satisfies this requirement.

2. The project applicant shall submit a landscape grading plan that indicates finish configurations and elevations of the landscaping area, including the following:
   a. Height of graded slopes
   b. Drainage patterns
   c. Pad elevations
   d. Finished grade
   e. Storm water retention improvements, if applicable
3. Prevent excessive erosion and runoff by BMP design.
4. The grading design plan shall contain the following statement: "I have complied with the criteria of this chapter and applied them accordingly for the efficient use of water in the grading design plan" and the signature of a licensed professional as authorized by law.

I. **Certificate of Completion.**

1. The Certificate of Completion (sample provided in landscape application) shall include the following information and documentation:
   a. Date
   b. Project name
   c. Project applicant name, telephone, and mailing address
   d. Project address and location
   e. Property owner name, telephone number, and mailing address
   f. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Document Package
   g. Irrigation audit report, see section 20.330.070(L) (Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis)
   h. Parameters used to set the controller; see section 20.330.070(H)(2) (Grading Design Plan)
   i. Landscape and irrigation maintenance schedule; see section 20.330.070(K) (Landscape and Irrigation Maintenance Schedule)
   j. Soils analysis report and documentation verifying implementation of soil report recommendations; see section 20.330.070(D) (Soil Management Report)
2. The project applicant shall do as follows:
   a. Submit the signed Certificate of Completion to the Planning Division for review.
   b. Ensure that electronic copies of the approved Certificate of Completion are submitted to local retail water purveyor and property owner or his/her designee.
3. The Planning Division shall do the following:
   a. Receive the Certificate of Completion from the project applicant.

b. Approved or deny the Certificate. If the Certificate of Completion is denied, the Planning Division shall provide information to the project applicant regarding reapplication, appeal or other assistance.

J. **Irrigation Scheduling.**

1. For efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to use the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
   a. Irrigation scheduling shall use automatic irrigation systems controllers.
   b. Overhead irrigation shall be scheduled for between 6:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two (2) shall apply. Operation of the irrigation system outside of the normal watering window is allowed for auditing and system maintenance.
   c. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water use. Total annual applied water shall be less than or equal to MAWA. Actual irrigation schedules shall be based on current time reference evapotranspiration data (e.g., CIMIS or soil moisture sensor).
2. Parameters used to set the controller shall be developed and submitted for each of the following:
   a. The plant establishment period;
   b. The established landscape; and
   c. Temporary irrigated areas.
3. Each irrigation schedule shall consider for each station all of the following that apply:
   a. Irrigation interval (days between irrigation)
   b. Irrigation run times (hours or minutes per irrigation event to avoid runoff)
   c. Number of cycle starts required for each irrigation event to avoid runoff
   d. Amount of applied water scheduled to be applied on a monthly basis
   e. Application rate setting
   f. Root depth setting
   g. Plant type setting
   h. Soil type
   i. Slope factor setting
   j. Shade factor setting
   k. Irrigation uniformity or efficiency setting

K. **Landscape and Irrigation Maintenance Schedule.**

1. Landscape shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.
2. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas and removing any obstruction to emission devices. Operation of the irrigation system outside of the normal watering window is allowed for auditing and system maintenance.
3. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.
4. A project applicant is encouraged to implement sustainable or environmentally-friendly practices for overall landscape maintenance.

L. **Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis.**

1. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.
2. For new construction and rehabilitated landscape projects installed after January 1, 2010, as described in section 20.330.020 (Applicability).
    a. The project applicant shall submit Certificate of Completion to the Planning Division along with a certification statement from the landscape architect certifying that the landscaping and irrigation system have been installed according to the approved plans.
    b. The Planning Division shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits and irrigation surveys for compliance with the maximum applied water allowance.

M. **Irrigation Efficiency**. For the purpose of determining the maximum applied water allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed average landscape irrigation efficiency of 0.71.

N. **Recycled Water.** The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in section 20.330.100 (Waivers Application & Review Procedure). Otherwise, irrigation systems must comply with San Diego County Department of Environmental Health standards.

1. Landscape using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for Special Landscape Areas shall not exceed 1.0.
2. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.

O. **Storm Water Management.** Storm water management practices minimize runoff and increase infiltration that recharges groundwater and improves water quality. Implementing storm water

best management practices into landscape and grading design plans to minimize runoff and to increase on-site retention and infiltrations are encouraged.

1. Project applicants shall refer to both the City's Storm Water Program Manager and Regional Water Quality Control Board for information on any storm water regulations and storm water management plans.
2. Rain gardens, cisterns, and other landscape features and practices that increase rainwater capture and create opportunities for infiltration, on-site storage, and any other means of storm water management as required by the City Engineer.

P. **Public Education.** The City shall provide information to owners of new, single-family residential homes regarding design installation, management and maintenance of water efficient landscapes. The owners shall contact the local retail water purveyor for additional information.

1. All model homes that are to be landscaped shall use signs and written information to demonstrate the principals of water efficient landscapes described in this chapter.
    a. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment that contribute to the overall water efficiency theme.
    b. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

Q. **Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis.**

1. For all existing landscape installed before January 1, 2010, that are one (1) or more acres, the City shall administer programs to encourage irrigation water use analysis, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum Applied Water Allowance for existing landscape. The Maximum Applied Water Allowance for existing landscape shall be calculated as: MAWA = (0.8)(ETo)(LA)(0.62).
2. For all existing landscape installed before January 1, 2010, that do not have a meter, the local agency shall administer programs to encourage irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
    a. Maximum Applied Water Allowance for existing landscapes shall be calculated as *MAWA* = (0.8)(ETo)(LA)(0.62).
    b. The audits shall comply with the Irrigation Association Certified landscape Irrigation Auditor training Manual (2204) or the most current edition.
    c. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

R. **Water Waste Prevention.** The City and the local retail water purveyors, in concert with the Regional Water Quality Control Board, shall discourage water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-

irrigated areas, walks, roadways, parking lots or structures. Penalties for violation of these prohibitions shall be administered by agencies appropriately authorized.

S. **Effective Precipitation.** Effective Precipitation (twenty-five percent [25%] of annual precipitation) in tracking water use and may use the following equation to calculate maximum Applied Water Allowance: MAWA = (ETo – Eppt)[(0.7 x LA) + (0.3 x SLA)].

Section 20.330.080 Landscape Bonds/Cash Deposit/Letter of Credit

A special Landscaping Performance Bond, Cash Deposit, or Letter of Credit in an amount established by the Director and in a form approved by the City Attorney, shall be posted by the developer to guarantee that the planting will become permanently established. This bond will become effective upon certification that all landscape is planted per the approved landscape plan and will be held by the City for minimum of eighteen (18) months unless it can be proven that the landscape is thriving in a healthy condition under an approved maintenance plan.

Section 20.330.090 Violations and Penalties

A. **Violations**. Violations shall be considered as follows:

1. Removal of existing mature landscape without approval by the City.
2. Damage to existing mature landscape.
3. Any person who violates any of the provisions of this chapter shall be punishable by a fine under chapter 1.12 and chapter 1.14 of this Code.
4. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.
5. In addition to receiving any fines or other monetary remuneration, the City shall have the right to seek injunctive relief for any and all violations of this chapter and all other remedies provided by law or in equity.
6. The retail water purveyors shall establish and administer penalties for water waste violations, which can lead to restrictions on irrigation water deliveries.

B. **Penalties**. The City may establish and administer penalties to the project applicant for noncompliance with this chapter, to the extent permitted by law.

Section 20.330.100 Waivers Application & Review Procedure

The City may administratively waive or modify one (1) or more requirements of this chapter when unusual circumstances make their strict application impossible, and upon a determination that the waiver or variance is consistent with the purpose and intent of this chapter.

A. **Waiver Application.** Applications for waiver shall be submitted to the Director. Application for waiver shall include the following information:

1. Name of applicant.
2. Address or location of site, including Assessor's Parcel Number.
3. Calculations of the total area of the site to be landscaped.

4. A minimum of eight (8) photographs of the site, four (4) looking into the property and four (4) looking out from the property from each cardinal direction.
5. An explanation of the reason for the waiver request.

B. **Waiver Review Process.** The Director shall review the application and upon determination of one (1) of the following findings, may grant a waiver:

1. Practical difficulties make the strict application of this chapter feasible.
2. The waiver is consistent with the purpose and intent of this chapter.
3. Full compliance with the requirements of this chapter would not materially contribute to the objectives of water conservation.

Section 20.330.110 Conflict, Enforcement, and Interpretation

In the event of a conflict between this chapter and another chapter of this Zoning Ordinance, the more restrictive shall apply.

Section 20.330.120 Appeal Process

A Landscape Permit is required if a developer or property owner is proposing landscape designs under this chapter. The decision of the final decision-making body or official is final and effective ten (10) calendar days after adoption or the resolution or written decision, unless within such ten (10)-day period the applicant or any other interested party or person files a written appeal utilizing the same appeal procedure to the other permits that are processed concurrently with the Landscape Permit. If no other discretionary permits are being processed concurrently with the Landscape Permit, then the appeal procedures in chapter 20.545 (Appeals and Revocations) shall apply.

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CHAPTER 20.335 WALLS AND FENCES

Sections:

Section 20.335.010 Purpose of Chapter
Section 20.335.020 Applicability
Section 20.335.030 General Development Standards
Section 20.335.040 Non-Residential and Mixed Use Requirements
Section 20.335.050 Single-Family Residential Requirements

Section 20.335.010 Purpose of Chapter

The purpose of this chapter is to regulate the development, installation, and maintenance of private walls and fences within the community. Specifically, this chapter does the following:

A. Promotes the public health, safety, and general welfare of the City by regulating the fences and walls protecting or separating real property.

B. Further modifies the operation of allowable land uses by regulating the installation, operation, and maintenance of all walls and fences.

Section 20.335.020 Applicability

The provisions of this chapter shall be applicable to all walls and fences required by any land use or within any Zone of this Title except as modified by chapter 20.400 (Specific Use Standards) or 20.445 (Refuse and Recycling).

A. **Review Required.** The review of fences and walls shall be an integral part of any site plan, permit, or Site Development Plan Review application. Compliance with all wall and fence standards shall be required, unless otherwise modified by a DP.

B. **Swimming Pools, Spas, and Similar Features.** Swimming pools, spas, and similar features shall be fenced in accordance with the California Building Code.

Section 20.335.030 General Development Standards

A. **Architectural Compatibility**. Walls, fences, and architectural screening elements shall be compatible with the architectural treatment of the primary building on the parcel, and shall meet all standards applicable to the Zone unless otherwise modified by this chapter.

B. **Visibility.** No wall, fence, or landscaping element shall interfere with intersection visibility or line of sight or other safety issue. See Figure 20.300-4.

C. **Blank Walls Prohibited.** Blank walls are prohibited. Where screening or security walls (excluding wrought iron fences) are located within ten (10) feet of a public ROW, landscaping shall be provided between the wall and the ROW to a minimum height of forty-two (42) inches to minimize opportunities for crime and unsafe conditions.

D. **Permitted Materials.** Approved materials include wood, vinyl, stone, masonry, brick, block, stucco, wrought iron, and concrete. Where opaque walls are required, they shall be constructed of brick, split-face block, stone, or frame-stucco.

E. **Prohibited Materials.**

1. Barbed, razor, concertina, corrugated metal and plastic, tarps, and electrified wire of any kind or configuration is prohibited in all Zones, except as modified by section 20.335.030 (E) (2) below.
2. Woven wire, barbed wire, or electrified fencing may be permitted in the front and side yards of all Agricultural (A) Zones only if needed to secure livestock and/or horses; maximum height not to exceed seventy-two (72) inches.
3. Chain-link fencing and similar material are prohibited along any public ROW regardless of setback. Where chain-link fencing is used, it shall not be visible from the public ROW. This standard shall apply to all Zones except Agricultural (A) Zones.

F. **Maximum Height.** The height of all walls, fences, and architectural screening elements shall be measured from the finished grade of the property to the highest point of the element.

1. Table 20.335-1 established maximum wall/fence heights by Zone.
2. Where additional height is needed based on security or specific site operating requirements, additional wall/fence height may be approved through a DP, subject to evaluation of adjacencies and necessity.
3. Hedges or other vegetation shall not exceed the maximum height of walls permitted in the Zone so located.

Figure 20.335-1
Fence Height by Location (applicable to R Zones)

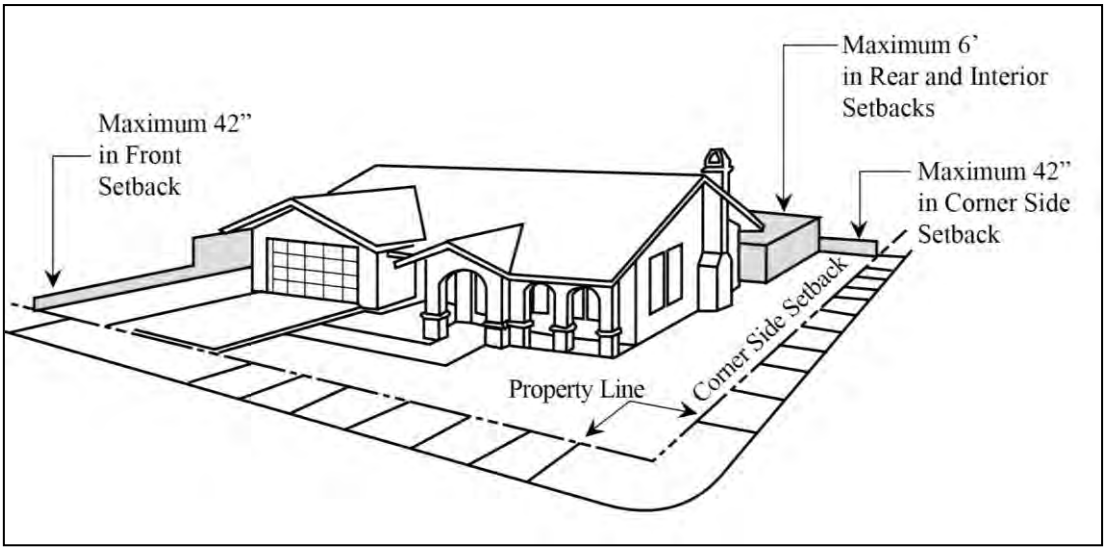


Table 20.335-1
Wall/Fence Maximum Height Standards by Zone

Setback Location	Maximum Permitted Height by Setback									
	A & R Zones*		P-I Zone		MU Zones		Commercial		Industrial	
	<Min. Setback	≥Min. Setback	<Min. Setback	≥Min. Setback	<Min. Setback	≥Min. Setback	<Min. Setback	≥Min. Setback	<Min. Setback	≥Min. Setback
Front PL	42”'	6'	42"	42"	- - -	6'	42"	6'	- - -	6'
Public ROW	42”	6'	6'	6'	- - -	6'	42"	6'	- - -	6'
Interior PL	- - -	6'	6'	6'	7'	7'	8'	8'	10'	10'
Adjacent to R PL	- - -	6'	6'	6'	6'	6'	6'	6'	6'	6'

Note: - - - = not permitted. Heights may be modified by DP or the standards of chapter 20.400 (Specific Use Standards).
*Or as regulated by section 20.335.050 (Single-Family Residential Requirements); privacy fence allowed along rear and interior property lines to the maximum height indicated.

Section 20.335.040 Non-Residential and Mixed Use Requirements

Walls and fences define space, provide buffers between properties and uses, and may be used for security purposes. Where fences and walls are used they shall comply with the provisions of this chapter. Fences and walls shall comply with one (1) or a combination of the following fencing standards, as appropriate for the parcel and adjacent uses:

A. **Required**.

1. The use of fences and walls along public ROWs is not required in non-residential and Mixed Use Zones, unless specifically required in conjunction with a land use per the standards of chapter 20.400 (Specific Use Standards).
2. Opaque decorative masonry walls, fixed height of six (6) feet, shall be constructed along all property lines abutting properties that have more restrictive Zone.

B. **Open-Style Standards.** Open-style fences such as spaced wood, chain link with redwood slats, and ornamental iron, can be provided when that type of fencing complies with one (1) of the following landscaping requirements, subject to Director approval:

1. Gaps in spaced wood (or simulated wood) fences not to exceed four (4) inches, or one-half (½) the width of the average board or slat, whichever is less.
2. Planting with sufficient vines or climbing ivy of an acceptable density to ensure complete view-obstructing screening within one (1) year of planting.
3. Combination of landscaped berm and solid masonry block wall to a minimum height of six (6) feet. Trees of the evergreen variety or other year-round leaf-bearing type shall be planted so that they exceed this minimum height.
4. Combination of trees and shrubs of the evergreen variety, or other similar year-round leaf-bearing type, set away and in front of the fence line so as not to encroach over the fence. Such plants shall be of such variety and shall be clustered so as to allow only minimal gaps between foliage of mature trees and shrubs within one (1) year after planting.

5. Evergreen shrubs or other similar year-round leaf-bearing shrub, planted with such spacing so as to form a solid hedge with a minimum of eight (8) feet in height within one (1) year after planting.
6. All planting and landscaping shall be in compliance with chapter 20.330 (Water Efficient Landscape Standards).

C. **Mixed Use Limitations.**

1. Mixed Use Zones may use wrought iron or decorative metal fencing and gates along public ROW setback lines to a maximum height of six (6) feet.
2. Walls along the ground floor public ROW shall be limited to forty-two (42) inches in height and may only be allowed in conjunction with a residential use or outdoor dining. Walls/fences in conjunction with other non-residential uses are prohibited.
3. No fence or wall shall be closer to the front or public ROW property line than the minimum setback applicable to the Zone or ROW, except for outdoor dining per chapter 20.400 (Specific Use Standards).

D. **Maintenance**. Fences and walls shall be constructed of new material and shall be maintained in a state of good repair. Any dilapidated, dangerous, or unsightly fences or walls shall be repaired or removed.

Section 20.335.050 Single-Family Residential Requirements

A. **Property Boundary Walls.** Walls and/or fences for privacy or aesthetics along property boundaries are permitted per the following standards; see Figure 20-335-1.

1. Front setback area maximum height forty-two (42) inches.
    a. Residential parcels adjacent to major thoroughfares may be permitted a sound wall to an increased height of six (6) to eight (8) feet based on lot configuration and sound wall needs subject to Director and City Engineer approval and building permit requirements.
2. Side street setback area maximum height of forty-two (42) inches within the front setback area, otherwise six (6) feet.
3. Side, interior and rear property lines maximum height six (6) feet.
    a. Residential parcels adjacent to non-residential uses/parcels may be permitted a wall to an increased height of six (6) feet based on lot configuration and sound wall needs subject to Director approval and building permit requirements. Wall/fence requirements for the non-residential use shall apply.

CHAPTER 20.340 OFF-STREET PARKING AND LOADING

Sections:

Section 20.340.010 Purpose of Chapter
Section 20.340.020 Applicability
Section 20.340.030 General Requirements
Section 20.340.040 Required Number of Parking Spaces
Section 20.340.050 Off-Street Parking and Trip Reduction Measures
Section 20.340.060 Off-Street Parking Size and Location
Section 20.340.070 Parking Lot Improvement Standards and Other Parking Layouts
Section 20.340.080 Off-Site Parking Alternatives
Section 20.340.090 Bicycle Parking
Section 20.340.100 Truck Loading and Unloading Areas Loading Space Requirements and Design Standards

Section 20.340.010 Purpose of Chapter

The purpose of this chapter is to regulate the provision of off-street parking and loading for all land uses, facilitate community-wide accessibility, and promote viability of business within San Marcos. Specifically, the purpose of this chapter is to do the following:

A. Ensure adequate off-street parking and loading facilities to serve land use needs.

B. Provide adequate off-street parking, circulation, and access to help support the viability of businesses in the City.

C. Maintain efficient use of land by avoiding excessive amounts of parking.

D. Allow parking alternatives and reductions to off-street parking requirements that provide flexibility in meeting off-street parking needs, when appropriate.

E. Ensure off-street parking and loading facilities are designed in a manner that ensures efficiency, protects public safety, minimizes adverse impacts to adjacent land uses, and promotes the general welfare of the community.

Section 20.340.020 Applicability

A. **Applicability.** The standards of this chapter shall be applied to new construction and establishment, conversion, or expansion of any land use in the City, applicable to increases in floor space, seating capacity, dwelling units, employees, or rooms/beds associated with a building or structure. Operations associated with a land use shall not commence, nor a building be occupied, unless off-street parking and loading facilities conform to the requirements of this chapter. Exceptions to these standards are permitted when either of the following occurs:

1. An adopted Specific Plan, policy plan, or special overlay district supersedes the provisions of this chapter; or

2. An exception has been granted through a Variance or DP in accordance with the provisions in chapters 20.525 (Variances) and 20.510 (Director's Permit), respectively.

Section 20.340.030 General Requirements

A. **Use of Parking Areas.** Parking spaces regulated in this chapter shall be solely used for parking, not for the display of merchandise; storage or display of equipment; display for sale or lease; or repair of vehicles, trailers, recreation vehicles, boats, and etc. except when permitted by chapter 20.455 (Temporary Events).

B. **Required Availability and Maintenance.** All off-street parking and loading required by this chapter shall be available during all hours of operation, marked for their intended uses, and reserved for parking and loading purposes for the life of the use or facility. Parking spaces and associated driveways, maneuvering areas, and landscaping shall be maintained free of vandalism and litter. Striping, paving, walls, lights, and all other facilities shall be maintained in good condition.

C. **Existing Facilities.** Any building or use for which parking facilities become substandard by the adoption of this chapter shall be considered a nonconforming use. Such nonconforming use may continue, but no enlargement or expansion in such a use or building shall be made unless the required number of parking spaces or parking area, as designated by this chapter are provided.

D. **Change of Occupancy or Use.** For a change of occupancy, a new business license, or enlargement of a structure or use where the parking demand is increased, off-street parking facilities and loading shall be provided in compliance with the minimum requirements of this chapter.

E. **Parking of Inoperable or Unregistered Vehicles.** Except as set forth in this chapter, it shall be unlawful for any person to park or store an automotive vehicle or trailer without current registration from the Department of Motor Vehicles or in inoperable condition, except when stored in a fully enclosed building.

F. **Change of Parking Requirements.** When parking requirements, as set forth in this chapter, are amended, such amendments shall not invalidate a previously approved permit.

G. **Request for Special Review of Parking.** Modifications to parking improvement standards or other parking provisions in this chapter shall be considered in conjunction with the review permit applications or Site Development Plans by the appropriate authority. The applicant shall submit with the request, evidence necessary to demonstrate the unusual conditions warranting the modification, such as floor plans and other evidence, as requested by the reviewing authority.

Section 20.340.040 Required Number of Parking Spaces

The requirements of this Section shall be applied uniformly, based on land uses, regardless of the Zone in which a land use is to be located, unless otherwise specified.

A. **Minimum Standards.** Every use shall provide at least the minimum number of off-street parking spaces required by Table 20.340-1 (see section 20.340.090 [Bicycle Parking] for bicycle parking

requirements). Reductions to the parking requirements may be permitted, subject to compliance with the provisions of section 20.340.050 (Off-Street Parking and Trip Reduction Measures). Required parking space dimensions, based on parking configuration, are established in Table 20.3403, section 20.340.060 (Off-Street Parking Size and Location).

B. **Uses Not Listed.** Parking requirements for uses not specifically listed in Table 20.340-1 will be determined by the Director, based on comparable uses in the Table or through a parking demand analysis of similar facilities in the region.

C. **Mixed Use Sites.** Where multiple land uses are combined within a single building, structure, or parcel, off-street parking facilities for a single use shall not be considered as providing required parking facilities for any other uses. The aggregate number of parking spaces for each separate use, required by this chapter, shall be met, except where otherwise specified and a reduction of parking is allowed in compliance with section 20.340.050 (Off-Street Parking and Trip Reduction Measures).

D. **Rounding Calculations.** Calculations resulting in a fractional number shall be treated as follows: one (1) parking space is required for fractions of one-half (0.5) or greater; no additional parking space is required for fractions of less than one-half (0.5).

E. **Calculations.**

1. Gross Floor Area Calculations. Gross floor area calculations are based on the area within the surrounding exterior walls of a building or any portion, thereof, including shared bathroom spaces, storage areas, and areas for circulation.
2. Seating Calculations. Where fixed seats provided are either benches, bleachers, or pews, such seats shall be calculated at one (1) seat per eighteen (18) inches and one (1) seat per twenty-four (24) inches of booth length for dining.
3. Assembly Area Calculations. All rooms or areas that can be logically used for seating, in addition to any fixed seating area, shall be calculated in determining the parking requirement for assembly areas.

Table 20.340-1
Parking Requirements by Land Use

Land Use	Minimum Required Parking	Additional Use Regulations
Residential Uses		
Animal Keeping, Small	None required	
Caretaker Unit	1 space	Interior dimension: 20 feet x 20 feet
Child Care Facility, Large Family Home	Required residential unit parking spaces and 1 space/2 employees	Tandem parking is permitted in driveways; vehicles cannot encroach into public rights-of-way
Child Care Facility, Small Family Home	Required residential unit parking spaces	Tandem parking is permitted in driveways; vehicles cannot encroach into public rights-of-way
Community Garden	None required.	

Table 20.340-1
Parking Requirements by Land Use

Land Use	Minimum Required Parking	Additional Use Regulations
Continuing Care Retirement Community	**Studio:** 1 space/unit **1 Bedroom Unit:** 1.5 space/unit **2+ Bedroom Unit:** 2 spaces/unit; 1 space shall be covered Guest Parking: 1 space/3 units	
Duplex	2 spaces/unit; guest parking: 1 space/3 units	1 space shall be covered
Emergency Shelter	1 space/4 beds	
Farm Employee Housing, Large	1 space/unit	Space shall be covered
Farm Employee Housing, Small		
Live/Work Space or Live/Work Unit	Refer to live/work requirements under Section 20.340.040 (F), Table 20.240-2	
Mobile/Manufactured Home	2 covered spaces/mobile home; 1 guest space/6 mobile homes	Tandem parking is permitted
Mobile/Manufactured Home Mini Park		
Mobile/Manufactured Home Park		
Multifamily Dwelling	**Studio:** 1 space/unit; **1 Bedroom Unit:** 1.5 space/unit **2+ Bedroom Unit*:** 2 spaces/unit; 1 space shall be covered Guest Parking: 1 space/3 units	*1 garage space shall be provided for condominiums, duplexes, townhomes, patio homes. Apartments shall provide one covered parking space (garage or carport) of the required ratio. Additional multifamily requirements are provided in section 20.340.040(G)
Multifamily Dwelling, Affordable Housing (deed restricted)	1.7 spaces / unit	Additional multifamily requirements are provided in section 20.340.040(G)
Non-Commercial Horticulture	None required.	
Planned Residential Development (PRD)	Sum of individual parking requirements for each use; residential parking by bedroom count	Chapter 20.435 (Planned Residential Development)
Private Residential Garage	None required.	
Recreational Vehicles (RVs)/Parks	To be determined by the Director during SDP or CUP review process.	
Residential Care Facility, Small & Large	1 space/3 residents	Provision of parking shall be based on the population served and level of care provided at the facility. Minimum requirements here are guidelines for establishing appropriate service levels on a case by case basis at time of SDP review
Rooming House	1 space/room; plus 2 spaces	
Second Dwelling Unit/Accessory Dwelling	1 space/second dwelling unit	
Senior/Age-Restricted Dwelling or Unit	1.25 spaces/unit	Satisfies resident and visitor parking
Single-Family Attached	2 spaces/unit	1 space shall be covered;
Single-Family Detached	**≤3,000 s.f. unit:** 2 attached covered spaces required; **>3,000 s.f. unit:** 3 attached covered spaces required	See Table 20.340-5 for additional standards; Section 20.340.060(H)

Table 20.340-1
Parking Requirements by Land Use

Land Use	Minimum Required Parking	Additional Use Regulations
Sport Court, on a Residential Lot	None required.	Residential Zones only.
Supportive Housing	**Studio:** 1 space/unit **1 Bedroom Unit:** 1.5 space/unit **2+ Bedroom Unit:** 2 spaces/unit; 1 space shall be covered, Guest Parking: 1 space/3 units	
Transitional Housing	2 covered spaces/unit	
Recreation, Education & Public Assembly Uses		
Animal Keeping, Large	1 space/250 s.f. gross floor area	
Assembly and Recreation	To be determined by the Director during SDP or CUP review process.	
Automobile Parking Lot or Storage Garage (Enclosed or Freestanding)	Adequate for facility, building, or area served.	
Cemetery	As provided by internal circulation system.	
Child Care Facility, Daycare Center	1 space/2 employees plus 1 space/5 children (per maximum capacity) or 1 space/10 children where adequate drop-off facilities are provided per 20.340.040(I)(1).	
Club	10 spaces / 1,000 s.f. of assembly floor area	
College, Nontraditional Campus Setting	3 spaces / 1,000 s.f.	
College, Traditional Campus	1 space/ 3 non-resident students; plus 1 space/ 3 employees and faculty	
Conference/Convention Center	To be determined at time of Site Development Plan Review	
Extended Care Facility	To be determined by the Director during SDP or CUP review process.	
Museum, Library, or Gallery	1 space/350 s.f. gross floor area	Section 20.340.040(C)
Outdoor Recreation Facility	To be determined by the Director during SDP or CUP review process.	
Places of Assembly	1 space/4 fixed seats or 1 space/50 s.f. assembly floor area with no fixed seating	Section 20.340.040(C)
Public Buildings and Facilities	To be determined at time of application based on building/facility purpose.	
Public Maintenance Buildings and Facilities		
Public Park/Open Space/Recreation	To be determined by the Director during SDP or CUP review process.	
Recreation Facilities/Park (Manufactured Home Park Zone)	To be determined by the Director during SDP or CUP review process.	

Table 20.340-1
Parking Requirements by Land Use

Land Use	Minimum Required Parking	Additional Use Regulations
School	**Elementary or Secondary School:** 1.5 spaces/classroom; 1 space/2 employees; and 1 space/75 s.f. multipurpose/auditorium floor area; **High School:** 1 space/2 employees and 1 space/5 students	
Small Wind Energy Systems	No parking required.	Only applies to private facilities in Residential Zone.
Sport Court, Lighted & Unlighted	3 spaces/court and/or 1 space/200 s.f. gross floor area	
Stable, Private	None required.	
Stable, Public	1 space/4 stalls and/or enclosures	
Swimming Pool/Sauna/Hot Tub	No parking required.	Only applies to private facilities in Residential Zone
Agricultural Uses		
Agricultural/Horticultural, Non-Commercial	No parking required.	
Agricultural/Horticultural, Commercial	1 space/250 s.f. gross floor area plus 1 space/1,000 s.f. outdoor area usage	
Agricultural/Horticultural, Processing and Packaging	1 space/250 s.f. gross floor area plus 1 space/1,500 s.f. outdoor area/greenhouse space	
Small Animals		
Plants and Crops		
Wholesale Production	1 space/3 employees plus on-site area for 1 commercial loading/unloading vehicle	Only applies in R-1-20 Zone
Greenhouse/Nursery	1 space/250 s.f. gross floor area; plus 1 space/1,500 s.f. outdoor area usage	
Commercial Production		
Retail		
Sales Stand	2 spaces	
General Retail Uses		
Adult Entertainment Business	1 space/250 s.f. gross floor area plus 1 space/2 employees	
Animal Shelter	1 space/250 s.f. gross floor area	
ATM, Freestanding Exterior/Exterior Wall	1 space/ATM, plus queue space for 5 cars for drive-through facilities	
ATM, Interior to Building /Vestibule	1 space/ATM; on-street parking may satisfy requirements at the discretion of the Director.	
Automotive Fueling Station	1 space/1,000 s.f. minus convenience store area; plus 3.3 spaces/1,000 s.f. convenience store; plus 5 queue spaces for self service auto wash	
Automotive Rentals	2.5 spaces/1,000 s.f.	

Table 20.340-1
Parking Requirements by Land Use

Land Use	Minimum Required Parking	Additional Use Regulations
Automotive Sales, New	1 space/400 s.f. interior showroom floor area and office plus 1 space/2,000 s.f. outdoor display area plus 1 space/300 s.f. floor area for the parts department	
Automotive Sales, Other Vehicle Sales	1 space/1,000 s.f. interior showroom floor area plus 1 space/1,000 s.f. outdoor display area plus 1 space/350 s.f. office floor area	
Automotive Sales, Used		
Automotive Sales, Wholesale		
Bar	1 space/3 seats or 1 space/100 s.f. gross floor area whichever is greater	
Catering	2.5 space/1,000 s.f. gross floor area	
Catering, Food Truck	Per issued food facility permit requirements	
Cigar Lounge/Smoke Shop	1space/250 s.f. gross floor area	
Commercial Artist/Production Studio	1 space/350 s.f. gross floor area	
Commercial Entertainment	1 space/3 seats up to 800 seats then 1 space/6 seats +1 space/employee	
Commercial Recreation, Indoor	1 space/250 s.f. gross floor area; plus 1 space/employee	
Commercial Recreation, Outdoor	4 spaces/court and/or 1 space/200 s.f. gross floor area	
Drive-Through	Parking per primary land use	Refer to stacking per Section 20.340.040(H)
Dry Cleaning or Laundry, Plant	1 space/500 s.f. gross floor area	
Employee Services	3 spaces/1000 s.f.	
Funeral Home / Mortuary	14 spaces/1,000 s.f.	
Kiosk (stand-alone)	2 spaces	
Lodging, Bed & Breakfast	1 space/guest room; plus 2 spaces	
Lodging, Hotel	1 space/guest room; plus 10 spaces / 1,000 s.f. banquet, assembly, meeting, or restaurant floor area or 1 space / 8 seats; for accessory retail uses greater than 5,000 s.f.: 2.5 spaces / 1,000 s.f.	Additional parking per standards if additional uses (e.g., restaurants, conference/convention centers) are open to public patronage
Lodging, Motel		
Market, Grocery / Supermarket	1space/250 s.f. gross floor area	
Market; Convenience		
Market; Liquor		
Market; Specialty Food and Beverage		
Merchandise Sales, Discount	1space/250 s.f. gross floor area	
Merchandise Sales, New Retail <100,000 s.f.		
Merchandise Sales, New Retail <30,000 s.f.		

Table 20.340-1
Parking Requirements by Land Use

Land Use	Minimum Required Parking	Additional Use Regulations
Merchandise Sales, New Retail >100,000 s.f.	1space/250 s.f. gross floor area	
Merchandise Sales, Showrooms		
Merchandise Sales, Used/Pawn		
Moving Company	1 space/4,000 s.f. gross floor area	
Nightclub	1 space/30 s.f. of dance floor area; 1 space/100 sf of bar/seating area.	
Nursery (Retail-Plant)	1 space/250 s.f. gross floor area plus 1 space/1,000 s.f. outdoor area usage	
Outdoor Dining	Area comprising less than 25% of indoor seating shall not require additional parking; area greater than 25% of the indoor spaces shall require 1 space/150 s.f.	
Parcel Delivery Service	1 space/250 s.f. gross floor area For office space; 1 space/500 s.f. gross floor area	
Parking Facility, Enclosed Freestanding	No parking required.	
Parking Lot Sale	No parking required for temporary events; minimum of 80% of parking lot shall be available for parking during event.	20.455 Temporary Events
Restaurant, Sit-Down and/or Take-Out	**1,000 s.f. or less:** 1 space/250 s.f. gross floor area plus 2 employee spaces; **1,001-4,000 s.f.:** 1 space/3 seats or 1 space/100 s.f. gross floor area whichever is greater; plus 3 employee spaces; **4,001 s.f. and larger:** 1 space/3 seats or 1 space/100 s.f. gross floor area whichever is greater; plus 1 space/employee	
Office, Professional, and Business Support Services		
Business Support Service	4 spaces/1,000 s.f. gross floor area	
Financial Institution	4 spaces/1,000 s.f. gross floor area; for drive-through facilities, refer to stacking per Section 20.340.040(H)	
Financial Institution, with Drive-Through		
Internet-Based Sales	1 space/350 s.f. gross floor area	
Medical; Hospital	1 space/3 beds plus 1 space/250 s.f. administration	
Medical; Urgent Care	1 space /200 s.f. gross floor area	
Office; Corporate, Regional Administrative, Business, and Professional	4 spaces/1,000 s.f. gross floor area	
Office; Government	5 spaces/1,000 s.f. gross floor area	
Office; Medical, Dental, and Holistic	5 spaces/1,000 s.f. gross floor area	Including massage establishments.
Research and Development (R&D)	3 spaces/1,000 s.f. gross floor area	

Table 20.340-1
Parking Requirements by Land Use

Land Use	Minimum Required Parking	Additional Use Regulations
R&D Fabrication and Light Manufacturing	1 space/500 s.f. gross floor area	
Technical/Scientific/Medical Laboratory, Incidental Uses	1 space/350 s.f. gross floor area	
Service Uses		
Animal Sales and Services	2.5 spaces/1,000 s.f. gross floor area	
Auctions, Indoor	1 space/3 fixed seat, or 1 space/100 s.f. assembly space	
Automotive Services, Repair	1 space / 800 s.f. gross floor area + 1 for every employee	
Automotive Services, Washing/Detailing	2 spaces/1,000 s.f.; plus queue spaces for minimum of 5 cars	
Dry Cleaning or Laundry, Agency	1 space/250 s.f. gross floor area	
Equipment Rental Yards	1 space/250 s.f. gross floor area plus 1 space/10,000 s.f. outdoor area usage	
Firearm Shooting Range (Indoor) **(Ord. No. 2016-1419, 2-23-2016)**	1.25 parking spaces/shooting lane, plus 1 parking space for every 250 square feet of retail and office area, plus 1 parking space for every 4,000 square feet of storage/warehouse area	
Massage Establishment	1 space/treatment room; plus 1space/employee	
Massage, Accessory Use		
Personal Services, Fitness/Health Facility	1 space/250 s.f. gross floor area; plus 1 space/employee	
Personal Services, General	1 space/300 s.f. gross floor area	
Personal Services, Instructional	1 space/250 s.f. gross floor area; plus 1 space/employee	
Tattoo and/or Body Art Facility	1 space/250 s.f. gross floor area; plus 1 space/employee	
Industrial, Manufacturing & Processing Uses		
Boat Building	1 space/500 s.f. gross floor area	
Building Material Storage & Sales Yard	1 space/10,000 s.f. gross storage area (indoor or outdoor) plus parking for office floor area per this Table	
Commercial Bakery	1 space/500 s.f. gross floor area + 1 space for every 200 s.f. of service area open to public	
Contractor Office & Services	Per square footage of individual uses per this Table	
Food Processing	1 space/750 s.f. processing floor area plus 1 space/300 s.f. office gross floor area	
Fueling Station; Fleets	1 space/300 s.f. office space plus 1 space / 4 bays	
Furniture and Carpentry	1 space/500f gross floor area	

Table 20.340-1
Parking Requirements by Land Use

Land Use	Minimum Required Parking	Additional Use Regulations
Industrial Design and Services	1 space/400 s.f. gross floor area except office area shall provide 1 space/300 s.f. gross floor area and retail area shall provide 1 space/250 s.f. gross floor area	Section 20.340.040(C)
Machine Repair Shop	1 space/500 s.f. gross floor area	
Manufacturing and Assembly	1 space/500 s.f. gross floor area plus 1 space/300 s.f. office gross floor area	
Metal Working Shop	1 space/500 s.f. gross floor area	
Microbrewery/Tasting Room	1 space/500 s.f. gross floor area	
Microbrewery/Tasting Room with Restaurant	1 space/500 s.f. gross floor area plus 1 space/3 seats, plus 1 space /2 employees	
Newspaper Printing	1 space/500 s.f. gross floor area plus 1 space/300 s.f. office gross floor area	
Outdoor Storage, Accessory Use	1 space/10,000 s.f. gross storage area (indoor or outdoor) plus parking for office floor area per this Table	Section 20.340.040(C)
Outdoor Storage, Primary Use		
Renewable Energy Harvesting/Production	To be determined at time of application review.	
Self Storage	3 spaces, plus 1 space/100 units	
Warehousing, Indoor	1 space/4,000 s.f. gross floor area plus parking for office floor area per this Table	Section 20.340.040(C)
Water Treatment and Filtering Services	To be determined at time of Site Development Plan Review	
Wholesale, Processing, and Distribution	1 space/4,000 s.f. gross floor area; or 1 space for each employee and employer, whichever is greater.	
Winery/Tasting Room	1 space/500 s.f. gross floor area	
Transportation, Communication & Utility Uses(2)		
Antenna or Communication Facility	No parking required; sufficient usable on-site area shall be provided for employee/service agents and loading activities	
Non-Public Antenna or Communication Facility	To be determined at time of application review.	
Parking; Fleets	No parking required	
Public Utilities		
Transportation Dispatch Only	2 spaces/1,000 s.f.; plus 1 space/commercial vehicle	
Transportation Dispatch, Fleet Usage		
Recycling Facilities		
Small Collection Facility	2 spaces/1,000 s.f.; plus 1 space / bin	
Large Collection Facility		
Small Processing Facility	1 space/400 s.f. gross floor area	

Table 20.340-1
Parking Requirements by Land Use

Land Use	Minimum Required Parking	Additional Use Regulations
Large Processing Facility		
Reverse Vending	2 spaces	

F. Mixed Use Parking Requirements

Table 20.340-2
Mixed Use Parking Requirements

Land Use	Minimum Required Vehicular Parking	Minimum Required Motorcycle Parking	Minimum Required Bicycle Parking
Residential			
Studio	1 space/unit	0.1 space per studio	0.5 space per studio
1 Bedroom Unit	1.25 space /unit	0.1 space per unit	0.5 space per unit
2 Bedroom Unit	1.75 spaces/unit	0.1 space/unit	0.75 space/unit
3+ Bedroom Unit	2.0 spaces/unit	0.1 space/unit	1 space/unit
Senior Housing	0.8 space/unit	0.1 space/unit	0.5 space/unit
Live-Work Units	**≤ 2000 s.f.:** 1 space **> 2,000 s.f.:** 2 spaces	0.25 space/1000 s.f. per unit 0.25 space/1000 s.f. per unit	.75 space/1000 s.f. per unit .75 space/1000 s.f. per unit
Non-Residential	3 spaces/1,000 s.f.	0.75 space/1000 s.f. per unit	.75 space/1000 s.f. per unit
Restaurants			
Sit down	8.5 spaces/1,000 s.f.	1 space/1,000 s.f.	2 spaces/1,000 s.f.
Take out	6.5 spaces/1,000 s.f.	0.25 space/1,000 s.f.	0.5 space/1,000 s.f.

G. Additional Multifamily Requirements

1. Residential projects and Mixed Use projects with residential components that provide required uncovered parking shall assign parking spaces by dwelling unit. Spaces shall be clearly marked to denote assigned parking. For the convenience of tenants and guests, parking spaces shall be located as close as possible to the unit or common facility it is intended to serve. The project applicant shall submit a Parking Management Plan during the Site Development Plan Review.
2. Required guest parking shall be provided, per the requirements in Table 20.340-1 and shall be clearly marked. Guest parking need not be in addition to required residential parking when parking spaces are not assigned.
3. Parking spaces adjacent to non-residential tenants shall be clearly marked for customer parking and shall not permit residential assigned parking.
4. All permanent, assigned, and unassigned spaces must be full sized spaces, nine (9) feet wide by eighteen (18) feet long. Unassigned spaces are permitted to include compact spaces, evenly distributed throughout the project.

H. **Drive-Through Facilities/Stacking Capacity.** For drive-through facilities that permit transaction of business directly with customers within a motor vehicle, the minimum length provided per vehicle for stacking capacity of vehicles in a drive through service lane shall be twenty-five (25) linear feet. The total stacking capacity required shall be determined through CUP review and approval.

I. **Prohibited Uses and Exceptions**

1. **Daycare or Commercial Child Daycare.** Required parking may be reduced per the standards of Table 20.340-1 where adequate drop-off facilities are provided.
   a. Drop off facilities shall be designed to accommodate a continuous flow of vehicles to safely load and unload children. Adequacy will be determined by the approval authority during project application review.
2. **Overnight Parking.** Outside overnight parking is prohibited for vehicles associated with repair activities and fueling/service stations.

J. **Permitted Off-Site Parking.** Off-site parking may be used to comply with the required off-street parking, subject to the provisions of section 20.340.080 (Off-Site Parking Alternatives).

Section 20.340.050 Off-Street Parking and Trip Reduction Measures

This section provides the criteria, optional means, and requirements for the reduction of off-street parking and trips.

A. **Criteria.** Required parking for any use may be reduced through approval of Site Development Plan Review or DP depending on proposed project, consistent with the following requirements:

1. The parking serves special conditions, such as proximity to frequent transit service or special characteristics of the population residing, working, or visiting the site
2. Proposed parking satisfies the requirements for the uses served, as can be demonstrated through a parking management plan
3. Parking demand generated by the project does not exceed capacity or result in a negative impact on the supply of off-street parking in the surrounding area

B. **Parking Reduction Measures.** The number of off-street parking spaces may be reduced, as provided by Table 20.340-3, subject to meeting the criteria, above, and may require submittal of a parking management plan, per Section 20.340.050(C) (Parking Management Plan).

Table 20.340-3
Parking Reduction Measures

Project Features	Parking Reduction Description and Criteria
Mixed-Use Projects	A parking reduction may be granted when the reviewing authority determines that a reduction is justified, based on the characteristics of the uses and a parking demand study using the Urban Land Institute accepted ratios, and/or other appropriate source, as approved by the Director. The Director may require a parking management plan, conducted by a licensed traffic engineer or other traffic professional.

Table 20.340-3
Parking Reduction Measures

Project Features	Parking Reduction Description and Criteria
Transit Accessibility-location within 1/4 mile (1,320 linear feet) of transit	A parking reduction may be granted for non-residential, multifamily, and mixed use developments proposed within ¼ mile of local or regional mass transit lines or routes, when the reviewing authority determines that the parking management plan, submitted by the applicant, justifies the reduction based on documented mass transportation use characteristics of patrons and employees of the respective uses.

C. **Parking Management Plan.** To evaluate a project's compliance with the parking reduction criteria (above), the reviewing authority may require submittal of a parking management plan in addition to the required permit. The parking management plan shall indicate evidence or documentation necessary to demonstrate the conditions that warrant a parking reduction, including the following:

1. Parking quantity information that documents the need for fewer spaces (e.g. sales receipts, records of customer visits, information on parking standards required for the proposed land use in other cities, etc.);
2. Floor plans indicating the typical uses of the building; and
3. Programs that may be implemented that would reduce parking demand.

Requests for parking reductions shall be processed as part of the required project permit application, or through Site Development Plan Review, pursuant to chapter 20.515 (Site Development Plan Review) if no other permit is sought. Review and approval of parking management plans will be at the discretion of the Director, or appropriate reviewing authority.

D. **Transportation Demand and Trip Reduction Measures.** Trip reduction requirements ensure large non-residential development projects provide adequate development of alternative transportation facilities or programs, thereby, reducing demand for vehicular commute trips.

1. **Applicability.** The provisions of this section are required for all major non-residential development projects and the non-residential portions of mixed-use development projects that exceed 25,000 square feet of gross floor area, including new construction and the expansion of an existing facility or use. Major non-residential development projects, 25,000 square feet or less, may optionally provide the following facilities or programs in return for a reduction in vehicle parking requirements. The Director may, if projected traffic conditions warrant, require the provisions of this section to developments of 25,000 square feet or less.
2. **Preferential Parking for Carpool and Vanpool Vehicles**. Reserves and designates preferred parking, defined as covered, shaded, or located as close as possible to point(s) of primary pedestrian access from the parking area to an employee entrance for carpool and vanpool vehicles.
    a. **Requirement:** Office or industrial developments must provide a minimum of ten percent (10%) of the employee parking spaces for preferred parking for carpool and vanpool vehicles.

3. **Passenger Loading Areas.** Public parking areas shall designate a passenger loading area for embarking and disembarking passengers from ridesharing vehicles. Such passenger loading areas shall be located next to the primary pedestrian access from the parking area to adjacent building(s) and shall be designed to include a turn out large enough to accommodate waiting vehicles equivalent to one-half of one percent (0.5%) of required parking for the project.

4. **Shower and Locker Facilities.** All development projects expected to employ one hundred fifty (150) or more persons shall provide shower and locker facilities for use by employees or tenants who commute by bicycle or walking.

   a. **Requirement:** One (1) shower and six (6) lockers with minimum dimensions of twelve (12) inches by eighteen (18) inches by thirty-six (36) inches shall be provided for each one hundred fifty (150) employees or fraction thereof. Design and/or management of shower and locker facilities shall provide access for both male and female employees and must be located within the main structure onsite and shall comply with the California Building Code.

   b. **Optional Trip Reduction:** Developments with one hundred (100) or more employees may reduce their parking requirement by providing shower and storage locker facilities for bicycle commuters. A maximum reduction of two percent (2%) of required parking is permitted.

5. **Secure Bicycle Parking.** Developments that provide additional secure bicycle parking facilities over and above the minimum requirement may reduce their parking requirement by one (1) vehicle space for every three (3) additional bicycle spaces provided. A maximum reduction of two percent (2%) of required parking is permitted.

Section 20.340.060 Off-Street Parking Size and Location

Every use shall provide the required off-street parking spaces in accordance with the location and dimensional requirements in this Section.

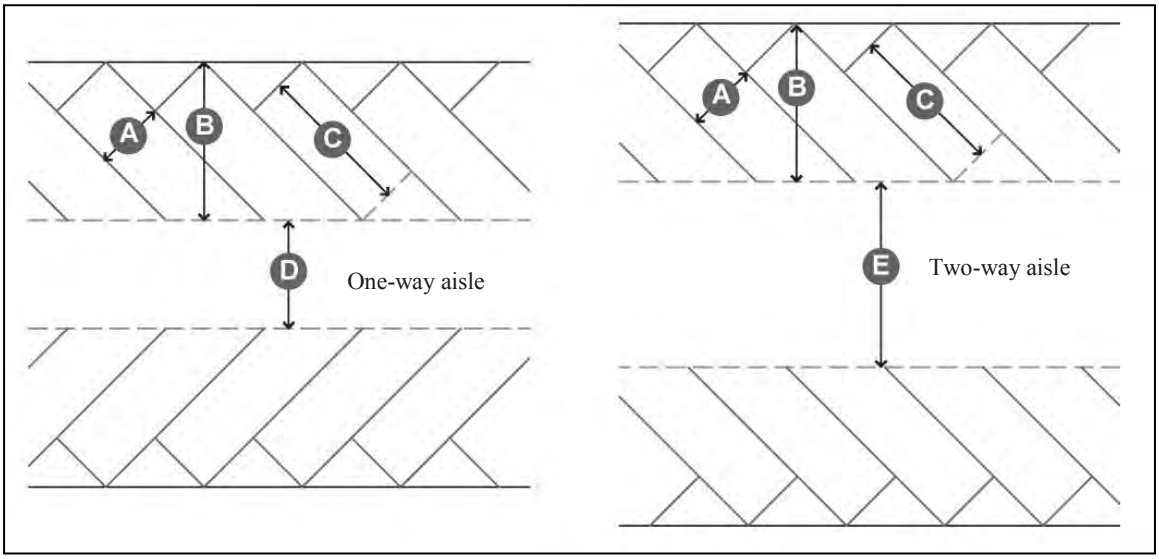
A. **Vehicular Parking and Driveway Sizes.** Table 20.340-4 regulates minimum off-street space dimensions and drive aisle requirements for various angles of parking. See Figure 20.340-1 that graphically supplements Table 20.340-4.

Table 20.340-4
Parking Dimensions Table

Angle	A	B [1]	C [2]	D	E
	Space Width	Space Depth	Space Length	One-Way Aisle Width	Two-Way Aisle Width
Standard Vehicle					
Parallel [2]	9’ 0”	9’ 0”	22’ 0”	12’ 0”	20’ 0”
30°	9’ 0”	18’ 0”	20’ 0”	12’ 0”	24’ 0”
45°	9’ 0”	20’ 6”	20’ 0”	14’ 0”	24’ 0”
60°	9’ 0”	22’ 0”	20’ 0”	18’ 0”	24’ 0”
Perpendicular	9’ 0”	18’ 0”	18’ 0”	24’ 0”	24’ 0”
Compact Vehicle [4]					
Parallel [3]	8’ 6”	8’ 6”	20’ 0”	12’ 0”	20’ 0”
30°	8’ 6”	15' 6”	16’ 0”	12’ 0”	24’ 0”
45°	8’ 6”	17' 0”	16’ 0”	14’ 0”	24’ 0”
60°	8’ 6”	18' 0”	16’ 0”	18’ 0”	24’ 0”
Perpendicular	8’ 6”	16' 0”	16’ 0”	24’ 0”	24’ 0”

Notes:
1. Measured perpendicular to aisle.
2. The paved parking space length may be decreased by up to 2 feet by providing an equivalent vehicle overhang into landscaped areas, or other paved walkways.
3. End spaces may be reduced to 18 feet.
4. Compact spaces shall not exceed the overall number of required parking spaces in section 20.340.060(I).

Figure 20.340-1 Parking Dimensions Figure



B. **Minimum Vertical Clearances.** Vertical clearance for all standard parking spaces, including entrances, shall be a minimum of seven (7) feet, except the front three (3) feet of a parking space in an enclosed garage in a residential Zone may have a vertical clearance of four (4) feet.

C. **Minimum Driveway Widths.** Driveway widths in parking areas shall comply with the minimum requirements specified in Table 20.340-4, except for residential garages (see H, below). Shared driveway access with adjacent lots is encouraged, provided the following requirements are met:

1. The driveway is directly adjacent to a shared property line
2. An easement for the use of the driveway is obtained
3. The driveway width is adequate to serve the additional number of vehicles to be served

D. **Driveway Entrances.** Parking lot driveway entrances shall be located in a manner to coordinate with future median openings and shall line up with opposite side driveway entrances. Location criteria shall be per the City's Urban Street Design Criteria or its successor and shall be to the satisfaction of the City Engineer.

E. **Sufficient Vehicular Maneuvering Area, Access, and Circulation.** The following standards are provided to ensure suitable maneuvering and circulation for parking lots or loading areas accessed from a public street or alley:

1. All access and circulation shall facilitate vehicles entering and exiting a facility or lot without backing up into a public street, reentering a public ROW, or making other hazardous turning movements, including trucks, solid waste, emergency, and other public service vehicles.
2. If such circulation, described in paragraph (a) is not possible, a turnaround area shall be provided, subject to the requirements of the San Marcos Fire Department or City of San Marcos Engineering Division.
3. Traffic controls at ingress and egress points and directional arrow markings on the pavement may be required, as determined to be necessary by the City for public safety.

F. **Parking Location.** Off-street parking shall be provided in a paved parking area, building, as follows:

1. **Residential Development.** All off-street parking for residential uses shall be located on the same site as the uses they are intended to serve, but shall not be located within a required front or corner side setback, except as otherwise provided in this chapter.
2. **Multifamily Residential within Mixed Use Development.** At least one (1) space for each residential unit shall be located on-site; other required parking spaces may be located off-site, subject to the standards for off-site parking in section 20.340.080 (Off-Site Parking Alternatives) and the following standards.
    a. Residential parking garages shall be located adjacent and behind the building elevation.
    b. Surface parking for commercial uses shall be located adjacent to or behind buildings and is prohibited at street corners, unless otherwise approved by the City at the time of site development review.
3. **Non-Residential Development within Mixed Use.** Parking required to serve non-residential uses may be on the same or different site as the uses served, subject to

complying with the standards for off-site parking in section 20.340.080 (Off-Site Parking Alternatives).

G. **Design Variances.** Where an applicant can demonstrate to the satisfaction of the approval authority that variations on the dimensions, otherwise required by this Section, are warranted in order to achieve environmental design and sustainable building objectives (i.e. certification under the LEED™ Green Building Rating System or an equivalent), specific parking area design variances may be approved by the Director.

H. **Garage Standards.** Consistent with the standards of chapter 20.215 (Residential Zones), garages within the R Zones shall conform to the standards and regulations of Table 20.340-5. All garages and parking spaces shall be constructed concurrently with the dwelling unit prior to occupation.

Table 20.340-5
Garage Development Standards

Home Type	Garage/Space Type	Minimum Dimension Requirements	Additional Regulation(s)
Residential and Agricultural Zones			
≤3,000 s.f. dwelling unit	Attached 2 Car	20 feet x20 feet (400 s.f.) interior minimum	Shall be constructed out of the same materials as the principal dwelling structure on the lot or parcel.
≥3,001s.f. dwelling unit	Attached 3 Car	20 foot depth required, 640 s.f. interior minimum	Third space may be tandem; no required portion shall be eligible for garage conversion
R-2 / R-3 Zone			
Rental	Single unit-assigned parking space	12 feet x 20 feet (240 s.f.) interior minimum	Space shall be covered and assigned
Ownership	Single enclosed garage space	12 feet x 20 feet (240 s.f.) interior minimum	Automatic garage door required

I. **Compact Car Spaces.** Compact car spaces may be permitted in accordance with the following standards:

1. **Dimensions**. Spaces shall be the minimum size specified in Table 20.340-4.
2. **Designation of Parking**. "Compact" shall be clearly marked on the pavement or curb to designate spaces.
3. **Distribution of Spaces**. When included, compact spaces shall be distributed throughout the parking area, and shall not be provided disproportionately near building(s).
4. **For Industrial and Office uses**. Parking lots of thirty (30) or more spaces shall be permitted to include compact spaces for up to twenty percent (20%) of total required spaces.
5. **For Uncovered Multifamily Parking and Guest Parking**. Compact parking spaces shall be permitted for up to twenty percent (20%) of the total required spaces. All garage dimensions shall conform to standards of section 20.340.060(H) (Garage Standards), and

compact spaces shall not be used to count toward requirements for covered spaces. Compact spaces shall not count toward required single-family residential parking spaces.

6. **Other Land Uses**. Land uses not identified in section 20.340.040 (Required Number of Parking Spaces) with parking lots of thirty (30) spaces or more shall be permitted to include compact spaces for up to twenty percent (20%) of total required spaces.

J. **Parking Spaces for Disabled Persons.** Parking spaces for disabled person shall be provided on-site for each land use and/or development in accordance with the following standards:

1. Designated parking spaces for the disabled shall be provided in compliance with state law (Title 24) and the California Vehicle Code (Section 22507.8), including required number of parking spaces and design requirements.
2. Parking spaces and loading/unloading areas shall be reserved for the life of the approved land use.
3. Designated parking shall be visibly marked with blue paint and appropriate signage, per state requirements.

K. **Electric/Alternative Fuel Vehicle Parking.** Electric/alternative fuel vehicle parking and charging stations shall be provided in accordance with the following standards. Charging station levels are defined in chapter 20.600 (Definitions).

1. **Applicability.** Parking spaces with electric recharge stations shall be provided in new developments or remodeling or expansion of existing development that provide at least two hundred fifty (250) vehicle parking spaces.
2. **Number of Spaces Required.**
   a. One (1) conductive and one (1) inductive charger shall be provided in each project required to provide between two hundred fifty (250) and five hundred (500) parking spaces, with an additional conductive and inductive charger provided for each additional two hundred fifty (250) required parking spaces.
   b. Parking spaces with an electric recharge station may count for one-half (1/2) of one (1) required parking space per Table 20.340-1.
3. **Permit Requirements.** All applicable electrical and building permit requirements, restrictions and inspections shall apply to the construction of charging/exchange stations.
4. **Level 1/Level 2 Stations.** Level 1 or Level 2 electric vehicle charging stations are permitted within R Zones internal to the garage to serve the occupants of the individual dwelling unit or residential building.
5. **Level 3 Stations.** Level 3 or commercial grade charging/exchange stations/spaces: are restricted to service stations or parking lots within the following Zones: C, NC, B-P, OP, L-I, I, I-2, SR, and all Mixed Use (MU) Zones. Charging stations/spaces:
   a. Shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.
   b. Should be sited within parking areas to discourage non-electric vehicle use.

c. Shall not interfere with on-site parking or pedestrian circulation.

d. Shall be maintained in functioning order in all respects.

Section 20.340.070 Parking Lot Improvement Standards and Other Parking Layouts

A. Parking Lot Improvement Standards

1. **Pavement Surfacing.** All circulation, loading, ingress and egress, and off-street parking areas shall be surfaced with an asphaltic or cement concrete paving, designed to withstand repeated vehicular traffic. Other paving material may be used, such as pervious surfaces, subject to the approval of the Director and/or City Engineer.

   a. All surface water runoff shall be conveyed into a public ROW or storm drain or directed into planting areas. Drains shall be provided in accordance with the specifications of the City Engineer. Runoff shall be treated per the requirements of the latest NPDES permit prior to entering the public ROW or storm drain.

2. **Striping.** All parking spaces (with the exception of single family garages or carport) and, when required, aisles, loading Zones, pedestrian walks and crossings, visitor parking, and fire lanes shall be striped or otherwise designated to provide safe access, circulation, and parking.

   a. Pavement markings and other distinctions shall be maintained in a visible and legible manner.

3. **Bumper Guards or Wheel Stops.** Bumper guards or wheel stops shall be provided in such a manner as to ensure that no portion of any parked vehicle shall touch any wall, fence, building or project beyond any lot lines bounding a parking area facility.

4. **Landscaping Requirements.**

   a. Except those areas devoted to driveways and/or pedestrian walkways, all off-street parking areas or structures abutting a public street or sidewalk shall be bound by a planting strip or appropriate permeable drainage treatment with minimum widths established by Site Development Plan Review standards or permit application review and shall comply with the American with Disabilities Act standards. The design shall include a method to ensure separation between landscaping and vehicle.

   b. In addition to the requirements of paragraph (a) above, for any required parking area of more than ten (10) spaces, landscaping shall be installed and maintained as follows:

      i. Landscaped areas shall be evenly dispersed throughout the parking lot and shall include a combination of trees, shrubs, and ground cover, emphasizing drought-tolerant landscaping.

      ii. Parking lots shall be required to provide trees for shade at a minimum of one (1) tree for every five (5) parking spaces, in planters or landscaped islands evenly distributed throughout the parking lot. Trees shall be selected from the City's approved planting list, shall be a minimum

twenty-four (24)-inch box size, and designed to achieve a goal of fifty percent (50%) shade requirement within fifteen (15) years of planting.

iii. Tree planters shall have a minimum interior dimension of five (5) feet and/or shall be sized to accommodate the selected species of tree growth. To increase the parking lot landscape area, a two (2)-foot landscaped overhang area may be provided as part of the eighteen (18)-foot minimum length of a parking space, provided the total depth of such overhang area is in accordance with the specifications of Table 20.340-4. Such overhang area shall not be considered as part of the landscaping requirement. In no case shall such overhang be considered part of a required walkway or sidewalk width.

iv. Landscape irrigation shall be provided per the requirements of chapter 20.330 (Water Efficient Landscape Standards).

v. Parking area landscaping requirements may be reduced if a developer provides substitute open areas as approved by the Director. Substitute areas may include reflection pools, lawns, and similar landscape features.

5. **Pedestrian Walkways and Bicycle Paths**. To ensure public safety and convenience, internal circulation and connections shall be created between a project and street and parking areas to address the needs of pedestrians, bicyclists, and vehicles and shall be designed to comply with the American with Disabilities Act and the following other standards:

a. Parking lots should provide direct, continuous, and safe path(s) between the parking area and public entrance of a building or use to minimize pedestrian conflicts with vehicles.

b. Where pedestrian and/or bicycle paths parallel the side of a building or use with a public entry, pedestrian walkways shall be provided at a minimum interval of seventy-five (75) feet.

c. Pedestrian and bicycle paths within parking lots or intersecting vehicular driveways shall be clearly distinguished using pavement markings, signage, planter areas, fences, raised curbs at a minimum of six (6) inches high, or other methods that ensure these routes are visible to drivers and require vehicles to yield to pedestrians and bicyclists.

d. Vehicular drives and aisles shall not be permitted to intersect a bicycle path at intervals of less than eighty (80) feet.

e. Bicycle paths and pedestrian walkways shall not be required in private parking lots in industrial, warehouse, and manufacturing uses, or for other developments requiring less than ten (10) off-street parking spaces, if deemed unnecessary by the City.

6. **Lighting.** Lighting fixtures in parking areas, access drives, and internal vehicular circulation shall be directed and shielded so as not to illuminate surrounding properties and shall comply with the following standards, as verified through a photometric study.

a. Lighting shall comply with the City's standards.

b. Parking lot illumination levels shall achieve a uniform ratio of three to one (3:1) (average to minimum) and maintain an average of one (1) foot candle, with a minimum of one-half (1/2) foot candle.

c. Parking garages shall achieve and maintain uniform lighting at a minimum of three (3) foot candles.

d. Perimeter lighting, not affiliated with the lighting of parking lots, shall not exceed one-half (1/2) foot candle at any point along the property line of the subject or adjacent parcel.

7. **Parking Area Screening.**

a. Parking lots shall be screened from major public streets and adjacent residential land uses with plants, trees, low walls, fences, berms, or grade changes that are a minimum of forty-two (42) inches in height.

b. Interior property lines between parking lot areas and an existing or proposed residential development shall require a six (6)-foot-high decorative masonry wall or street trees.

8. **Maintenance.** Refer to Section 20.340.030(B) (Required Availability and Maintenance) for parking area maintenance requirements.

9. **Parking Locater Signs.** Signage clearly identifying the location of parking lots shall be required where parking garages or parking lots are provided that serve off-site uses. See section 20.340.080 (Off-Site Parking Alternatives) for further requirements and affiliated parking scenarios.

10. **Alternative Energy Systems.** Non-commercial alternative energy systems (solar and wind) including the provision of solar panels on parking lot shade structures or carports are permitted as an accessory use in all non-residential, R-2, and R-3 Zone parking areas subject to Site Development Plan Review. See chapter 20.450 (Renewable Energy).

B. **Additional Improvement Standards for Multifamily Residential and Mixed Use Developments.** Parking improvement standards for multifamily residential and mixed use developments shall comply with the standards in this Section and the following design standards.

1. The design and materials used for covered parking structures shall be compatible with the design of the main structure on the property.

2. Metal carports with decking for roofs shall be prohibited. Metal posts painted to match the color scheme of the project may be acceptable, but shall not be located within the designated area of the parking space and cannot be counted as part of the required parking stall width. Trees, lattice/trellis structures and/or decorative masonry walls shall be incorporated as part of carports to minimize visual impact.

3. Solutions that minimize the visual impact of residential and commercial driveways shall be used including shared driveways, alley access, or other design approaches that minimize the number and width of driveways and curb cuts.

4. Surface parking shall be divided into smaller, landscaped lots or courts with defined pedestrian connections, landscaping, and shade trees.
5. There shall be a ratio of at least one (1) tree for every seven (7) parking spaces throughout or adjacent to open and covered parking areas. Rows of parking stalls, either open or covered, shall be broken up by a tree planting approximately every seven (7) spaces.
6. Reduction of parking stall size shall be allowed to be reduced by two and one-half (2.5) feet if:
    a. The two and one-half (2.5) feet gained (by use of a parking stall overhang) shall be incorporated into adjacent landscaping areas.
    b. For angled parking, the triangular space at the head of each stall shall be landscaped (as a planter when abutting a sidewalk or incorporated into adjacent landscaped strips).
7. The more efficient ninety (90) degree parking arrangement shall be used when possible, so as to minimize parking lot area.
8. Units and parking/driveway areas shall have a minimum five (5)-foot landscaped separation, but, in general shall be located as far apart as possible.

C. **Tandem Parking.** Tandem parking shall be permitted for multifamily housing components of mixed-use projects, and daycare homes, subject to approval of a DP.
1. **Tandem Parking for Mixed Use Projects.** For the residential components of mixed-use project, the following conditions shall be met for tandem spaces:
    a. Tandem spaces are required to be assigned for the same dwelling unit.
    b. Up to ten percent (10%) of the total off-street parking spaces provided may incorporate tandem parking.
    c. The minimum dimension for two (2) parking spaces in tandem shall be nine (9) feet in width by thirty-four (34) feet in length.

D. **Tuck Under Parking.** Tuck under parking shall be subject to the following requirements:
1. Parking is restricted to an alley or the rear forty percent (40%) of the site.
2. Parking spaces shall not be visible from the street or from an adjacent property.

E. **Parking Structures.** Parking structures, above or below grade, shall be subject to CUP approval by the Planning Commission when no other entitlement is required. All parking structures shall comply with the following requirements.
1. Parking structures shall be subject to applicable regulations in this section and to the regulations for main buildings and accessory structures, including setback requirements.
2. Transition ramps, which are also used as back-up space for parking stalls shall have a maximum slope of five percent (5%). The maximum slope for transition ramps with no adjacent parking spaces shall be ten percent (10%). A ramp used for ingress and egress to a public street shall have a transition section at least sixteen (16) feet long and a maximum slope of five percent (5%).

3. Parking structures with more than three hundred (300) spaces shall provide secondary circulation ramps and additional ingress and egress if deemed necessary by a traffic study prepared by a state registered traffic engineer.
4. All parking structures shall be architecturally compatible with existing or proposed structures and shall be subject to review and approval during the Site Development Plan Review process. The following factors shall be considered while reviewing a proposal: bulk, scale, proportion, building materials, colors, signage, architectural features, and landscaping. The design and location of the parking structure should be screened by the main building if possible.
5. Parking structures shall be provided with a minimum ten (10)-foot-wide perimeter landscape planter at ground level. Parked cars shall be screened on each level through landscape planters or trellises and/or decorative screening wall or railings.
6. Parking structures shall be designed with smart technology systems, subject to approval by the City.

F. **Valet Parking.** Valet parking for restaurants within Mixed Use projects may be authorized through a CUP as a means of satisfying up to one hundred percent (100%) of applicable off-street parking requirements, subject to satisfying the approval criteria for Off-Site Parking in section 20.340.080(A) (Off-Site Parking Criteria).

Section 20.340.080 Off-Site Parking Alternatives

Where use of off-site parking is authorized to satisfy the parking requirements of this chapter, parking shall be provided by one (1) or more alternatives in this section, in accordance with the following requirements.

A. **Off-Site Parking Criteria.** Off-site parking options may be permitted through Site Development Plan Review, or Director Permit, subject to the following standards:
1. **Parking Distance.** Off-site parking spaces must be located no farther than eight hundred (800) feet of the primary entrance to a site and provide a traversable pedestrian route that complies with Title 24 and ADA standards, not more than six hundred (600) feet in length, over and along public streets or walkways or permanently established easements between the parking site and the buildings or structures they serve.
2. **Improvement Standards.** All off-site parking spaces shall conform to the same standards for access, configuration, layout, size, etc. as is required for off-street parking in this chapter.
3. **Off-Site Parking Agreement.** An agreement in a form satisfactory to the City Attorney, providing for the use of the off-site parking area, executed by the owner/tenants or other parties involved must be approved and guarantee the long term availability of the parking, commensurate with the uses they serve. Off-site parking privileges shall continue for as long as this binding agreement remains in force.

B. **Collective Parking.** Collective parking may be permitted where appropriate locations are identified for commercial or industrial Zones serving two (2) or more buildings or uses. Collective parking may be approved per the following requirements:

1. Total parking spaces provided shall not be less than the sum of the requirements for the individual uses served, as identified by Table 20.340-1, unless a DP is approved.
2. Parking facilities on adjoining lots may share access points and driveways, subject to a recorded covenant for the properties on which the facilities are located.
3. A covenant or agreement establishing the long-term availability, maintenance, and use of the collective parking area(s) shall be executed by all parties involved and approved by the City. Collective parking privileges shall continue in effect for as long as the parking agreement remains in force. If the collective parking agreement lapses or is no longer valid, then parking must be provided for each use on-site, as required by this chapter.

C. **Shared Parking.** Shared parking allows reduction of parking spaces for any site development or adjacent parcels proposing two (2) or more land uses where the hours of operation for the uses allows shared use of parking spaces to occur without conflict. Parking reductions are permitted, subject to the following standards:

1. Approval of a Site Development Plan, or DP, supported by a shared parking study, accompanied by the following findings:
    a. Land uses/buildings participating in the shared parking program demonstrate different parking profile demands;
    b. Parking spaces designated for shared parking are not otherwise committed to satisfying parking requirements for some other use at similar times;
    c. Spaces are located within six hundred (600) feet of the use to be served and comply with the distance requirements, above, in section 20.340.080(A) (Off-Site Parking Criteria).
2. A parking management plan that includes a shared parking study, citing Urban Land Institute (ULI) accepted ratios or an equivalent source to be approved by the Director, is required as part of the DP application to clearly define and achieve projected shared parking.
    a. Base parking requirements shall be calculated as the sum of the requirements for each land use, per the requirements of Table 20.340-1.
    b. When different land uses share a common parking footprint, the total number of spaces required to support the collective uses will be determined by parking profiles rather than by individual peak ratios.
    c. Review and approval of shared parking studies and associated parking management plan(s) will be at the discretion of the applicable approval authority.
3. A shared parking agreement establishing the long-term availability, maintenance, and spaces required, commensurate with the use of the facility, shall be approved and recorded by the City. Shared parking privileges will continue in effect for as long as the

agreement remains binding on all parties. If a shared parking agreement lapses or is no longer valid, then parking must be sufficiently provided for each use, as required by this chapter.

D. **"Park Once" Program.** Establishment and participation in a "Park Once" program may be used to comply with off-street parking requirements, in accordance with the following standards.

1. A "park once" parking strategy may be established for mixed-use sites in a City-owned parking lot, parking assessment district, or other areas where opportunities exist to provide a centralized parking area, within a walkable distance of 1,320 feet of adjoining businesses and uses that encourages patrons to park once and walk to their destinations.
2. A parking management plan shall be required to define the parking demand needs of participating sites or areas, proposed uses and/or programs, site or parking characteristics, walkability, transit opportunities, and other factors that support the development of the program.
3. A covenant or agreement establishing the long-term availability, maintenance, and use of the parking area(s) used in the park once program or parking assessment district shall be executed by all parties involved and approved by the City. Collective parking privileges shall continue in effect for as long as the parking agreement remains in force. If the collective parking agreement lapses or is no longer valid, then parking must be provided for each use on-site as required by this chapter.

E. **In-Lieu Fees.** The owner/tenant of any property upon which a development project is proposed, adjacent to a City parking facility or within a parking assessment district may meet their off-site parking requirements, established in Table 20.340-1 through payment of an in-lieu fee, subject to the following standards.

1. **Criteria**. The reviewing authority must make the following findings:
   a. An existing or planned parking facility exists within six hundred (600) feet of the site.
   b. There is available planned parking capacity to offset parking demands.
   c. The parking will be available when the project is ready for occupancy.
2. **Within a Parking Assessment District**. Parking may be provided by payment of an in-lieu fee to a parking assessment district, if a separate fund has been established for the collection of in lieu fees to be used to provide new or improved parking spaces in a participating district.

Section 20.340.090 Bicycle Parking

A. **Applicability.** Bicycle parking facilities shall be provided per Table 20.340-6 and the standards in this section. Bicycle parking facility classifications are defined in chapter 20.600 (Definitions).

1. Stand alone building below the thresholds for required bicycle parking in Table 20.340-4 are not required to provide bicycle parking.

2. Where two (2) or more small uses exist in a single building below the thresholds for required bicycle parking, Table 20.340-6, they are encouraged to provide one (1) bicycle space per tenant and group.

B. **Minimum Bicycle Parking Requirements.** Bicycle parking spaces shall be provided in compliance with the minimum requirements in Table 20.340-6 and the standards that follow.

Table 20.340-6
Minimum Bicycle Spaces Required by Land Use

Building Type	Required Bicycle Parking[1]	Minimum Spaces	Type Required
Single-family detached units	None	0	N/A
Single-family attached units	None	0	N/A
Multifamily units[2]	1 space/5 attached units	No minimum	100% Class I lockers, including garages or accessible indoor areas; or Class II racks with direct access to residential buildings and entries
Mixed Use	Refer to bicycle parking requirements for Mixed Use in section 20.340.040 (F), Table 340-2	No minimum	**Residential Uses:** 100% Class I lockers, including garages or accessible indoor areas; or Class II racks with direct access to residential entries **Non-Residential Uses:** 25% Class I; 75% Class 2
Commercial	1 space/5,000 s.f. gross floor area	2	25% Class I; 75% Class 2
Office	1 space/10,000 s.f. gross floor area	2	25% Class I; 75% Class 2
Retail	1 space/7,500 s.f. gross floor area	2	25% Class I; 75% Class 2
Industrial	1 space/10,000 s.f. gross floor area	2	25% Class I; 75% Class 2

Notes:
1. Fractions over 0.5 shall be rounded up to the nearest whole number.
2. Shall apply to all units in an R-3 Zone and attached PRD units in any R Zone.

1. **Design**. Bicycle parking facilities shall be designed to the following standards and installed in a manner that allows adequate spacing for bicycle use and access:
   a. Designed so as not to cause damage to bicycles
   b. Consist of racks or lockers anchored so they cannot be easily removed and of solid construction to resist rust, corrosion, hammers, and saws
   c. For Class II facilities, allow both bicycle frame and wheels to be locked using a standard U-lock
   d. Each bicycle parking space shall be no less than six (6) feet by two (2) feet wide and provide a minimum of two (2) feet behind the bicycle or adjacent to the nearest wall for access
2. **Location**. The following provisions regulate the location of bicycle parking.

a. Bicycle parking shall be located in close proximity to public entrances and other high activity areas or highly visible, active, well-lit areas and shall not interfere with a public ROW or pedestrian movement. If the parking is not visible from the sidewalk, a sign directing bicyclists to the parking location shall be posted.

b. A parcel or development with multiple buildings is permitted to group all required bicycle parking into a single location, subject to Site Development Plan Review.

c. When located within a parking area, spaces shall be protected by curbs, fences, planters, bumpers, or similar barriers to protect bicycles from damage by motor vehicles.

3. **Feasibility**. Where the provision of bicycle parking is physically not feasible, the requirements of this section may be modified by the Director or applicable approval authority.

Section 20.340.100 Truck Loading and Unloading Areas Loading Space Requirements and Design Standards

A. **Applicability.** Loading and unloading areas permanently reserved and maintained for the temporary parking of commercial vehicles for the loading or unloading of merchandise or materials, providing adequate ingress and egress from a public ROW or alley.

B. **Minimum Loading Space Requirements.** Loading spaces shall be provided and maintained on the same lot with every building in any commercial, mixed-use, or industrial Zones per the minimum requirements of Table 20.340-7 and the standards in this section.

1. For developments with 3,000 square feet of gross floor area or less, loading spaces shall be a minimum of ten (10) feet by twenty (20) feet, with twelve (12) feet of vertical clearance; exceptions to the vertical clearance requirement may be permitted within an enclosed parking garage, subject to City approval.

2. For developments with more than 3,000 square feet gross floor area:

a. the first loading space shall be a minimum of twelve (12) feet by thirty (30) feet, with fourteen (14) feet of vertical clearance;

b. all additional loading spaces shall be a minimum of ten (10) feet by twenty (20) feet, with twelve (12) feet of vertical clearance;

c. exceptions to the vertical clearance requirement may be permitted within an enclosed parking garage, subject to City approval.

3. Additional width shall be provided where loading spaces are adjacent to a building along the length of the space. Additional loading sizes shall be permitted as pertinent to the loading needs of the use or building.

4. No more than three (3) loading spaces shall be required for any use or building despite gross floor area size.

5. All loading space shall have adequate ingress and egress, as approved by the City.

Table 20.340-7
Minimum Loading Spaces Required

Land Use Category	Loading Spaces Required (*)
Residential Uses	
Residential Care Facility	1 loading space/20,000 s.f. gross floor area
Recreation, Education, and Public Assembly Uses	
Entertainment/Recreation Uses	1 loading space/25,000 s.f. gross floor area for uses/buildings 12,500 s.f. or larger
Educational Institution (All Types)	2 loading spaces
Family Child Care Homes (< 14 children)	None
Daycare or Commercial Child Daycare	1 loading space for uses 10,000 s.f. or larger
Public, Quasi-Public, and Public Assembly	1 loading space/20,000 s.f. gross floor area for buildings/uses 10,000 s.f. or larger
Conference/Convention Center	To be determined at time of Site Plan Review
General Retail Uses	
All Uses not listed below	1 loading space/25,000 s.f. gross floor area; 1 space minimum
Automotive Sales and Service	1 loading space/40,000 s.f. gross floor area; 1 space minimum
Food Service	1 loading space/25,000 s.f. gross floor area for uses/buildings 12,500 s.f. or larger
Dry Cleaning or Laundry Plant	1 loading space/10,000 s.f. gross floor area; 1 loading space minimum
Merchandise Sales/Showrooms	1 loading space/40,000 s.f. gross floor area; 1 loading space minimum
Market (Any type) & Liquor Stores	0-40,000 s.f. gross floor area: 1 loading space; >40,000 s.f. gross floor area: 1 loading space/25,000 s.f.
Merchandise Sales, New Retail	1 loading space/25,000 s.f. gross floor area; 1 space minimum
Merchandise Sales, Used/Pawn	1 loading space/40,000 s.f. gross floor area; 1 space minimum
Wholesale business	1 loading space/40,000 s.f. gross floor area; 1 space minimum
Hotels/Motel	2 loading spaces
All Services	
All Uses not listed below	1 loading space/25,000 s.f. gross floor area for buildings/uses 10,000 s.f. or larger
Hotels/Motel	2 loading spaces
Office; Medical and Dental	1 loading space/20,000 s.f. gross floor area for buildings/uses 10,000 s.f. or larger
Urgent Care/Hospital	1 loading space/10,000 s.f. gross floor area
Animal Related Uses	1 loading space for uses 10,000 s.f. or larger
Industrial, Manufacturing, and Processing Uses	
All Uses (Indoor or outdoor)	1 loading space/40,000 s.f. gross floor area; 1 space minimum for buildings/ uses larger than 10,000 s.f.
Transportation, Communication, and Utility Uses	
Antenna or Communication Facility	None. Sufficient usable on-site area shall be provided for loading activities
Other Uses	
Similar Conforming Uses	Loading will be required per "similar" land use listed in this Table as deemed appropriate by the Director

Note:
* The maximum number of loading spaces required for any building or use regardless of size shall be three (3) spaces.

6. All loading facilities and maneuvering areas shall be on-site and designed so that vehicles do not back in from or onto a public street and maneuvering, loading, or unloading of vehicles does not interfere with the movement of traffic and pedestrians on the street.
7. All loading spaces, in connection with any existing building or use, shall be maintained so long as said building remains, unless an equivalent number of spaces are provided on a continuous lot in conformity with the requirements of this article, provided that this regulation shall not require the maintenance of more loading space than is hereby required for a new building, nor the maintenance of such space for any type of main building other than those specified.

C. **Required Location of Loading Spaces.** The following standards apply to the location of loading areas.

1. Lots abutting upon a street. Loading areas in the front of the building or facing front setbacks shall be prohibited unless there are no other ingress or egress points provided within sixty (60) feet of the lot frontage. The preferred location of all service, loading and dock areas, trash and truck parking areas is at the rear of buildings, out of public view from adjacent roadways, when possible.
2. Lots abutting upon an alley. Loading space abutting an alley shall adjoin or have direct access from said alley. The length of the loading space shall be measured perpendicular to or parallel with the center line of the alley. Where such loading is parallel with the alley, the loading space shall extend across the full width of the lot, except that if only two (2) spaces are required, the length of the loading area shall not exceed fifty (50) feet.
3. Screening of loading spaces. Areas for loading and unloading shall be design to avoid potential adverse noise, visual, and illumination impacts on neighboring residences. Height shall screen loading activities.
    a. Any loading space or areas visible from a street shall be screened on three (3) sides by a fence, hedge, or wall at a height that will fully screen loading activity and shall be designed to be compatible with the primary structures and on-site landscaping.
    b. Dense vegetative hedges, combined with decorative six (6)- to eight (8)-foot-high walls are the preferred screening method.
4. Prohibited parking areas. Truck parking shall be prohibited:
    a. Within the freeway frontage or other public or private roads.
    b. Within access easements and driveways other than for loading and unloading purposes.
    c. Within the front setback.
5. Truck and/or delivery truck washing shall be prohibited within those areas that have direct visibility from State Route 78.

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CHAPTER 20.345 NONCONFORMING USES AND STRUCTURES

Sections:

Section 20.345.010 Purpose of Chapter
Section 20.345.020 Applicability
Section 20.345.030 Restriction on Nonconforming Uses and Structures
Section 20.345.040 Maintenance and Repair of Nonconforming Structures
Section 20.345.050 Alteration and/or Expansion of Nonconforming Uses and Structures
Section 20.345.060 Damage and/or Destruction of Nonconforming Structures
Section 20.345.070 Abatement of Illegal Uses and Structures

Section 20.345.010 Purpose of Chapter

This chapter is intended to promote the public health, safety, and general welfare of the City and its citizens by prohibiting or limiting nonconforming uses and structures considered harmful or detrimental to the orderly and creative development of surrounding land uses. Nonconforming uses, land uses, and structures are those within the Zones established by this Zoning Ordinance that were lawful before the adoption or amendment of this Zoning Ordinance, but that would be prohibited, regulated, or restricted differently under the current terms of this Zoning Ordinance or under future amendments.

While permitting the use and maintenance of existing nonconforming uses and structures, this chapter is intended to establish the criteria under which they may be continued, or possibly expanded, and to provide for the correction or removal of the land use nonconformities determined incompatible in an equitable, reasonable, and timely manner.

Section 20.345.020 Applicability

The provisions of this chapter shall apply to all nonconforming uses and structures, which includes all buildings, structures, land, and land uses that become nonconforming due to reclassification of Zones or land under this Zoning Ordinance, located within any Zone in the City. This chapter does not apply to land uses and structures that were illegally established, constructed, or divided. Those land uses and structures are subject to chapter 20.550 (Enforcement and Penalty).

Section 20.345.030 Restriction on Nonconforming Uses and Structures

The provisions of this section shall apply to nonconforming uses and structures that have been legally established.

A. **Legal Establishment.** Nonconforming uses and structures must have been legally established to be recognized as a legal nonconforming use. To legally continue a use, structure, or improvement that is not consistent with the regulations of this Zoning Ordinance, the person claiming the legal nonconforming use or structure has the burden of proof to establish that the use, structure, or improvement qualifies as legal.

B. **Health, Safety, Welfare**. The City determines that the continuation of the previously conforming use and/or structure does not endanger the health, safety, or general welfare of the public.

C. **Continuation of Nonconforming Residential Uses.** Nonconforming residential uses may continue to be used for residential purposes in any Zone where they were legally established.

D. **Continuation of Nonconforming Residential Structures.**

1. Nonconforming residential structures may continue to be maintained and used for residential purposes in any Zone where they were legally established, provided that no additions or enlargements are made thereto and no structural alterations are made therein except those required by law or expressly permitted by this Zoning Ordinance.
2. A nonconforming building, structure, or part thereof for which construction has begun prior to a change in regulations, which change would make the structure, once completed, a nonconforming structure, may be completed in accordance with the approved building permit and plans, provided that the work is implemented continuously and without delay. Such structure shall be deemed to be a previously conforming structure and shall, thereafter, be subject to the regulations set forth herein.

E. **Continuation of Nonconforming Non-Residential Uses**. Nonconforming non-residential uses may continue to operate in the location where they were legally established.

F. **Continuation of Nonconforming Non-Residential Structures.**

1. Nonconforming non-residential structures may continue to be maintained in the location where they were legally established provided no additions or enlargements are made therein except those required by law or expressly permitted by this Zoning Ordinance.
2. A nonconforming building, structure, or part thereof for which construction has begun prior to a change in regulations, which change would make the structure, once complete, a nonconforming structure, may be completed in accordance with the approved building permit and plans, provided the work is implemented continuously and without delay. Such structure shall be deemed to be a previously conforming structure and shall thereafter be subject to the regulations set forth herein.

G. **Nonconforming Use of Land May Be Maintained.** A nonconforming use of land that does not involve buildings may be continued.

H. **Nonconforming Use of Conforming Building – Generally**. Where a nonconforming use of a conforming building existing at the time of the provisions of this Zoning Ordinance become applicable to such building so as to make the use thereof a nonconforming use, such nonconforming use may be continued and such nonconforming use may be expanded or extended throughout such existing building, provided no structural alterations are made therein, except those permitted by law or as expressly permitted by this Zoning Ordinance.

I. **Nonconforming Use of a Nonconforming Structure or Building – Generally.** The nonconforming use of a nonconforming structure or building may be continued and expanded or extended throughout such existing building provided no structural alterations are made therein, except those required by law or expressly permitted by this Zoning Ordinance.

J. **Discontinuation.** Any discontinuance of such nonconforming use, addressed in section 20.345.030(G)(H) and (I) above, for a continuous period of twelve (12) calendar months shall be deemed to constitute an abandonment of any right to continue or maintain such nonconforming use, and any future use of such land shall conform to provisions of this Zoning Ordinance. The Director may extend, for no longer than twelve (12) months, the period of discontinuance upon making the findings required by this chapter.

K. **Abandonment.** If any residential or non-residential nonconforming use or structure is wholly discontinued or abandoned for a continuous period of twelve (12) calendar months, any subsequent use of such land or structure shall conform to the provisions of this Zoning Ordinance. The determination of discontinuance (i.e., abandonment) shall be supported by evidence, satisfactory to the Director, and shall include the following:

1. The intent of the owner to discontinue use of the nonconforming structure is apparent, as determined by the Director.
2. Where characteristic furnishings and equipment associated with the use have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been discontinued for a period of twelve (12) consecutive calendar months (this includes lapse of a City business license, lapse of State Board of Equalization permit, or no evidence of other business-related receipts and/or records [telephone, utility bills, etc.]).
3. If the previously conforming use has been discontinued for the purpose of repair, remodeling, or aesthetic improvements, the maintenance of an active building permit and continuance of a business license shall constitute conclusive evidence that such use has not been abandoned during the period or repair, remodeling, or aesthetic improvements, provided that the work is conducted diligently to completion.

L. **Extension of a Legal Nonconforming Use.** When special circumstances, as delineated in section 20.340.030(M)(7)(a)–(d) (Application Process for Extension of a Legal Nonconforming Use), exist and an application has been timely submitted as provided below, the Director may extend the legal nonconforming status of a use for up to an additional twelve (12) months. The total time period for discontinuance of a nonconforming use shall not exceed twenty-four (24) continuous months.

M. **Application Process for Extension of a Legal Nonconforming Use.**

1. An application for extension of legal nonconforming status shall be filed with the Planning Division on a City application form, together with all required fees, plans, maps, statement of justification, and any other information deemed necessary by the Planning Division to process the application. The application shall be filed prior to the expiration of the initial twelve (12)-month period.
2. The Planning Division shall notify the applicant, in writing, as to whether the application is complete. If the application is not complete, the Planning Division shall specify those parts of the application that are not complete, and shall identify the manner by which it can be made complete. If written notification is not provided to the applicant within

fifteen (15) working days following application filing, the application shall be deemed complete.

3. Notice to affected property owners. Within ten (10) working days after the application has been filed, the Director shall notify all property owners, as shown on the last equalized county assessment roll(s) as owning property located within a radius of five hundred (500) feet of the proposed project, that the application has been filed. Each such person may request, in writing, the opportunity to be heard on the application. Such written request must be filed with the Director within fifteen (15) days after mailing the notice. Failure to do so shall be deemed a waiver of the rights under this section. If written request to be heard is filed by any property owner receiving such notice, the property owner shall receive all notices required by section 20.345.030(M) (Application Process for Extension of a Legal Nonconforming Use) and may request or shall be permitted to be heard at a review pursuant thereto. The notice required by this section shall include a brief description of the project as proposed on the application, and shall inform each property owner of their rights pursuant to this section. The failure of any person to receive the notice specified herein shall not invalidate any action taken pursuant to this Zoning Ordinance.

4. The Planning Division shall investigate the facts bearing on the application and provide the information necessary for action on the application, consistent with this Zoning Ordinance and the General Plan, and shall report all findings to the Director.

5. Consideration of the request for an extension – Notice of Decision.

   a. Within fifty (50) calendar days after an application is deemed complete by the City, the Director shall approve, conditionally approve, or disapprove the request for extension of the legal nonconforming use. The time limit specified in this paragraph may be extended by mutual consent of the applicant and the Director. If the request for extension of legal nonconforming use is disapproved, the reasons shall be stated in the notice of disapproval.

   b. The Director shall notify the applicant of the preliminary decision to conditionally approve or disapprove the application for extension of the legal nonconforming use, along with any conditions of conditional approval or the reasons for the disapproval, within forty (40) days after the application is deemed complete by the City. If no written request for the review is received within the time prescribed, the preliminary decisions shall become final and the applicant shall be so notified, as prescribed in this section. Such request must be received by the Director within ten (10) calendar days after the date of the preliminary decision, but in no case later than forty-nine (49) calendar days after the application is deemed complete by the City. Upon receipt within the time prescribed of the written request for review of a preliminary decision, the Director shall arrange a time and place for such review, and shall notify the applicant and appropriate City departments thereof. In the event that a review cannot be arranged or completed prior to fifty (50) calendar days after the application is deemed complete, the request for review shall be deemed to constitute consent of the applicant to extend, for a reasonable period not to

exceed ten (10) working days, the time limit in which the Director must approve, conditionally approve, or disapprove the application for the extension of a legal nonconforming use. After completion of the review, the Director shall render his/her final approval, conditional approval, or disapproval of the application, as provided in this section.

In the event that no written request for the review is received within the time prescribed, the preliminary decision shall become final and the applicant shall be so notified, as prescribed in this section.

c. The applicant shall be informed of the preliminary decision and of the final decision of the Director by written notice. Notice shall be deemed to have been given upon deposit of the notice in the U.S. mail, addressed to the applicant.

6. In granting an extension of the legal nonconforming status, the Director may attach reasonable conditions and restrictions to the request, in addition to those required by this Zoning Ordinance, which will ensure that the use will do the following:

   a. Comply with California Building Code, California Fire Code, and local ordinance and national standards;

   b. Not injure the value of adjoining or abutting property;

   c. Not result in any significant environmental impacts; and

   d. Be in harmony with the area in which it is located.

7. The Director shall consider the following factors in determining whether an extension of time shall be approved under the provisions of this section:

   a. The applicant's investment in the property or structure on or in which the nonconforming use is conducted.

   b. The applicant's lease obligations in the property or structure on or in which the nonconforming use is conducted.

   c. Whether the applicant's investment in the property or structure on or in which the nonconforming use is conducted was made prior to the effective date of the Zoning Ordinance.

   d. Whether the applicant will be able to recoup the applicant's investment in the property or structure on or in which the nonconforming use is conducted as of the date established for termination of the nonconforming use.

8. Approval of Extension – Findings.

   a. An extension under the provisions of this section shall be for a period of time not exceeding twelve (12) months, and shall be approved only if the Director makes the following findings, based on supporting documentation and evidence submitted by the applicant:

      i. The applicant has made a good faith effort to keep the nonconforming status;

ii. If applicable, in the case of vacation of the property by the City due to unsafe and dangerous conditions, the applicant has made a good faith effort to rectify the unsafe and dangerous conditions through the submittal of plans and/or the issuance of permits, and had diligently pursued it to completion (shown through the request for inspections); and

b. Based on the determination made in section 20.345.030(M)(7) (Application Process for Extension of a Legal Nonconforming Use), the twelve (12)-month extension shall be granted by the Director only if three (3) of the following findings are made, based on supporting documentation and evidence submitted by the applicant:

i. A physical and/or economic hardship has prevented the nonconforming use from being reestablished prior to the expiration of the twelve (12)-month period;

ii. Approving the extension will not adversely affect the character, integrity, or value of surrounding properties;

iii. Approving the extension will not adversely affect the character, integrity, or general welfare of the neighborhood;

iv. The extension will not adversely impact the public health, safety, or general welfare of the City's residents;

v. The applicant has made a substantial investment (including, but not limited to, lease obligations) in the property or structure on or in which the nonconforming use is conducted, and such property or structure cannot be readily converted to another use, and such investment was made prior to the effective date of this Zoning Ordinance; and

vi. The applicant will be unable to recoup said investment as of the date established for termination of the use.

N. **Conversion to a Conforming Use.** If any residential or non-residential nonconforming use or any portion thereof is converted to a conforming use, the nonconforming use shall not resume nor shall any portion that has been made conforming be allowed to resume as a nonconforming use.

O. **Transfer to New Owner or Tenant.** A residential or non-residential nonconforming use is transferable to a new owner or tenant, provided that the use is not discontinued, and may continue as a nonconforming use pursuant to the provisions of this Zoning Ordinance.

P. **Moving Nonconforming Uses and Structures.** A nonconforming residential or non-residential use within a structure, or a nonconforming residential or non-residential structure, shall lose its legal nonconforming status if the structure is moved any distance on the site for any reason, or is removed from the site. If any such nonconforming structure is moved or removed from the site, every future use of the land on which the building is/was located shall conform to the provisions of this Zoning Ordinance.

Section 20.345.040 Maintenance and Repair of Nonconforming Structures

Routine maintenance, repairs, and aesthetic improvements may be performed on nonconforming structures provided that no additions, enlargements, or structural alterations are made that intensify the nonconformity, except in accordance with the procedures of this section. Routine maintenance, repair, and aesthetic improvements typically include improvements made to comply with law or ordinance, or landscaping, paving, roof repairs/replacement, painting, and/or replacement of doors/windows.

Section 20.345.050 Alteration and/or Expansion of Nonconforming Uses and Structures

If a nonconforming residential or non-residential use or a residential or non-residential nonconforming structure is enlarged, extended, expanded, or in any other manner changed to increase its nonconformity, except in accordance with the alteration/expansion procedures in this section, any entitlement to maintain the nonconformity is terminated.

A. **Residential Structures.** Alterations, enlargements, extensions, or additions may be made to a single-family residential structure that occupies a lot containing a nonconforming residential use, or to a nonconforming residential structure that is used for residential purposes in a Residential (R) Zone in accordance with the following:

1. The proposed expansion consists of no more than ten percent (10%) of gross habitable square footage of structure and may be expanded to the maximum setback of the previous Residential Zone, or, if the previous Zone was not residential, to the setback and height standards of the R-1-10 Zone, provided the following occur:
    a. All required permits for the expansion or extension are obtained and all fees paid prior to start of construction, and
    b. The expansion or extension does not reduce the number of existing or required on-site parking spaces or access to the building.
2. The expansion does not increase the number of stories in a dwelling unit.

B. **Non-Residential Structures.** Within residential and non-residential Zones, a nonconforming structure shall not be enlarged or extended, except as follows:

1. Subject to the findings required by this chapter, the Director may:
    a. Administratively permit up to a ten percent (10%) enlargement of the floor area of a nonconforming structure,
    b. Through the DP, the Director may permit up to twenty percent (20%) enlargement of the floor area of a nonconforming structure.
    c. In considering whether or not to allow the proposed expansion of nonconforming structures, the Director shall weigh the potential for eliminating and/or reducing the nonconformities through the proposed expansion. The proposed expansion and/or alteration of the structure shall comply with all other provisions of the Zoning Ordinance.

C. **Findings for Alteration/Expansion of Nonconforming Non-Residential Structures.** Prior to the approval of a DP to allow for the expansion and/or alteration of a nonconforming non-

residential structure, all of the following findings shall be made, along with the general findings for a DP:

1. Enlargement of a nonconforming non-residential structure is of an incidental character and does not constitute a complete remodeling or relocation of complete remodeling or relocation of machinery, equipment, or apparatus operating the establishment in question, and can be carried out without injury to the residents of adjacent property and of the neighborhood.
2. The alteration and/or expansion of the nonconforming structure improves the structure's compatibility with neighboring conforming structures.
3. The alteration and/or expansion enhances the quality of the architecture and/or site.
4. The alteration and/or expansion improve the structure's ability to better achieve the purpose and intent of the Zone in which it is located.
5. The existing structure and proposed alteration or expansions are conforming as to use.
6. The proposed alteration and/or expansion of the structure is in full compliance with development requirements of this Zoning Ordinance and all applicable City building and housing codes.
7. When the proposed project is viewed as a whole, the decision-making authority finds that the benefits from allowing the expansion and/or alteration, in terms of the elimination of specific nonconformities, outweighs the detriments associated with the nonconformities remaining after the expansion and/or alteration.

Section 20.345.060 Damage and/or Destruction of Nonconforming Structures

If a nonconforming residential or non-residential structure is damaged or destroyed by fire, flood, wind, explosion, earthquake, other casualty or act of God, the public enemy, or other cause that is beyond the control of the property owner, and that could not otherwise have been prevented by reasonable care and maintenance of the structure, the structure may be restored, and occupancy and use at the time of destruction may be restored to its pre-existing building envelope; original number of dwelling units; or intensity, size, height, design, configuration, or condition, and the use or occupancy that existed at the time of such destruction, and may be continued if nonconformities are not increased in density or intensity, and no reduction in the amount of off-street parking is made. Under these circumstances, the structure may be rebuilt if the following occurs:

1. The nonconformity of the structure is certified, which means that proof of a legal building permit is required.
2. Building permit(s) to rebuild must be obtained within one (1) year of such fire or other casualty.
3. Building permits must be diligently pursued to completion and accomplished within eighteen (18) months from the issuance of the required permit.
4. Construction is commenced and completed in conformance with the provisions of the building code then in effect. This provision shall not reduce any requirements of the building or fire codes in effect at the time such structure is rebuilt.

5. The proposed restoration or reconstruction shall comply with the Zone, development, design, and architectural regulations and standards applicable to the type of use or structure damaged or destroyed that were in existence at the time the structure was legally created.

Section 20.345.070 Abatement of Illegal Uses and Structures

Any use or structure that did not comply with the Zoning Ordinance at the time it was established (date of adoption of rezoning and General Plan and original legal approval), and does not comply with the current Zoning Ordinance, is illegal and shall be brought into compliance with the provisions of this Zoning Ordinance in accordance with this Code.

A. **Facts Required for Abatement.** Whenever any of the following facts are found to exist with reference to a nonconforming use or structure, the nonconforming protection/benefits shall cease, and the use shall be abated:

1. A change has been made from a nonconforming use to another nonconforming use.
2. An illegal increase or enlargement of the area, space, or volume of the structure or land occupied by or devoted to the nonconforming use has been made, except if the structure is nonconforming with respect to setbacks, height, distance between structures, architectural projections, or staircase and landing area encroachments, and the requirements of the City's adopted building code are met. No new additions or alterations shall increase existing nonconformities.
3. A structural alteration has been made, except as required or allowed by law.

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CHAPTER 20.400 SPECIFIC USE STANDARDS

Sections:

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Section 20.400.130 Lot Access
Section 20.400.140 Metal Buildings
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Section 20.400.160 Places of Assembly
Section 20.400.170 Research and Development (R&D) Uses
Section 20.400.180 Self-Storage
Section 20.400.190 Showrooms
Section 20.400.200 Tattoo and/or Body Art Facility
Section 20.400.210 Temporary Sales Offices
Section 20.400.220 Utility Service
Section 20.400.230 Vehicle Storage
Section 20.400.240 Firearm Shooting Range (Indoor)

Section 20.400.010 Purpose

The purpose of this chapter is to provide operational and development standards to properly regulate specific permitted and conditionally permitted land uses within Zones. Specifically, this chapter provides regulars to do the following:

A. Promote and protect the public health, safety, and general welfare of the City and its citizens by requiring operational standards to minimize potential adverse effects on surrounding properties.

B. Further modify the allowable land uses and development standards of individual or multiple Zones, to be applied in all instances where the specific land use is administratively or conditionally permitted.

Section 20.400.020 Applicability

Land uses and activities addressed by this chapter shall comply with the provisions of this chapter applicable to the land use, in addition to all requirements of the applicable Zone and this Zoning Ordinance.

A. **Applicable Activities.** The provisions of this chapter shall apply to the establishment of the land use or any modification to the land use exceeding ten percent (10%) of the value or twenty percent (20%) of the floor area of the existing use.

B. **Nonconforming Uses.** The regulations of chapter 20.345 (Nonconforming Uses and Structures) for nonconforming land uses and structures, including thresholds and timing, shall prevail over the provisions of this chapter.

C. **Permit Requirements.** All land uses addressed in this chapter shall be subject to the permit requirements of the applicable Zone. If a CUP is required, the standards of this chapter shall be the minimum requirements for the CUP.

D. **Regulations.** All land uses and activities regulated by this chapter shall comply with all state, building, and fire codes, and shall not exceed the City's noise limits as established by the General Plan.

E. **Conflict**s. In the event of any conflict between the requirements of this chapter and those of another chapter or section of this Zoning Ordinance, except the provisions of chapter 20.345 (Nonconforming Uses and Structures), the provisions of this chapter shall prevail.

Section 20.400.030 Automated Teller Machines (ATMs)

ATMs shall be permitted as a primary or accessory use subject to the permit regulations of the applicable Zone.

A. **Allowed Locations.**

1. ATMs may be located along public ROWs where a minimum of five (5) feet of clear public sidewalk space is not encroached upon.
2. ATMs may be located a maximum of fifty (50) feet from a building entry.
3. ATM locations shall be approved by the City Engineer to ensure clear line of sight is maintained.

B. **Lighting Plan Required.** A lighting plan shall be required with the intent to ensure that adequate lighting is provided.

C. **ADA Accessible.** All ATMs shall be accessible per the requirements of the ADA.

D. **Refuse Receptacle.** A refuse receptacle shall be located within ten (10) feet of the ATM.

E. **Removal.** When an ATM is removed, the structure's façade shall be refinished to be consistent with the design and appearance of the existing structure.

F. **Internal Use Locations.** ATMs located internal to a primary land use (such as within a retail location) shall be permitted in any Zone and processed as part of the permit required for the primary use. Internal use locations shall not be subject to the ATM permit requirements of the applicable Zone or this section.

Section 20.400.040 Automotive Sales, Used and Automotive Rental

All standards in this section shall be applicable to single-tenant and multiple-tenant buildings, including the land uses "Automotive Sales, Used" and "Automotive Rentals." Where a minimum is required, that minimum shall be provided for each tenant for the portion of the lot devoted to "Automotive Sales, Used" and "Automotive Rentals." The standards of Table 20.400-1 shall apply.

Table 20.400-1
Storage Limitations by Zone

Land Use	Minimum Standard		Permitted Maximum Height	
	Lot Area	Street Frontage	Decorative Bollard	Wrought Iron Fence
Automotive Sales, Used	1.5 acre	150 feet	36 inches	36 inches
Automotive Rentals	Per Zone	100 feet	36 inches	6 feet

A. **Required Building.** A building with a minimum of two hundred fifty (250) square feet shall be maintained on-site to support the business. The building shall be a permanent structure; modular or portable buildings, trailers, or mobile homes for this purpose are prohibited.

B. **Landscaping Required.** A landscape planter a minimum of ten (10) feet wide shall be provided along all street frontages, subject to the standards of chapter 20.330 (Water Efficient Landscape Standards).

C. **Property Protection.** Decorative bollards or wrought iron fences, permitted maximum height per Table 20.400-1, may be provided along public ROWs. Fences and bollards, where provided, shall be located behind required landscaping and shall not be located in the required setback.

D. **Customer and Employee Parking.** Customer and employee parking areas shall be easily accessible and located separately from vehicle display areas. Ground markings and signs shall clearly indicate the location of customer and employee parking.

E. **Amplified Sound.** The use or installation of a public address system or amplified sound system is prohibited.

F. **Display**. Vehicles shall not be displayed on any above-ground apparatus.

Section 20.400.050 Child Care Facilities

This section establishes the standards for City review of child daycare facilities, in conformance with state law (Health and Safety Code Section 1596.78), including the limitations on the City's authority to regulate these facilities.

These standards apply in addition to all other applicable provisions of this Zoning Ordinance and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child daycare facilities. Evidence of the license shall be presented to the Planning Division prior to establishing any child daycare facility.

A. **Small Family Care Home.** A day care facility located in a single-family dwelling where a full-time resident provides care and supervision for six (6) or fewer children, plus two (2) additional children after school, as defined in Health and Safety Code Chapter 3.4. Children under the age of ten (10) years old whole reside in the home count as children served by the day care facility. This use is permitted as a residential use in all Zones in which residential uses are permitted, as allowed by Health and Safety Code Section 1597.44 et seq.

B. **Large Family Care Home.** A day care facility located in a residence and licensed by the State as a family child care home, where a full-time resident provides care and supervision for that serves seven (7) to twelve (12) children, plus two (2) additional children after school, as defined in Health and Safety Code Chapter 3.4. Children under the age of ten (10) years old whole reside in the home count as children served by the day care facility. This use may be permitted by a DP subject to compliance with the following procedures and restrictions:

1. It is located on a lot a minimum of 5,000 square feet, with a lot width minimum of fifty (50) feet.
2. Off-street parking is provided as one (1) space for each employee in addition to the parking space required pursuant to chapter 20.340 (Off-Street Parking and Loading).
3. A loading area for on-site vehicle pick-up and drop-off shall be provided.
4. The large family daycare home shall be located a minimum of three hundred (300) feet from any other large family daycare home. If the facility is located between three hundred (300) and five hundred (500) feet from an existing large family daycare home, the applicant shall submit proof that the existing large family daycare home is operating at full capacity.
5. No swimming pool/spa shall be installed on the site after establishment of the family daycare center due to safety considerations. Any pool/spa existing on the site prior to application for approval of a family daycare center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by children.
6. An application for a DP to allow a large family care home shall be processed under its own application form and specific fee, and shall not be subject to the submittal requirements of the standard project application.

C. **Daycare Centers.** This land use is a child daycare facility other than a family daycare home that includes infant centers, preschools, or extended daycare facilities. A daycare center is considered a business, not a residential use. The following standards shall apply:

1. Outdoor play space shall be provided:
   a. A minimum of seventy-five (75) square feet per child.
   b. The space shall not be located within twenty-five (25) feet of a main structure on an adjacent lot.
2. Decorative fencing around the play space shall be required to a height of six (6) feet to limit entry and provide safety.
3. Outdoor lighting for play or instruction space shall be provided consistent with the standards of chapter 20.300 (Site Planning and General Development Standards).
4. Parking and loading facilities shall be provided for on-site vehicular pick-up and drop-off. Parking shall be provided consistent with chapter 20.340 (Off-Street Parking and Loading).

D. **Daycare Appeals.** An action regarding daycare facilities may be appealed pursuant to chapter 20.545 (Appeals and Revocations).

E. **Revocations**. A DP for a large family daycare home may be revoked by the Director, consistent with chapter 20.545 (Appeals and Revocations).

Section 20.400.060 Contractor Offices and Services

Contractor offices and services shall be permitted subject to the permit regulations of the applicable Zone and the following standards:

A. **Limited Office.** This land use is an office-based use; equipment and materials in conjunction with the land use shall only be stored within enclosed buildings.

B. **Outdoor Storage.** Outdoor storage of materials, product, or equipment shall be prohibited unless specifically permitted within the applicable Zone. See section 20.230.060(H) (Outdoor Storage).

C. **Vehicle Parking.** Contractor vehicles or trucks that are licensed through the California Department of Motor Vehicles may be allowed to be stored on-site at the end of the business day, subject to the applicable Zone per the following standards:

1. In the L-I Zone, the following standards apply:
   a. Single-occupancy buildings are allowed to have work vehicles parked overnight. These vehicle overnight areas shall be limited to occupying twenty-five percent (25%) of the building floor area.
   b. Overnight parking of work vehicles shall not be permitted for multi-tenant L-I Zone buildings.
2. Overnight parking areas in any Industrial Zone shall only be located to the rear or side of the main building, away from public ROW.

3. Screening shall consist of a wall or fence a minimum of six (6) feet to a maximum of ten (10) feet tall and include planting in front of the screening to enclose the overnight vehicle parking area.
4. In the I-2 Zone where "Outdoor Storage" is permitted as a primary land use, vehicle storage/parking in conjunction with a Contractor's Office land use, and shall be regulated by Section 20.230.060(H) (Outdoor Storage).
5. Vehicle storage/parking areas exceeding five (5) vehicles or twenty-five percent (25%) of the building floor area shall be considered an independent "Outdoor Storage" land use and shall be subject to the permit requirements of the applicable Zone and the standards of section 20.230.050(H) (Outdoor Storage).
6. Storage of machinery, heavy-duty vehicles, and/or heavy equipment shall not be permitted outside; these types of equipment shall be stored within an enclosed building unless otherwise permitted under "Outdoor Storage" as a primary or accessory use in the Zone.

Section 20.400.070 Drive-Through Services

A. **Permit Required.** CUP approval shall be required for the establishment of any use that offers drive-through facilities. This shall include drive-through uses in conjunction with, but not limited to, washing/detailing automotive services (automated or hand-washed), restaurants, financial institutions, and coffee stands.

1. The CUP application shall include a site plan that details the location, provision, and design of all of the following:
    a. Structures and landscaping consistent with the development standards of the applicable Zone.
    b. Parking, driveway locations, and circulation consistent with the requirements below (B, C, D, and E).
    c. Audible equipment, if applicable.
    d. Lighting.
    e. Refuse and recycling area location, screening, and access features.
    f. A property maintenance plan to include litter clean-up for on-site and adjacent public ROWs.
    g. Hours of operation.

B. **Minimum Lot Size.** A minimum lot size of 20,000 square feet shall be required to establish a drive-through facility or to add a drive-through operation in conjunction with an existing land use.

C. **Screening.** All vehicle lanes, service windows, and car wash openings associated with a drive-through use shall be screened from public view to a minimum height of forty-two (42) inches or as determined by the CUP review process. Screening shall consist of walls and/or berms with supplemental plant materials.

D. **Queuing Space.** A minimum distance of one hundred twenty (120) feet from the drive-through entrance to the menu board shall be provided. Additional distance may be required as determined during the CUP review process. This minimum standard shall not apply to car wash facilities.

E. **Circulation.** The design of the site and placement of structures shall be done in a manner that does the following:

1. Minimizes the number of driveway cuts; and
2. Provides adequate and safe queuing and maneuvering of vehicles to prevent interference with circulation of the site, adjacent uses, or queuing within/onto public ROWs.

Section 20.400.080 Emergency Shelters

Consistent with Government Code Sections 65582, 65583(a), and 65589.5, all California cities are required to identify a Zone in which to permit shelters by right. The purpose of regulating the siting of shelters is to ensure they do not adversely impact adjacent parcels or the surrounding neighborhood. Emergency shelters shall be developed in a manner that protects the health, safety, and general welfare of the nearby residents and businesses, while providing for the housing needs of the homeless.

A. **Operational Standards.**

1. The shelter shall be available to residents for no more than six (6) months. Staff and services shall be provided to assist residents to obtain permanent shelter and income. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public ROWs, and of an intensity compatible with the neighborhood.
2. On-site management of the facility shall be required during all open hours of operation.
3. The emergency shelter provider/operator shall have a written management plan consisting of, as applicable, provisions for staff training; neighborhood outreach; security; screening of residents to ensure compatibility with services provided at the facility; and training, counseling, and treatment programs for residents.

Section 20.400.090 Equipment Screening

Roof-mounted equipment, mechanical equipment, skylights, and/or duct work/equipment shall be architecturally screened from all street-level visibility. The method of screening shall be architecturally integrated with the building in terms of materials, color, shape, and size.

1. In the case that the above requirement is not possible, all roof-mounted equipment visible from the public ROW shall be screened by an enclosure of equal or greater height, and shall be architecturally consistent with the building design.
2. No mechanical equipment or vent shall be placed on the exterior surface of any building wall that can be viewed from a public ROW.
3. Ground-mounted equipment (such as a pad-mounted transformer) that can be seen from any street or parking area shall be screened by a solid concrete or masonry wall that is consistent

with the building design, or shall be screened with berms or landscaping, subject to Director approval.

4. Chain-link fencing with slatting as a form of screening is not permitted where visible from the public ROW or adjacent residential development.

Section 20.400.100 Home Occupation

The purpose of these regulations is to enable home occupations and provide regulations that maximize compatibility and minimize potential adverse impacts to preserve the character of residential neighborhoods.

A. **Applicability.** The requirements of this section shall apply to the conduct of business incidental to a primary residential use in a residential dwelling within any Residential (R), Agricultural (A), or the Mixed Use (MU-1 and MU-2) Zone.

B. **Permit Requirements.** Prior to establishment of a home occupation, the resident/business owner shall be required to obtain a business license in conformance with the requirements of chapter 3.08 of this Code. All the standards of this section shall be met prior to business license issuance.

C. **Use Regulations.** No person shall conduct a home occupation use unless such home occupation use is conducted in conformity with all the following criteria:

1. The home occupation business use shall be conducted solely within the confines of the dwelling.
2. The home occupation business use shall be conducted by residents of the dwelling; no other person shall be employed at the residence.
3. A maximum of two hundred (200) square feet of floor space within the dwelling shall be devoted to the home occupation business use, unless otherwise approved by the Director.
4. No display or storage of goods, wares, merchandise, or stock in trade shall be maintained on the premises.
5. Signage shall be limited to signs permitted within the applicable Zone.
6. No appreciable increase of traffic, pedestrian or vehicular, shall result from such use.
7. Vehicle storage on-site shall be limited to resident vehicles and may not include any form of fleet vehicle, equipment truck, or food truck, unless expressly permitted by the applicable Zone.
8. The home occupation use shall not have utility services other than those required for normal residence use.
9. No mechanical equipment, material, or other substance or object shall be used that is not customarily used in a residence.

Section 20.400.110 Care Facilities

The standards of this section shall be in addition to all applicable state and federal requirements, such as the ADA. Care facilities include large and small residential care homes and extended care facilities.

A. **Density.** The maximum density of any care facility shall not exceed the maximum permitted residential density of the applicable Zone. Density of any facility shall be further regulated by the adequate provision of parking for the use.

B. **Residential Adjacency.** Where a care facility is adjacent to a Residential Zone, the following standards shall apply:

1. The front setback shall be equal to or great than the adjacent existing residential use.
2. Maximum building height within twenty (20) feet of the residential property line shall be limited to one (1) story greater than the existing residential use.

C. **ADA Units.** All units designed for people with disabilities shall comply with the standards of Title 24 of the California Code of Regulations.

D. **Congregate Dining.** Congregate dining facilities may be provided, subject to the following conditions:

1. Dining shall be limited to use by residents, guests, and employees of the individual facility; dining shall not be open to the public.
2. A separate service entrance to the kitchen with an adequate loading area shall be provided.
3. Congregate dining floor area shall not count toward calculation of any open space requirements.

E. **Character.** Each structure shall be compatible in style, color, material, height, scale, massing, and the general character of the existing neighborhood.

F. **Landscaping.** A minimum of twenty percent (20%) of the entire site shall be landscaped; this shall include all landscaping provided in conjunction with parking. See chapter 20.330 (Water Efficient Landscape Standards) for further details.

G. **Accessory Uses.** Any life care facility may include accessory retail and personal service uses appropriate for the population served and limited to use by residents of the individual facility, subject to the permit requirements of the applicable Zone.

Section 20.400.120 Lodging, Bed & Breakfast

The operation of Bed & Breakfast lodging shall be compatible with the integrity of the surrounding area by not creating adverse impacts such as excess traffic generation, noise, or demand on on-street parking.

A. **Permitted**. Bed & Breakfast lodging may only be permitted within the R-1-20 and R-1-10 Zones, subject to a CUP.

1. Bed & Breakfast lodging shall not be permitted within a PRD or on any lot that does not meet the minimum lot size and setback requirements of the applicable Zone.

B. **Appearance**. The exterior appearance of the structure housing the Bed & Breakfast in a residential Zone shall not be altered from its original residential character except for allowed

signs (Chapter 20.320), and any structural modifications necessary to comply with Title 24 of the California Code of Regulations.

C. **Operation**.

1. All Bed & Breakfast lodging shall be limited to five (5) guest rooms in a single facility.
2. The facility shall be the primary residence of the owner-operator.
3. The maximum length of stay for any guest shall be fourteen (14) consecutive days, twenty-eight (28) days per calendar year.
4. No cooking facilities shall be permitted in any of the rooms available for rent.
5. No restaurant activity shall take place. Breakfast may be served to overnight guests only.
6. Adequate off-street parking shall be provided and maintained at all times during operation of the Bed & Breakfast per the standards of chapter 20.340 (Off-Street Parking and Loading).

Section 20.400.130 Lot Access

A. **Required Access.** All lots created, subdivided, or established under this Zoning Ordinance shall have direct on-site access to a public ROW (for lots created with a Major Tentative Subdivision) or established private easement (allowed only for lots created with a Minor Tentative Subdivision).

B. **Permitting Required.** Where an existing lot that was established prior to the effective date of this Zoning Ordinance does not have physical access as described in section 20.400.130 (A) (Required Access), a DP establishing such adequate access shall be required. Approval of the DP and applicable easement recording shall be required prior to issuance of a building permit for the subject lot.

Section 20.400.140 Metal Buildings

The following guidelines shall apply for metal buildings:

1. Any proposed metal buildings must be designed to have an exterior appearance of conventionally built structures. Exterior surfaces shall be stucco, plaster, glass, stone, brick, or decorative masonry. Architectural metal accents are permitted as an integral feature of the building design, subject to Director approval.
2. Exclusive use of metal components shall be avoided. Architecturally treated metal shall be used in conjunction with other materials.
3. The use of new or used freight or sea/shipping containers as structures for business operations of any kind may be allowed only as consistent with the following standards.
   i. Requires a CUP
   ii. Shall be altered to be similar and compatible with the primary residence
   iii. Shall conform to all required building setbacks of the applicable Zone
4. Untreated metal siding or roofing is prohibited.

5. Roof slope of metal elements shall not exceed one to six (1:6) rise over run. Use of domed metal roofs shall be prohibited, except as used as an architectural statement comprising less than thirty percent (30%) of the roof area.
6. Materials of less than twenty-six (26)-gauge shall not be used.

Section 20.400.150 Outdoor Dining

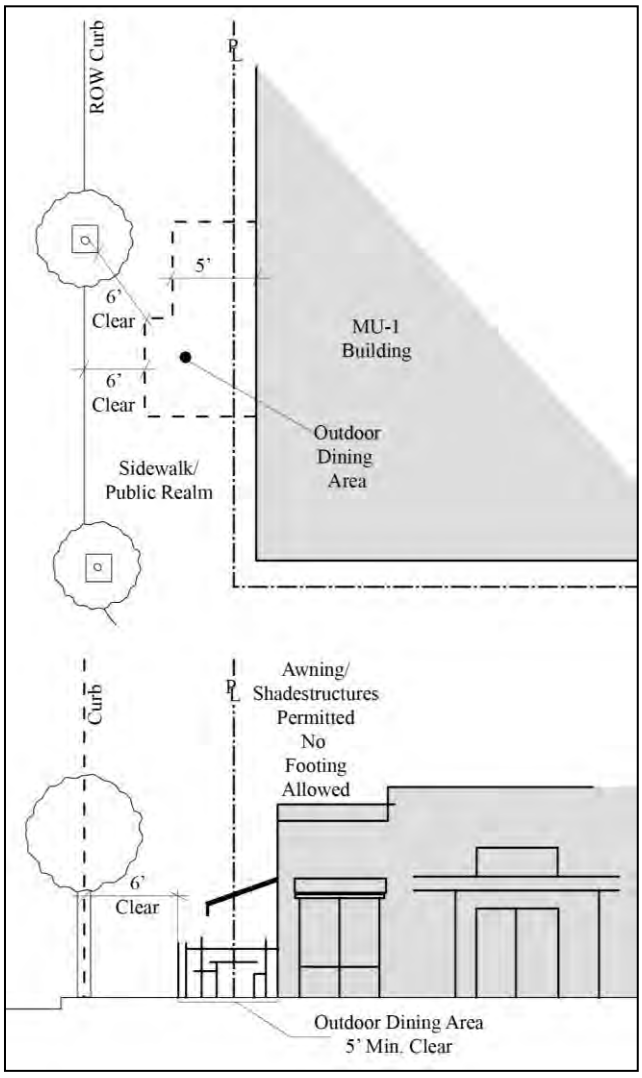
All outdoor eating and dining areas in conjunction with a primary restaurant land use shall be located, developed, and operated in compliance with the following performance standards. These standards shall apply where outdoor dining occurs on private property or encroaching on public property, as permitted by this section. See Figure 20.400-1.

A. **Mixed Use Zone Requirements.** Outdoor dining in the MU-1 and MU-2 Zones may be permitted on private property or encroaching into the public ROW (subject to approval of the City Engineer) where the following minimum standards are met.

1. An Encroachment Permit shall be required for any outdoor dining encroaching into a public ROW;
2. The building frontage is set back two (2) feet or more from the minimum required setback line;
3. A minimum dining area of five (5) feet clear is provided;
4. A minimum public ROW of six (6) feet clear remains after dining area encroachment;
5. All requirement of section 20.400.150 (Outdoor Dining) are met including screening standards;
6. A CUP shall be required for outdoor dining with alcohol service.

B. **Other Zone Requirements.** Outdoor dining may be permitted, subject to permit requirements of the applicable Zone; however, in no case shall outdoor dining encroach into the public ROW or

Figure 20.400-1 Outdoor Dining
See Section 20.400.150 for standards.



sidewalk. Requirements of section 20.400.150(C), (D), and (E) shall apply.

C. **Screening.** All outdoor dining areas of three (3) tables or more shall be screened at a fixed height of forty-two (42) inches using one (1) of the following elements:

1. ornamental wrought iron/tubular steel fence, or
2. landscape/planting box, minimum width of fifteen (15) inches with maintained planting.

D. **Shade Structures**. Awnings and appropriately anchored shade structures may be permitted as reviewed under Site Development Plan Review or by the Director, subject to permit requirements of the applicable Zone. Shade structures shall not be permitted to have permanent footings.

E. **Hours of Operation.** Hours for use shall be limited to the hours of operation of the associated primary land use.

F. **Refuse.** No structure or enclosure to accommodate the storage of refuse or recycling shall be built or placed on or adjacent to the outdoor dining area.

G. **ADA Compliance.** Outdoor dining shall be designed to comply with Title 24 and ADA requirements.

Section 20.400.160 Places of Assembly

A. **Permit Requirements.** Places of assembly for religious or non-religious purposes shall be allowed, subject to the permit requirements of the applicable Zone, except as follows:

1. A CUP shall be required for the establishment of a use in conjunction with a new building (development of the building in conjunction with the use).
2. A DP shall be required for the establishment of the land use in an existing building to ensure adequate parking is provided and to minimize effects on other land uses within the building or site.

B. **Residential Zones.** A CUP shall be required for all places of assembly within Residential Zones (all R-1, R-2, R-3-6, R-3-10) to properly condition the use to ensure design, noise, and parking compatibility with the adjacent neighborhood.

1. Front setback shall be determined through the CUP process with consideration for adequate parking and neighborhood context.
2. Minimum interior property line setback shall be equal to twice the required interior setback of the Residential (R) Zone.
3. Minimum rear property line setback shall be twenty-five (25) feet.

C. **Other Zones.** The development standards for places of assembly shall be in compliance with the standards for the applicable Zone.

D. **Columbarium.** Accessory columbarium areas (for burial ashes) in conjunction with a place of assembly land use shall be subject to the permit requirements of the applicable Zone for the "Funeral and Mortuary" land use.

E. **Emergency Shelter.** Where allowed by the applicable Zone, a religious place of assembly may use the site for emergency shelter without a CUP if it is consistent with the standards of section 20.400.080 (Emergency Shelters) and the following requirements:

1. The primary place of assembly land use was authorized through a CUP approval.
2. No rent of fees of any kind shall be charged for emergency shelter services offered to homeless persons.
3. Within Residential Zones, emergency shelter accommodations shall be limited to ten (10) persons at a single time.
4. Appropriate design accommodations for the emergency shelter was included in the original facility design, and listing of transitional housing as an accessory use was identified in the original CUP application.
5. Operation of the emergency shelter use commences upon receiving a Certificate of Occupancy that is consistent with the operational commencement of the primary assembly use.
6. A person residing at the facility shall be limited to sixty (60) days.

Section 20.400.170 Research and Development (R&D) Uses

This section further regulates research and development (R&D) uses and accessory support uses for all Zones.

A. **Permitted Uses**. In addition to all other R&D uses, the use and handling of bio-hazard and nuclear-related materials are permitted, subject to the standards of section 20.300.070 (A) (Hazardous Materials and Waste).

C. **Site Development Plan Review.** All primary and accessory R&D uses established in new developments shall be subject to Site Development Plan Review in conjunction with the permit requirements of the applicable Zone.

C. **R&D Height.** Additional height in excess of the maximum height for the applicable Zone may be permitted through DP approval.

1. A maximum additional ten (10) feet of building height may be approved to accommodate specialized machinery/equipment and/or additional mechanical equipment located between floors. Additional floor space shall not be permitted with the height increase.

D. **Accessory R&D Uses.** Uses listed in section 20.400.170(A) (Permitted Uses) are intended to be secondary uses to the primary R&D office uses, providing support and development of ideas and products on-site. These land uses may feature noise, vibration, machinery, and processes that could affect adjacent tenants and uses. The regulations of this section are intended to minimize potential effects on adjacent tenants and uses.

1. Applicable uses. Accessory R&D uses include the following:
    a. Production of experimental products
    b. R&D fabrication and light manufacturing

c. Technical/scientific/medical laboratories

2. Limited square footage. Accessory R&D uses shall be limited to twenty percent (20%) of the gross floor area of the primary R&D use.

3. Accessory R&D uses that require more than twenty percent (20%) of the gross floor area shall be subject to a CUP approval.

E. **Operational Standards.**

1. All warehousing, outdoor storage (as permitted by the Zone), loading docks, and delivery areas shall be located behind the primary building and/or away from the public ROW.

2. Construction of R&D and accessory use space shall be adequate to minimize vibration, noise, and air emissions.

Section 20.400.180 Self Storage

Self storage shall be subject to the permit requirements of the applicable Zone. In all cases, the following criteria for mini-storage facilities shall apply as minimum requirements:

A. **Demand Analysis.** Preparation of a City-initiated marketing demand analysis (paid for by the applicant) that substantiates the need for such a facility in the City and the region, and demonstrates a positive fiscal benefit to the City.

B. **Limitations.** Proposed mini-storage facilities shall not be permitted within the following areas:

1. Any existing or proposed planned industrial park, unless a marketing analysis can indicate that no negative impact will result to the build-out of the industrial park and its absorption.

2. Any SPA Zone.

3. The State Route 78 view corridor.

C. **Required Access.** Any proposed mini-storage site shall have direct access to a six (6)-lane public ROW.

D. **Minimum Setback.** All storage buildings shall have a minimum setback of two hundred fifty (250) feet from any public ROW.

E. **Screening.** Proposed mini-storage facilities shall be fully screened from the street and adjacent residential uses by virtue of landscaping, exterior walls, or building design. Site plans submitted for Site Development Plan Review shall adequately detail the screening ability of these features to the satisfaction of the Director.

F. **Mitigation.** Proposed mini-storage facilities shall require the mitigation of economic impacts for non-tax and non-job-producing uses.

G. **Loading.** Side loading areas and doors are permitted but must be screened by a concrete or masonry wall not less than twelve (12) feet high, textured or colored to match the main building and not closer to a street than the applicable parking setback requirement(s).

Section 20.400.190 Showrooms

Stand-alone and wholesale/retail showrooms located within the State Route 78 corridor shall be conducted per the following standards:

A. **Applicable Uses.** Retail showrooms include furniture, appliances, spas, carpets, pianos, pool tables, exercise equipment, doors/windows, kitchen/bath remodeling fixtures and supplies, and similar uses.

B. **Parking/Loading Location.** All service, loading dock areas, and truck parking (including delivery trucks) shall be situated at the rear of the building, out of public view from State Route 78 and adjacent roadways. The standards of chapter 20.340 (Off-Street Parking and Loading) shall apply, in addition to the following:

1. Tenants for existing buildings that cannot accommodate truck parking in the rear must provide off-site parking out of the State Route 78 view corridor.
2. Truck parking on the State Route 78 frontage or other public or private roads shall be strictly prohibited.
3. Truck parking shall be prohibited within access easements and driveways.
4. Designated parking areas outside of access easements and driveways shall be provided for loading and unloading purposes.

C. **Signage.** Signage shall be in strict conformance with chapter 20.320 (Signs on Private Property). Truck panel signs for advertising shall be prohibited.

D. **Outdoor Displays.** Outdoor, non-fenced merchandise displays shall be prohibited.

E. **Outdoor Sales.** Outdoor sales shall be prohibited unless approved through a Parking Lot Sales Permit, which allows temporary sales on a limited basis.

Section 20.400.200 Tattoo and/or Body Art Facility

Every Tattoo and/or Body Art Facility shall be subject to the following, in addition to all other requirements of the law:

A. The exterior walls of any establishment in the Commercial (C) Zone shall be located more than 2,000 feet from the exterior walls of any other Tattoo and/or Body Art Facility.

B. Tattoo and/or Body Art Facility shall not operate between the hours of 10:00 p.m. and 10:00 a.m.

C. Live animals, except for service animals, shall not be allowed on the premises.

D. Once established, the Tattoo and/or Body Art Facility shall not be permitted to expand into another tenant space or building or otherwise on the site or any contiguous site unless the standards of section 20.400.200(A) above are complied with.

E. Temporary or mobile establishments or events are not authorized by this section.

F. The applicant/operator of the Tattoo and/or Body Art Facility shall also comply with all applicable state and local laws as they may be amended from time to time, including Health and Safety Code Sections 119300 et seq. (California Safe Body Art Act), Penal Code Section 653, and chapter 8.95 of this Code.

Section 20.400.210 Temporary Sales Offices

For new development of residential subdivisions and commercial construction of more than one (1) acre of land, a temporary sales office shall be permitted.

A. **Building Type.** The temporary sales office may include one (1) unit of any of the following: a trailer, mobile home, dwelling, or occupation of a model home.

B. **Required Provision**. Designated and appropriate on-site customer and employee parking shall be provided with an ADA path of travel connecting to the office. Public restroom access (fully plumbed or temporary facility) shall be provided.

B. **Utilities.** Utilities and plumbing, consistent with current code, may be installed for overnight habitation for security purposes.

C. **Activities.** Sales and security activities shall be directly associated with the operation of the building site and sale of homes/spaces in the development. No other associated or separate retail activities shall be permitted.

D. **Signage Allowed.** During such period, one (1) unlighted sign of a maximum one hundred (100) square feet and twenty (20) feet in height may be placed at each street intersection entrance to the subdivision from peripheral streets. The area of only one (1) face of a two (2)-face sandwich-type sign shall be used in computing the allowable area of the sign. The sign or signs installed shall have wording that is restricted to the sale of units within the subdivision.

E. **Removal.** All sales offices and signage shall be removed upon sale of all units within the subdivision.

Section 20.400.220 Utility Service

The developer or owner of a property shall be responsible for utility service connections in cooperation with responsible utility companies and in compliance with Title 17 of this Code.

A. **Undergrounding.** To protect the public safety and improve the appearance of the community, all new development and new subdivisions shall be required to install on-site utility, phone, and cable television/internet facilities underground in accordance with the respective industry standards. Transmission lines shall be exempt from this requirement. Further reference is made to Title 14, 17, and 19 of the Municipal Code.

B. **Screening.** Transformer, terminal equipment, and public utility boxes shall be undergrounded where possible. Where utilities are located within view of public ROWs due to utility or site constraints, all transformer, terminal equipment, and public utility boxes shall be placed

underground when feasible. If not feasible, the utility shall be screened from view, equal to the height of the equipment, from streets and adjacent properties. Screening shall be architecturally similar to the closest primary structure.

C. **Amateur/Non-Public Antennas**. Amateur and non-public transmitting and/or receiving antennas shall meet the following standards:

1. All such antennas shall conform to required setbacks, consistent with accessory structure setbacks within the applicable Zone; see chapter 20.410 (Second Dwelling Units and Accessory Structures).
2. All such antennas shall not exceed sixty (60) feet in height, as measured from the finished grade of the lot, except with the issuance of a Special Use Permit subject to the standards of this Zoning Ordinance.

Section 20.400.230 Vehicle Storage

To minimize the potential adverse effects on surrounding properties, the following standards shall apply to the outdoor storage of vehicles:

A. **Required Screening.** All of the following shall be stored in completely enclosed structures or screened from public view:

1. Vehicles being repaired or services in any manner
2. Food/catering trucks numbering one (1) or more

B. **Non-Operation.** Outdoor storage of non-operational vehicles or equipment is prohibited.

C. **Parking Limitations.** No vehicle or any component of a vehicle shall be parked on any private property other than those areas legally established as a parking lot, parking facility, or driveway leading to parking.

D. **Sale Prohibited.** No vehicle or any component of a vehicle shall be parked on public or private property advertising the vehicle or any other service or merchandise for sale.

Section 20.400.240 Firearm Shooting Range (Indoor)

The purpose and intent of this section is to provide standards for the location and operation of indoor firearm shooting ranges by locating such facilities in appropriate areas with minimal adverse impact on the community and its resources, and providing operational standards that will protect the public health, safety, and general welfare of the community. **(Ord. No. 2016-1419, 2-23-2016)**

A. **Permit Required.** Indoor firearm shooting ranges are a conditionally permitted use within the Industrial (I) zone with Conditional Use Permit (CUP) approval provided the business conforms with all applicable Federal, State, and County standards, as well as all applicable requirements of the San Marcos Municipal Code. Indoor Firearm shooting ranges are prohibited in all other zones of the City. **(Ord. No. 2016-1419, 2-23-2016)**

B. **Distance Requirements.** The exterior walls of an indoor firearm shooting range shall not be located within five-hundred (500) feet of a child care facility, K-12 public school, public park, residential zoning district, bar, brewery, or any another indoor firearm shooting range. (**Ord. No. 2016-1419, 2-23-2016)**

C. **Noise.** The proposed indoor firearm shooting range must be properly designed, constructed, and equipped to contain all firearm discharge noise within the building so that the exterior noise level does not exceed the allowable noise levels outlined in San Marcos Municipal Code (SMMC) 20.300.070.F as measured at the property line. Where a property is occupied by more than one use (whether within the same building or in separate buildings) the noise level shall not exceed forty-five (45) dBA as measured within the interior space of the neighboring establishment. Noise caused by motor vehicles traveling to and from the site are exempt from this standard. **(Ord. No. 2016-1419, 2-23-2016)**

D. **Interior Building Design**. The proposed indoor firearm shooting range must be properly designed, constructed, and equipped to contain all firearm ammunition within the building and/or tenant space. **(Ord. No. 2016-1419, 2-23-2016)**

E. **Hours.** Indoor firearm shooting ranges shall be permitted to operate during the hours of 7:00 a.m. to 10:00 p.m., unless otherwise approved through the Conditional Use Permit. **(Ord. No. 2016-1419, 2-23-2016)**

F. **Retail Firearm Sales**. Retail firearm sales and repair services are permitted in conjunction with indoor firearm shooting range operations. The applicant must comply with all Federal and State requirements for such sales and services as well as all requirements in San Marcos Municipal Code (SMMC) Chapter 5.60 (Firearms). **(Ord. No. 2016-1419, 2-23-2016)**

G. **Public Safety.** As part of the Conditional Use Permit process, additional submittal and operational requirements may be imposed or added as conditions of approval as deemed necessary by the San Diego County Sheriff's Department. **(Ord. No. 2016-1416, 2-23-2016)**

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CHAPTER 20.405 ADULT ENTERTAINMENT ESTABLISHMENTS

Sections:

Section 20.405.010 Purpose of Chapter
Section 20.405.020 Applicability
Section 20.405.030 Permit Required
Section 20.405.040 Location Requirements
Section 20.405.050 General Operating Standards
Section 20.405.060 Private Viewing Room Standards
Section 20.405.070 Definitions

Section 20.405.010 Purpose of Chapter

The purpose of this chapter is to properly regulate sexually oriented businesses in order to promote the health, safety, and moral and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. Specifically, the purposes of this chapter are as follows:

A. Establish reasonable and uniform regulations to protect commercially zoned property against the secondary impacts of blight, deterioration, and devaluation that may accompany the location and operation of adult entertainment establishments.

B. Regulate the concentration of adult establishments and their proximity to sensitive specified uses.

C. Protect the content of speech and expression conveyed by the goods or services offered by adult entertainment establishments by appropriately regulating the time, place, and manner of such conveyed speech and expression.

D. Provide reasonable alternative avenues for communication by designating certain areas of the City within which adult entertainment establishments may be located.

It is not the purpose of this chapter to any of the following:

A. Impose a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials.

B. Deny adults access to sexually oriented materials or entertainment protected by the First Amendment or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

C. Condone or legitimize the distribution of obscene material.

Section 20.405.020 Applicability

The provisions of this chapter shall apply to the ownership, establishment, construction, modification, operation, enlargement, conversion, or transfer of ownership of any adult entertainment establishment land use identified and defined in section 20.405.070 (Definitions) of this chapter.

The provisions of this chapter shall not be applicable to the following land uses:

- Movie theaters
- Bookstores
- Massage establishments

Section 20.405.030 Permit Required

Adult entertainment establishments shall be permitted in the Commercial (C) Zone subject to a CUP to properly review all location requirements of section 20.405.040 (Location Requirements) and provide the public with adequate noticing and public hearing opportunities.

A. **Measurements**. The required minimum distance between two (2) adult entertainment establishments shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each such business.

Section 20.405.040 Location Requirements

Adult entertainment establishments shall be permitted in only the Commercial (C) Zone and shall be subject to the following conditions:

A. **Other Adult Establishments**. No adult entertainment establishment shall be established within 1,000 feet of an existing adult entertainment establishment.

B. **Special Land Uses.** No adult entertainment establishment shall be established closer than the following proximities to special identified land uses:

1. Within seven hundred fifty (750) feet of any residentially Zoned (A-1, A-2, A-3, R-1-20, R-1-10, R-1-7.5, R-2, R-3-6, R-3-10) or mixed use SPA parcel.
2. Within one-thousand (1,000) feet of the property line of any parcel with any of the following established land uses:

a.	Amusement park	b.	Child care facility
c.	Places of assembly	d.	Community center
e.	Youth center	f.	Life care facility
g.	Museum/Gallery	h.	Library
i.	Park	j.	Playground
k.	School		

C. **Shopping Centers.** Adult entertainment establishments shall be located within commercial shopping centers that:

1. Have a minimum total gross floor area of 350,000 square feet within a combined area of business enterprises that are identified as part of a common commercial center, or specific plan developed as a shopping center (that excludes San Marcos Creek SPAs and University District SPAs).

2. Possess commercial land use controls, in the form of common leases, common area maintenance agreements for landscaping and parking areas, reciprocal easement agreements for ingress, egress and parking of vehicles, recorded declarations of covenants, conditions and restrictions defining the responsibility of landlord and tenant concerning the standards for the operation and maintenance of the center, or similar rules and regulations intended to preserve the integrity of such a center.

Section 20.405.050 General Operating Standards

No person shall operate an adult entertainment establishment, whether licensed or not licensed under the requirements of this Code, unless each and all of the following requirements are met:

A. **Entrance Sign**. An entrance sign shall be placed at or near the entrance of not more than two hundred twenty-five (225) square inches upon which is written: "WARNING: This is an adult entertainment business. If you would be offended, do not enter." Such sign shall be illuminated to an intensity of not less than ten (10) foot candles, and shall be clearly visible to any person entering the establishment before such person enters the area where entertainment is conducted.

B. **Minimum Lighting**. A light level of no less than three (3) foot candles at floor level shall be maintained in every portion of said establishment to which the public is admitted.

C. **Lighted Exit Signs**. An internally illuminated exit sign with letters at least five (5) inches in height shall be maintained over every doorway that provides egress from any room in which a peep show device is located.

D. **Exterior Windows and Doors**. All exterior windows and doors shall be opaque so as to prevent visibility at all times from outside the structure into the interior of an adult entertainment establishment.

E. **Toilet and Wash Basin**. A minimum of one (1) toilet and wash basin shall be provided for the patrons in every adult entertainment establishment. Additional toilets or wash basins may be required by other applicable regulations. Each wash basin shall be provided with soap or detergent and sanitary towels placed in permanently installed dispensers. A trash receptacle shall be provided in each toilet room.

F. **Floors and Walls**. In toilet rooms, a waterproof floor covering shall be provided that extends up the walls at least six (6) inches and shall be covered at the floor/wall juncture with at least a three-eighths (3/8)-inch radius. Wall of toilet rooms shall be smooth, waterproof, and kept in good repair.

G. **Holes**. It shall be the responsibility of the owner and the operator of an adult entertainment establishment to inspect the premises each business day for wall holes, or any other structural holes, which may be used for the purpose of sexual activity. Upon discovery, such holes shall be immediately brought into good repair.

H. **Sanitary Condition**. All walls, ceilings, floors, booths, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Toilet rooms shall be thoroughly cleaned at least once each day the business is in operation.

I. **Vermin.** All adult entertainment establishments shall be so equipped, maintained, and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination.

Section 20.405.060 Private Viewing Room Standards

All private viewing rooms, as defined in section 20.405.070 (Definitions) of this Section shall comply with all of the following requirements:

A. **Private Viewing Room**. The following peep show booth terms as used within this section:

1. Viewing area
2. Entrance to private viewing room
3. Primary corridor
4. Secondary corridor

B. **Entrance Location**. No person shall operate a private viewing room unless the entrance to the private viewing room abuts a primary corridor that serves all adjoining private viewing room. The primary corridor shall be in compliance with the standards found in Subsection (C) of this section. The entrance to a private viewing room shall be centered within the wall abutting the primary corridor. No person shall operate a private viewing room in which the entrance to the private viewing room abuts a secondary corridor.

C. **Minimum Corridor Width**. No person shall operate a private viewing room in which the width of any adjacent corridor is less than forty-four (44) inches. A nonconforming private viewing room with an adjacent corridor measuring at least forty-two (42) inches in width on June 18, 1993, may remain nonconforming as to the width of the corridor unless and until the room is remodeled or rebuilt or new rooms are constructed.

D. **Minimum Doorways and Entrances**.

1. No person shall operate a private viewing room unless there are no fewer than two (2) doorways of a width no less than thirty-six (36) inches that provide ingress or egress from any room in which a private viewing room is located, provided, however, that one (1) doorway shall be sufficient in the event the Director should so determine.
2. No person shall operate a private viewing room in which the height and width of any entrance to the room is less than eighty (80) inches and thirty-six (36) inches, respectively. A nonconforming private viewing room with an entrance measuring at least seventy-eight (78) inches in height and thirty-four (34) inches in width on the effective date of this Zoning Ordinance may remain nonconforming as to the width of such entrance or entrances unless and until the private viewing room is remodeled or rebuilt or new private viewing rooms are constructed. No door, curtain, or obstruction of any kind shall be installed within the entrance to a private viewing room.

E. **Fire Standards**. No person shall operate a private viewing room unless any wall or partition that is situated so as to create a room, enclosure, or booth in which any private viewing device is located is constructed in compliance with all City and state building and fire codes.

F. **Access**. No person shall operate an adult entertainment establishment providing private viewing rooms unless a level of handicapped access is provided to the private viewing rooms in compliance with the requirements of City, state, and federal law.

G. **Minimum Size, Required Sign, Device Location, Occupant Load, and Enforcement**.

1. No persons shall operate a private viewing room unless the interior of the viewing area of each private viewing room is a minimum of twenty-four (24) square feet in floor area, with a minimum width of four (4) feet.
2. A sign shall be maintained in a conspicuous location in each private viewing room that reads as follows: "This room is subject to inspection at any time. Patrons have no expectation of privacy while watching private viewing devices." All such signs shall be at least six (6) by eight (8) inches in size and printed with dark ink upon a light contrasting background with letters at least one-quarter (1/4) inch in height.
3. A private viewing device shall be located against the wall opposite the entrance door with the viewing screen of the private viewing device facing the wall within which the entrance door is located.
4. Only one (1) customer or patron may be present in a private viewing room at any one (1) time. A sign shall be placed above the entrance to each private viewing room that reads as follows: "Only one (1) person may be present in a private viewing room at any one (1) time." All such signs shall be at least six (6) by eight (8) inches in size and printed with dark ink upon a light contrasting background with letters at least one quarter (1/4) inch in height.
5. The maximum occupant load of private viewing rooms shall be one (1) person per room. The maximum occupant load of retail sales areas shall be one (1) person per thirty (30) square feet. The maximum occupant load of other areas shall be as determined by the Director.
6. It shall be the responsibility of the owner and the operator of an adult entertainment establishment to enforce the provisions of this chapter. It shall be unlawful to maintain a private viewing room in violation of this chapter.

H. **Maximum Number of Private Viewing Devices**. No person shall operate an adult entertainment establishment in which the number of private viewing devices exceeds the maximum occupancy load permitted in any room or partitioned portion of a room in which a private viewing device is located. The maximum number of private viewing devices permitted in any room or partitioned portion of a room in an adult entertainment establishment shall be conspicuously posted, and shall remain posted, at the entrance to said room. All such signs shall be at least six (6) by eight (8) inches in size and printed with dark ink upon a light contrasting background with letters at least one-quarter (1/4) inch in height.

I. **Visibility**. No person shall operate a private viewing room unless the complete viewing area of each room is visible from the entrance to the private viewing room.

J. **Management**. No person shall operate a private viewing room unless a manager is on duty to ensure its lawful operation and is located at a manager's station that has an unobstructed view of the entrance to a private viewing room. The view must be by direct line of sight from the manager's station.

Section 20.405.070 Definitions

The following definition shall be applicable to this chapter:

1. **Adult Bookstore.** An establishment that devotes more than five percent (5%) of its gross floor area to the display of any or all of the following:
   a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations that are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
   b. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."

   "Adult bookstore" does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than fifteen percent (15%) or one hundred (100) square feet, whichever is less, of its total floor area to the sale of books and periodicals.

2. **Adult Cabaret.** A night club, bar, restaurant, or similar establishment that regularly features live performances, exhibits, and/or demonstrations that are distinguished or characterized by an emphasis on "specified sexual activities" or by exposure of "specified anatomical areas" and/or that regularly features films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by an emphasis on the description or depiction of "specified sexual activities" or "specified anatomical areas."

3. **Adult Computer Software Establishment**. Any establishment that, for any form or consideration, offers to the public for viewing, sale, or rental of computer software, computer program, digitized image, computer animation, or any other message or image that is transmitted or displayed using a computer and that is distinguished or characterized by "specified sexual activities" or display of "specified anatomical areas." This definition is not intended to apply to bookstores, computer software stores, or computer stores that devote less than five percent (5%) of its gross floor area to the display or offering of the materials described in this definition.

4. **Adult Entertainment Establishment**. Any establishment that is distinguished or characterized by "specified sexual activities" or display of "specified anatomical areas."

5. **Adult Model Studio**. Any establishment open to the public where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed,

sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. This definition shall not apply to any school of art that is operated by an individual, firm, association, partnership, corporation, or institution that meets the requirements established in the Education Code of the State of California for the issuance or conferring of, and is in fact authorized thereunder to issue and confer a diploma.

6. **Adult Motel**. A motel or similar establishment offering public accommodations for any form of consideration that provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

7. **Adult Motion Picture Arcade (Peep Show**). Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images that are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

8. **Adult Motion Picture Theater.** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown and that devotes more than ten percent (10%) of its total presentation time, measured on a daily, weekly, monthly, or annual basis, to the presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by an emphasis on the description or depiction of "specified sexual activities" or "specified anatomical areas."

9. **Adult Theater**. A theater, concert hall, auditorium, or similar establishment, either indoor or outdoor, that, for any form of consideration, regularly features live performances that are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

10. **Adult Video Games**. Coin-operated or other electronic game machines having visual displays and animation that depict, in any manner, any sort of activity characterized by exposure of "specified anatomical areas" or "specified sexual activities."

11. **Body Painting Studio**. Any establishment or business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body when such body is wholly or partially nude in terms of "specified anatomical areas."

12. **Bookstore.** Any retail establishment devoted in whole or in part to the selling, buying, or trading of new and/or used books which does not devote more than five percent (5%) of its gross floor area to the selling, displaying or storing of trade books, films, magazines and other periodicals or materials which are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".

13. **Motion Picture Theater**. A building or part of a building intended to be used for the specified purposes of presenting entertainment as defined herein, or displaying films, motion pictures, video cassettes, slides, closed-circuit television pictures, or similar photographic reproductions before an individual or assemblage of persons, whether such assemblage be of a public, restricted, or private nature, except a home or private dwelling where no fee, by way of an admission charge, is charged; provided, however, that said theater does not devote more than ten percent (10%) of its presentation time measured on a daily, weekly, monthly, or annual basis, for the presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by an emphasis on the description or depiction of "specified sexual activities" or "specified anatomical areas" as defined herein.

14. **Outcall Service Activity**. Any establishment or business that provides an outcall service that consists of individuals leaving the premises upon request or appointment to visit other premises for a period of time for the purpose of providing a service such as appliance repair or other service during which time "specified anatomical areas" are displayed and/or "specified sexual activities" are engaged in.

15. **Private Viewing Room**. An area separated from the sales or display area of the establishment by a curtain, wall, door, shade, or similar obstruction, thus allowing the private viewing of prerecorded video tapes, movies, transparencies, films, or projectable motion pictures by customers at the establishment.

16. **Specified Anatomical Areas.** Includes less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

17. **Sexual Encounter Establishment**. An establishment, other than a hotel, motel, or similar establishment offering public accommodations, that, for any form of consideration or gratuity, provides a place where two (2) or more persons may congregate, assemble, or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of California engages in sexual therapy or a massage technician meeting all criteria of section 5.44.120 of this Code. For purposes of this section, "sexual encounter establishment" shall exclude "massage parlor" or other similar establishments.

18. **Specified Sexual Activities**. Means and includes any of the following:
    a. The fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts
    b. Sex acts, normal or perverted, actual or simulated
    c. Masturbation, actual or simulated
    d. Excretory functions as part of or in connection with any of the activities set forth in this subsection

CHAPTER 20.410 SECOND DWELLING UNITS AND ACCESSORY STRUCTURES

Sections:

Section 20.410.010 Purpose of Chapter
Section 20.410.020 Applicability
Section 20.410.030 Applications
Section 20.410.040 Development Standards
Section 20.410.050 Accessory Structure and Second Dwelling Unit Design
Section 20.410.060 Second Dwelling Unit Requirements

Section 20.410.010 Purpose of Chapter

The purpose of this chapter is to establish standards for permitting second dwelling units and accessory buildings or structures (accessory structures) on Agricultural and Residential Zone properties to ensure compatibility with the property and the adjacent neighborhood. This chapter is in compliance with California Government Code Sections 65852.150 and 65852.2, which establish regulations for second dwelling units.

Section 20.410.020 Applicability

The provisions of this chapter shall apply to new construction, modifications, and legal conversions of all accessory structures and second dwelling units in the Agricultural (A-1, A-2, A-3) and Residential Zones (R-1-20, R-1-10, R-1-7.5, R-2, R-3-6, R-3-10), subject to the permit requirements of the applicable Zone.

A. **Zones.** Accessory structures shall be limited to Agricultural (A) Zones and Residential (R) Zones under this chapter. Similar structures in non-residential Zones shall comply with the standards of the applicable Zone.

B. **Second Dwelling Units.** Construction of one (1) second dwelling unit shall be permitted on all A Zone and R-1 Zone parcels, subject to the following minimum parcel standards:

1 Parcel has an existing single-family detached dwelling

2. Parcel size is a minimum size of 10,000 square feet

3. A second dwelling unit does not already exist on the parcel

Section 20.410.030 Applications

A. **Building Permit.** A building permit shall be required for second dwelling units, pursuant to compliance with the minimum requirements described below.

Section 20.410.040 Development Standards

A. **Accessory Structures.** The following standards shall apply to all accessory structures that require a building permit and that represent a modification of the development standards of the applicable Zone. Where the provisions of this section do not offer guidance, the development standards of the applicable Zone shall prevail. Accessory structures shall adhere to the following:

1. Meet the design standards of section 20.410.050 (Accessory Structure and Second Dwelling Unit Design).
2. Shall be limited to uses that are accessory to the main use, including a cabana, garage or carport, gazebo, greenhouse, pergola, pool and/or spa and related equipment, or workshop. An accessory structure shall not be used for dwelling purposes. Bathtub(s), fireplace(s), and/or kitchen (full or partial) facilities are prohibited in accessory structures. Air conditioning, heating, shower, toilet, washtub, and/or washer and dryer facilities are allowed within an accessory structure; however, a deed restriction shall be required and shall state that the accessory structure shall be maintained as an accessory structure and shall not be used for sleeping quarters or be converted to a residential use.
3. Prohibited accessory structures are freight containers, railroad cars, intermodal containers, and similar storage-type structures, unless they are altered to be similar and compatible with the primary residence.

B. **Accessory Structure(s) Size.**

1. The maximum allowable gross floor area for all completely enclosed accessory structures in conjunction with an existing single-family residence shall be equal to forty percent (40%) of the living area of the primary residence, or eight hundred (800) square feet of gross floor area, whichever is less. The total gross floor area shall include all accessory structures, including those that do not require a building permit, with the exception of those that are completely open on at least three (3) sides, exclusive of any supporting columns.

C. **Height.**

1. Height of the accessory structure(s) shall be one (1) story maximum, fifteen (15) feet at peak of roof, and shall not exceed the height of the primary residence.

D. **Location.** The setback requirements of the applicable Zone for the primary structure shall apply to all accessory structures, except as modified below**:**

1. If detached, a minimum of five (5) feet separation from the primary residence or any other accessory structure. A breezeway may span the space between the two (2) structures.
2. Accessory structures shall not be permitted within the required rear yard in the Agricultural Zones (A-1, A-2, or A-3), except for permitted fences and walls.
3. Rear property line setback: minimum five (5)-foot setback required.
4. Interior property line setback:
    a. Consistent with the interior property line setback of the applicable Zone OR
    b. Equal to the interior property line setback of the existing primary building, whichever is less.
    c. If located behind the primary building, minimum of five (5)-foot setback to interior property line shall be permitted in the rear yard area.

d. Unenclosed patios (i.e., patio covers) attached to the main building shall meet the minimum interior property line setback of the base Zone.

5. Front or Street Property Line Setback: Accessory structures shall not occupy any portion of a required setback from the front property line or any street property line.

Section 20.410.050 Accessory Structure and Second Dwelling Unit Design

All accessory structures and second dwelling units shall be architecturally compatible with the existing residence(s) on the same lot.

1. All accessory structures and second dwelling units shall blend with the existing residence on the lot and neighborhood residences by incorporating the same or similar architectural features, building materials, and color as the primary dwelling unit on the property. These features shall include roofing material, roof design, fascia, exterior building finish, color, exterior doors and windows (including ratios of window dimensions [i.e., width to height] and window area to wall area), garage door, and architectural enhancements.
2. The exterior design of all accessory structures and second dwelling units shall be in harmony with and maintain the scale of the neighborhood. The design of the second dwelling unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding properties.
3. In no case shall the second dwelling unit or accessory structure be located within the required front property line setback, and shall not be closer to the ROW than the main dwelling.

Section 20.410.060 Second Dwelling Unit Requirements

Each A Zone and R-1 Zone parcel meeting the requirements of section 20.410.020(B) (Applicability) shall be permitted the construction of one (1) second dwelling unit on the parcel, subject to the following requirements:

A. **Density**. The state considers second dwelling units as a residential use that is consistent with the General Plan density and Zone for the lot.

B. **Zoning Compliance.** The second dwelling unit shall conform to all land use and development standard provisions of the applicable Zone, including setbacks and separation of buildings.

C. **Building Code Compliance.** The second dwelling unit shall meet all requirements of the California Building Code and shall be subject to payment of Public Facilities Fees and annexation into applicable Community Facility Districts, as established by City Ordinance.

1. The fee shall be based on the proposed land use and shall be paid prior to the issuance of the building permit.

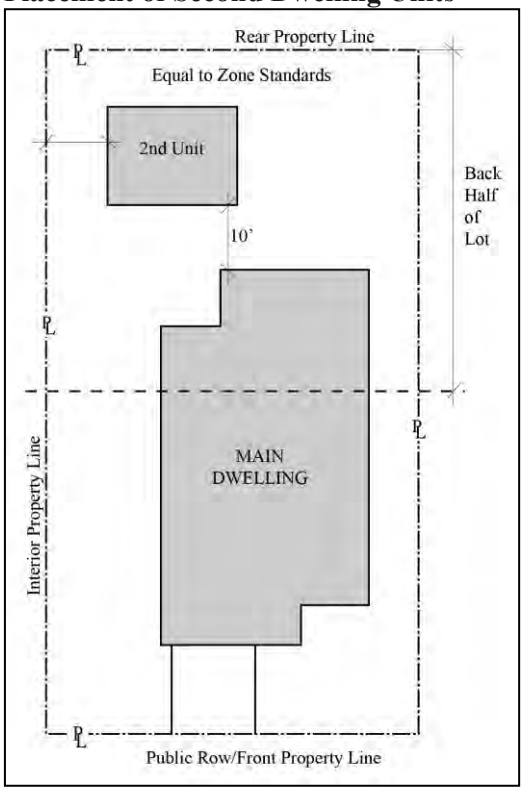
D. **Size and Height Limitations.** All second dwelling units shall be limited to two (2) bedrooms, and the building size shall be limited to the smallest square footage applicable to the parcel:

1. If attached, a maximum of thirty percent (30%) of the total habitable square footage of the primary residence, OR

2. Lots of less than three-quarters (3/4) acre (32,620 square feet): maximum seven hundred fifty (750) square feet of gross floor area permitted.
3. Lots 3/4 acre (32,620 square feet) to less than one (1) acre: maximum eight hundred fifty (850) square feet of gross floor area permitted.
4. Lots one (1) acre or more: maximum 1,000 square feet of gross floor area permitted.
5. Height of second dwelling unit shall be one (1) story maximum, fifteen (15) feet at peak of roof, and shall not exceed the height of the primary residence. For a second dwelling unit attached to the existing single-family unit, the height shall not exceed the height of the existing structure, and the roof pitch shall match the existing structure.

E. **Location.** The second dwelling unit shall be located within the rear fifty percent (50%) of the lot, and shall comply with all setbacks of the applicable Zone required for a single-family residence. The second dwelling unit shall be a minimum of ten (10) feet from any structure on-site (eave to eave).

Figure 20.410-1
Placement of Second Dwelling Units



F. **Adequate Public Facilities.** Adequate public facilities (including water and sewer) and utilities for the second dwelling unit must be available or made available at the time of development and shall be sized in accordance with applicable codes.

G. **Owner Occupied.** The property owner of the parcel shall be the permit applicant, shall be living on-premise at the time of second dwelling unit application and approval, and shall continuously reside on-premise in either the main dwelling unit or the second dwelling unit. The second unit may be rented but not sold. A second dwelling unit may be approved and built at the same time as the main residence is approved and constructed.

H. **Occupancy.** The maximum occupancy of the second dwelling unit shall conform to the latest adopted Uniform Housing Code and in conformance with residential standards as adopted by the Zoning Ordinance.

I. **Siting.** The location and design of the second dwelling unit shall not significantly impact the privacy or parking of adjacent properties.

J. **Parking.** A minimum of one (1) on-site paved parking space shall be provided for the second dwelling unit, in addition to the required parking for the main dwelling unit. The space shall not be tandem to the main dwelling unit parking.

K. **Driveway**. A driveway connection serving both the main and second dwelling unit is highly encouraged where feasible.

L. **Emergency Access.** Emergency access shall be provided to the satisfaction of the City of San Marcos Fire Marshal.

M. **Community Character.** The second dwelling unit shall be consistent with the character, architecture, and density of the exiting parcel structures.

N. **Restrictions.** A second dwelling unit shall not be permitted on a lot that already contains a guest house, second dwelling unit, residential care facility, or rooming house, as defined by chapter 20.600 (Definitions). Second dwelling units are not allowed in planned residential developments or within the Ridgeline Overlay Zone (ROZ).

O. **Deed Restriction.** Prior to the issuance of a building permit for the second dwelling unit, a Deed (Land Use) Restriction shall be recorded with the County Recorder that includes all the following:

1. Limiting the total number of dwelling units on the property to two (2) units;
2. Requiring that one (1) of the dwelling units (main or second dwelling unit) shall be owner occupied; and
3. Prohibiting the units from being sold separately.

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CHAPTER 20.415 ANIMALS

Sections:

Section 20.415.010 Purpose of Chapter
Section 20.415.020 Animal Keeping Permits and Standards
Section 20.415.030 Location Requirements
Section 20.415.040 Youth Organization Animal Raising Projects

Section 20.415.010 Purpose of Chapter

The purpose of this chapter is to provide appropriate regulations for the keeping of animals in a manner that preserves the character of the community. The provisions of this chapter are intended to allow for appropriate, unobtrusive keeping of animals in a manner that does not inflict noise, smell, or other annoyance on adjacent properties, and minimizes conflicts between uses. Animal keeping may be permitted in all Zones where residential dwelling units are permitted, subject to the provisions of this chapter.

Section 20.415.020 Animal Keeping Permits and Standards

A. **Permit Requirements.** Table 20.415-1 identifies the types of permits required to establish the animal keeping activities in any A or R Zone, consistent with this Zoning Ordinance. All permit requirements shall be subject to the process standards of chapter 20.500 (Permits and Application Process).

Table 20.415-1
Permit Requirement Types and Processes

Symbol	Permit Requirement	Procedure Section
P	Permitted use subject to compliance with all applicable provisions of this Zoning Ordinance and the process standards of chapter 20.500.	Chapter 20.500 (Permits and Applications Process)
DP	Director's Permit (DP) is required for this use, subject to review and approval by the Director.	Chapter 20.510 (Director's Permit)
CUP	Conditional Use Permit (CUP) is required for this, subject to review and approval per the process standards of chapter 20.500.	Chapter 20.520 (Conditional Use Permits)
A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	Chapter 20.500 (Permits and Applications Process)
- - -	Use not allowed.	20.205.030(C) (Unlisted and Similar Compatible Uses)

Note: Any land use authorized through a permit approval process identified may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by the Municipal Code. For unlisted and similar uses, see section 20.205.030(C) ((Unlisted or Similar Compatible Uses).

B. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this chapter, all animal-keeping activities are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.415-2; refer to the referenced sections for additional operational standards and regulations applicable to the use.

Table 20.415-2
Animal Keeping Activity Permit Requirements by Zone

Animal Type	Zones			Additional Use Regulations
	A-1/A-2/ A-3/R-1-20	R-1-10/ R-1-7.5	R-2/R-3/MU	
Small Animals				
Chinchilla (non-breeding)	P	P	- - -	
Chinchilla (breeding)	CUP	- - -	- - -	
Birds[(1)]	P	P	P	Including exotics; see section 20.415.020 (D)(1)
Dogs and Cats, Domestic[(1)]	P	P	P	
Hamsters[(1)]	P	P	P	
Poultry, Domestic	P	P	- - -	Includes hens; see section 20.415.020 (D)(2)
Rabbits[(1)]	P	P	P	
Small Animals, excluding foxes	P	P	- - -	
Horses				
Horses	P	- - -	- - -	
Large Animals				
Bovine	P	- - -	- - -	
Goats	P	- - -	- - -	
Emus	P	- - -	- - -	
Llamas	P	- - -	- - -	
Ostriches	P	- - -	- - -	
Sheep	P	- - -	- - -	
Swine	P	- - -	- - -	
Pigeons				
Racing/Homing Pigeons	P	- - -	- - -	
Worm Farms				
Two Bins Maximum	P	P	- - -	
Five Bins Maximum	P	- - -	- - -	
Exotic Animals				
All Exotics	DP	DP	- - -	See section 20.415.020(D)(1)
Other Animals				
Similar Animals	DP	DP	- - -	See section 20.415.020(D)(3)

Note:
1. Within R-2, R-3, and MU Zones, any combination of these domestic animals may be kept, but no more than three (3) are allowed per unit.

C. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with Section 20.205.030(C) (Unlisted or Similar Compatible Uses), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

D. **Animal Keeping Activity Standards.** Where animal keeping is permitted by Table 20.415-2, the standards of Table 20.415-3 shall apply on a per-lot or per-building-site basis.

1. **Exotic Animals.** Keeping of exotic animals (exotics) requires the issuance of a DP for each species of exotic. Exotics are those animals that are not typically kept in domestic or agricultural settings, and could include those animals described in California Fish and Game Code Sections 2116 and 2118 and related regulations, alligators, crocodiles, lions, monkeys and tigers, and any species of animal that is venomous to human beings. Exotics shall be kept indoors, except exotic birds may be kept within an outdoor aviary where an aviary is permitted.

2. **Domestic Poultry.** Domestic poultry are permitted in the Residential Zones. No more than four (4) are allowed per lot in single-family Zones (R 1-7.5 and R-1-10). Roosters are prohibited. All hen enclosures shall be maintained in a clean, sanitary condition, free from offensive odors at all times.

3. **Similar Animals.** Keeping of other animals determined by the Director to be similar in size and manner of keeping to a permitted animal in Table 20.415-2 shall require a DP and will be regulated in the same manner and number as the "similar" permitted animal.

Table 20.415-3
Animal Keeping Activity Standards

Animal Type	Standard/Limitation		Additional Activity Requirement
Cats/Dogs	Maximum of 6 domestic animals		Kennels not permitted
Racing/Homing Pigeons	Maximum 125 pigeons, in A Zones		keeping of pigeons in excess of 50 birds shall required filing with the City regarding affiliation with a recognized racing/homing pigeon association
Small Animals	A Zones/R-1-20 Zone: 25 animals	Other R-1 Zones: 10 animals	Maximum number of animals of any single type or combination of animals
Poultry, Domestic	Maximum 4 in R-1 Zones; 25 in R-1-20 and A Zones		Roosters are prohibited
Large Animals (based on lot size)			
Lots 1.5 up to 2 Acres	2 large animals per lot		
Lots 2up to 4 Acres	4 large animals per lot		
Lots 4 Acres and over	8 large animals per lot, plus 1 additional large animal per 1 acre in excess of 4 acre in A-2 and A-3 Zones only		
Stable, Private (based on lot size)			
Lots 10,000 s.f. Min.	1 horse per lot		
Lots 0.5>1 Acre	2 horses per lot		
Lots ≥1 Acre	3 horses per lot, plus 1 additional horse per 0.5 acre in excess of 1 acre		Example: a 3 acre lot would be permitted 7 horses

Note: Any land use authorized through a permit approval process identified 1 may also require site plan review, a Building Permit, and/or other permit(s) required by this Code.

Section 20.415.030 Location Requirements

The standards of Table 20.415-4 shall regulate the location, placement and setbacks of any animal keeping enclosure (pen, coop, stable, barn, kennel, corral, or related structures used for the keeping of poultry, small animals or worms) and private stables as indicated in the table.

Table 20.415-4
Animal Keeping Activity Standards

Development Standard	Minimum Requirement
Animal Keeping Enclosure	
Building Separation	20 feet to any dwelling unit
Front PL	75 foot
Public ROW PL	75 feet or equal to half the lot width, whichever is less
Interior PL	15 feet
Rear PL	10 feet
Rear Alley PL	0 feet
Stable, Private	
Building Separation	40 feet to any structure on lot 70 feet to any dwelling on an adjacent/adjoining lot
Public ROW PL	20 feet
Interior PL	15 feet; 0 if adjoining property owner maintains 1 or more horses
Rear PL	15 feet; 0 if adjoining property owner maintains 1 or more horses

PL = property line

Section 20.415.040 Youth Organization Animal Raising Projects

The keeping of more than two (2) of any single type or any combination of bovine animals, sheep, goats, and swine is hereby authorized in the R-1-20, A-1, A-2, and A-3 Zones (in such cases where said uses would not otherwise be permitted by this Zoning Ordinance) upon the issuance of a DP, subject to all conditions imposed thereby and to all of the following regulations:

1. The keeping of said animals shall be in connection with animal raising projects under auspices of 4-H, FFA, or other similar youth organizations.
2. The DP shall be granted for a period not to exceed two (2) years.
3. DP fees for activities covered by this section may be waived.

CHAPTER 20.420 AUTOMOTIVE SERVICES

Sections:

Section 20.420.010 Purpose
Section 20.420.020 Applicability
Section 20.420.030 Permit Required
Section 20.420.040 Operational Standards
Section 20.420.050 Development Standards

Section 20.420.010 Purpose

This chapter sets operational standards for the establishment and operation of automotive services to manage demand, access, and safety. The regulations are intended to ensure that these automotive uses will be coordinated with compatible accessory uses, will protect adjacent properties, and will promote economically viable land uses.

Section 20.420.020 Applicability

The provisions of this chapter shall apply to the establishment, relocation, structural alteration, and addition of floor space for all automotive services and fueling stations. All land uses shall comply with all state, federal, and local regulations related to hazardous materials and hazardous waste.

A. **Regulated Land Uses.** The provisions of this chapter shall apply to all of the following land uses:

1. Automotive fueling station, including all types of traditional and alternative fueling methods
2. Automotive services and repair
3. Automotive services with washing/detailing
4. Fueling station, fleets

B. **Alternative Fuels.** All automotive services and fueling stations shall be subject to the provisions of this chapter.

C. **Re-Establishment.** Existing vehicle fueling and automotive services in any Zone closed for a period exceeding sixty (60) days shall be required to apply for a CUP under this chapter to re-establish the land use.

D. **Terminology.** For the purposes of this chapter, the term “automotive services” shall refer to all land uses listed in section 20.420.020(A) (Regulated Land Uses) unless otherwise specified.

E. **Prohibited Zones.** All land uses identified in section 20.420.020(A) (Regulated Land Uses) shall not be permitted in any Agricultural (A), Residential (R), Open Space (O-S), Public/Institutional (P-I), Business Park (B-P), Mixed Use (MU-1, MU-2, MU-3, MU-4), or Office Professional (O-P) Zone.

Section 20.420.030 Permit Required

A. **Permits Requirements**. A CUP shall be required for the establishment of any of the following automotive service land uses prior to operation to ensure compliance with all state, federal, and local requirements, and to minimize impacts to adjacent uses:

1. Automotive fueling station, including all types of traditional and alternative fueling methods
2. Fueling station, fleets
3. Automotive services, washing/detailing
4. Automotive services, repair (if proposing new construction)

B. **DP Requirements.** A DP shall be required for the establishment of any "automotive services, repair" use if proposed to locate in an existing building.

Section 20.420.040 Operational Standards

All uses regulated by this chapter shall comply with the following operation standards:

A. **Plans Required.** Complete plans shall be submitted with the permit application for proposed new or remodeled automotive services, including buildings, service bays, washing facilities, pump islands, walls, setbacks, landscaping, lighting, storage and refuse areas, drainage, and curb cuts.

B. **Regulated Activities.** In addition to the standards of this chapter, all primary or ancillary activities related to automotive services shall be regulated by the applicable section of chapter 20.400 (Special Use Standards), including drive-through services (in conjunction with washing or detailing activities), equipment screening, metal buildings, outdoor storage, and vehicle storage.

C. **Enclosed Structure.** All land use activities, including washing of cars, auto detailing, service and repairs, and auto parts storage or services, shall be conducted entirely within an enclosed building unless authorized by a CUP or DP. Stand-alone car washes shall provide a screened, view-obscuring enclosure for drying automobiles.

D. **On-Site Parking.** All vehicles being repaired or waiting to be picked up by the vehicle owner shall be parked on-site and not in adjoining or adjacent streets or alleys.

E. **Refuse and Storage.** In addition to chapters 20.400 (Specific Use Standards) and 20.440 (Refuse and Recycling Facilities), the following refuse and storage standards shall apply**:**

1. A refuse storage area shall be provided and enclosed with a decorative masonry wall that is compatible with the main building and provided with a solid gate.
2. All discarded vehicle parts or equipment, or permanently disabled, dismantled, or junked vehicles, shall be removed from the premises within thirty (30) days of arrival. No outdoor storage of disassembled, junked, or salvaged vehicles shall be permitted.

3. Damaged or wrecked vehicles shall not be stored on-site for purposes other than repair.
4. Tires taken in on trade that have no more than salvage value shall be stored in a solid wall enclosure.

F. **Acoustic Analysis.** Acoustic analysis may be required if a proposed use abuts, is adjacent to, or is across the street from a residential use or Residential (R) Zone.

G. **National Pollutant Discharge Elimination System Permit.** All land use activities shall comply with the latest NPDES permit requirements and implementation of BMPs. All BMPs shall be maintained in accordance with chapter 14.15 of this Code.

Section 20.420.050 Development Standards

The land use shall conform to the development standards of the applicable Zone, except as modified by Table 20.420-1 and the following:

A. **Minimum Separation.** No automotive fueling station or automotive services, washing/detailing shall be permitted within five hundred (500) feet of a similar established use.

B. **Residential Adjacency.** All new structures shall be oriented to face building, workstation, and service bay entrances, away from abutting residential properties and the public ROW.
1. Refuse and recycling storage or services of any kind shall not be permitted within the setback required adjacent to any Residential (R) Zone.
2. In any Zone, screening between automotive service uses and any Residential (R) Zone shall be consistent with section 20.220.050(D) (Residential Adjacency).
3. The face of all screen walls facing public ROWs shall be landscaped with shrubs, trees, and/or climbing vines.
4. Use of walls and screening techniques shall meet crime prevention standards.

C. **Architectural Compatibility.** The quality of architecture and building materials of all on-site structures shall meet or exceed surrounding structures.

D. **Vehicle and Service Screening.** In addition to the standards of section 20.400.230 (Vehicle Storage), screening of overnight parking shall be made of a solid, one hundred percent (100%) view-obscuring wall.

Table 20.420-1
Automotive Services Development Standards by Land Use

Development Standards	Land Use (see chapter 20.600 for definition)				Additional Use Regulations
	Building	Pump Island	Services	Washing/ Detailing	
Building Height					
Maximum Height	2 stories, 25 feet	1 story, 20 feet	1 story, 20 feet	1 story, 20 feet	
Architectural Feature Maximum Height	35 feet	20 feet	20 feet	- - -	Limited to 20% of the top-floor roof area
Minimum Setbacks					
Street PL	20 feet	30 feet	20 feet		
Interior PL	15 feet minimum*	30 feet	15 feet minimum*	5 feet minimum*	*20 feet from any building on an adjacent property
PL Adjacent to any Residential Zone	30 feet				
Building Separation	10 feet	- - -	0 feet	0 feet	In compliance with Building Code
Parking					
Required	Required per chapter 20.340 (Off-Street Parking and Loading)				
Landscape					
Required	10 feet of landscaping required adjacent to any street PL				Chapter 20.330 (Water Efficient Landscape Standards)

PL = property line
All standards are minimums unless otherwise noted. Additional regulations per a CUP or DP, where applicable, may be required.
Setbacks shall be measured from the back of the right-of-way.

CHAPTER 20.425 BARS, ALCOHOL SERVICE, AND ENTERTAINMENT

Sections:

Section 20.425.010 Purpose of Chapter
Section 20.425.020 Applicability
Section 20.425.030 Permits and Compliance
Section 20.425.040 General Standards
Section 20.425.050 Ancillary Alcohol-Service Standards
Section 20.425.060 Microbrewery and Tasting Room Uses
Section 20.425.070 Nuisance

Section 20.425.010 Purpose of Chapter

The purpose of this chapter is to properly regulate the operation of bars and ancillary alcohol-service land uses within the City to ensure that the establishment and continuing operation of the land use will not constitute a public nuisance.

Section 20.425.020 Applicability

The provisions of this chapter shall apply to the ownership, establishment, enlargement, construction, conversion, modification, operation, renewal, and/or transfer of ownership of all land uses that include on-site sales and/or service of alcoholic beverages and/or live entertainment. These land use shall include "Bars," "Commercial Entertainment," and "Nightclub" land uses that are allowed by the applicable Zone. In addition to the standards of this chapter, all provisions of chapters 5.10 (Entertainment License), 5.12 (Dance and Dance Halls), and 10.46 (Alcoholic Beverages – Responsible Beverage Sales and Service) of this Code shall apply.

A. **Nonconforming Bars.** Any legal nonconforming bar, alcohol-service, nightclub, or entertainment establishment may continue to operate under the provisions of this chapter.

B. **Terminology.** The word "bar" as used in this chapter shall apply to the "Bar" land use, which includes bars, nightclubs, and cocktail lounges. See chapter 20.600 (Definitions) for "Bar (land use)."

Section 20.425.030 Permits and Compliance

A. **License Required.** All businesses or establishments offering the sale of alcoholic beverages shall obtain and thereafter maintain the appropriate license from the California Department of Alcohol Beverage Control.

B. **Permit Required.** All land uses, including on-site sales and/or service of alcoholic beverages and/or live entertainment shall require a DP or CUP, subject to the permit requirements of the applicable Zone, to establish or renew the land use.

1. In any decision to issue a CUP, consideration shall be given to the location of the proposed facility. The general vicinity shall not have a concentration of uses within on- and/or off-premise Alcohol Beverage Control licenses or an unusually high crime rate

such that the proposed use could result in further criminal activity, thus requiring additional police services if the CUP is granted.

2. Dancing shall not be permitted without an approved Dance Permit.

3. The provisions of this chapter shall be the minimum requirements for any alcohol-service or live entertainment CUP.

C. **Entertainment Limitation.** The only type of live entertainment provided shall be the type specifically approved under the CUP.

1. A new or modified CUP shall be required for modifications to, or change of, the live entertainment provided.

D. **Inspections.** Compliance with fire and safety code requirements shall be maintained through authorized Uniform Fire Code inspections conducted by the Fire Department. The applicant/owner shall submit to random, unannounced fire inspections during normal business hours. Failure to submit or comply shall result in a presumptive determination that the use and/or place of business constitutes a nuisance violative of this Zoning Ordinance. All applicable nuisance fines and procedures established by this Zoning Ordinance shall apply.

E. **Abandonment.** Any establishment, business, or facility that is either abandoned or discontinues the sale of alcoholic beverages for a period of sixty (60) consecutive days shall be deemed to have automatically terminated the associated CUP. The establishment shall obtain a new or modified CUP, as applicable, before re-engaging in the sale of alcoholic beverages or providing live entertainment.

Section 20.425.040 General Standards

The operation of any bar, alcohol sales or service, or live entertainment use shall be subject to all of the following conditions, in addition to any conditions of approval of the required CUP:

A. **Design Standards.**

1. No bar shall be established within five hundred (500) feet of any building operated as or used for a bar, nightclub, place of religious assembly, school, or youth-oriented institutional activity.

2. No bar shall be established within five hundred (500) feet of any place of religious assembly, school, or youth-oriented institutional activity.

3. Architecture of the building and required landscaping of the property shall be consistent with the character of, and not detract from, the surrounding neighborhood.

4. Parking shall be provided in accordance with the provisions of chapter 20.340 (Off-Street Parking and Loading), and shall include parking for bicycles, patrons, and employees.

5. Consistent with the signage standards of chapter 20.320 (Signs on Private Property), signs shall be posted informing the public against the prohibition of the use of drugs and smoking. The hours of operation shall be posted and plainly visible to customers within the establishment in at least two (2) locations.

B. **Operational Standards.**

1. All personnel, including management, are prohibited from consuming alcoholic beverages while on duty.
2. All employees who serve alcohol or check identification must attend the Alcohol Beverage Control Licensed Education on Alcohol and Drugs (L.E.A.D.) training or Responsible Beverage Sales & Service (RBSS) Training every two (2) years, as required by Ordinance No. 2009-1318 or as required by the requirements then in effect. Confirmation of program participation must be kept on file at the establishment and made available upon request.
3. All activities shall be conducted inside the building. Outdoor seating, whether alcohol consumption is permitted or not, shall require a separate CUP to properly consider safety, health, and use adjacency issues.
4. No type of enclosed room for any purpose, intended for use by entertainers or customers, shall be constructed or maintained in conjunction with the use, except restroom facilities.
5. The maximum occupancy, as established by the CUP and Building Code, shall not be exceeded at any time.
6. All employees, patrons, and persons associated with the land use shall be clothed at all times in a manner that no specified anatomical areas are visible. See Chapter 20.600 (Definitions) for specified anatomical areas.

Section 20.425.050 Ancillary Alcohol-Service Standards

In addition to the standards of this chapter, non-restaurant, commercial entertainment use with ancillary alcohol service incorporated into the primary land use shall be subject to the following standards. These standards shall also apply to any restaurant use incorporating an entertainment or dancing area in the restaurant, regardless of the size of the area and/or use.

1. The area where service of alcohol occurs shall be ancillary to the primary land use and shall not exceed twenty-five percent (25%) of the floor area available to patrons.
2. The service of alcohol shall be limited to the normal business hours of the primary land use.
3. The services of paid promoters shall not be engaged by any owner, employee, or person affiliated with the permitted land use at any time.
4. The place of business, including any event, promotion, or activity, shall not charge or impose a fee or cover charge to enter the premises and/or offer advance ticket sales for any entertainment event(s).

Section 20.425.060 Microbrewery and Tasting Room Uses

In addition to the standards of this chapter, breweries, wineries, and tasting rooms shall be subject to the following standards:

A. **Limitations.** This land use shall not be permitted with five hundred (500) feet of, or adjacent to, Residential (R) Zone property.

B. **On-Site Alcohol Sales.** Service, tastings, and sales of alcohol shall be limited to product produced on-site, directly affiliated with the primary operational land use.

C. **Ancillary Sales.** Ancillary retail sales directly associated with the manufacture, production, or brand of the primary brewery/tasting room shall be permitted.

Section 20.425.070 Nuisance

The violation of this chapter shall constitute a nuisance. The City may, in addition to any other remedy available by law, commence nuisance abatement or other proceedings to enforce the provisions of this chapter in any manner provided by law, including chapter 1.12 of this Code, for any violation of this chapter or in response to a complaint of nuisance filed with the City in conjunction with a bar or ancillary alcohol-service use.

CHAPTER 20.430 CONDOMINIUM CONVERSIONS

Sections:

Section 20.430.010 Purpose of Chapter
Section 20.430.020 Applicability
Section 20.430.030 Procedures
Section 20.430.040 Development Standards

Section 20.430.010 Purpose of Chapter

The purpose of this chapter is to provide standards to appropriately convert structures and buildings to condominiums or other individual forms of ownership in any Zone. These standards are intended to increase homeownership opportunities and protect the health, safety, and welfare of all San Marcos residents.

Section 20.430.020 Applicability

This chapter shall apply to the conversion of any multifamily residential development to a common interest development, as defined by section 1351 of the California Civil Code. No dwelling unit or mobile home space shall be the subject of a condominium conversion unless a condominium conversion permit is granted prior to such conversion.

Section 20.430.030 Procedures

A. The conversion of structures and buildings to condominiums or other individual forms of ownerships shall require a CUP, pursuant to chapter 20.520 (Conditional Use Permits) of this Zoning Ordinance. The standards of this chapter shall be minimum conditions associated with the CUP; the Planning Commission may attach additional conditions as deemed necessary.

B. Tentative and final subdivision maps shall also be required for all conversions into projects containing condominiums or other individual forms of ownership as defined in the Subdivision Map Act of the State of California.

Section 20.430.040 Development Standards

A. **Parking**. Off-street parking shall, as a minimum, comply with chapter 20.340 (Off-Street Parking and Loading Standards) of this Zoning Ordinance.

1. A minimum of one (1) off-street guest parking space shall be provided for every three (3) units in a residential conversion.
2. Assigned off-street parking for units shall be provided in garages or carports subject to property attributes and site design. The following guidelines are to be used in the consideration of garage requirements for condominium conversions:
    a. Garage structures for off-street parking shall be required if the surrounding, developed residential uses are constructed with garage structures.

b. Carport structures may be allowed, instead of garage, when the following criteria are incorporated into the project design and review:

i. Use of architectural and/or landscape treatments to screen and enhance the carport so as to minimize visual impact for adjacent streets. The Director shall specify said treatments, appropriate to the location and surrounding uses, at the time of project design and application submittal. The Director shall make a recommendation, based on these guidelines to the Planning Commission.

ii. Carport structures, if allowed by the City for a condominium conversion request, shall be consistent and in compliance with other City regulations or policies pertaining to architectural design or design themes.

iii. Carport structures, if approved by the City, shall conform to the requirements of the San Marcos Fire Protection District.

B. **Recreation Facilities**. Permanent recreation facilities shall be provided. These facilities may include tot lots, recreational building, sport court, or swimming pool that is set aside for the use of the residents. Exact requirements will be determined and conditions under the CUP procedure depending upon the number and type of units involved.

C. **Refuse and Recycling Enclosures**. Shall be provided consistent with chapter 20.445 (Refuse and Recycling).

D. **Laundry Facilities.** Every converted unit shall provide all necessary electrical and utility hookups for washing and drying laundry facilities internal to the unit.

E. **Undergrounding**. All conversion shall include the undergrounding of all on-site electric, communications, CATV and similar distribution service wires, and/or cables placed underground.

E. **Building Construction Requirements**. All conversions and associated construction shall conform to all building and fire codes.

F. **Ownership Organization**. The City shall require as part of the approval of any conversion that an organization is created to act as the body responsible for handling matters common to all owners. Said organization, CC&Rs, and its articles and by laws, shall be approved by the City Attorney.

G. **Other Requirements**. Nothing in this section absolves an applicant from complying with any applicable requirement of any other ordinance or articles or other governmental units.

CHAPTER 20.435 PLANNED RESIDENTIAL DEVELOPMENT

Sections:

Section 20.435.010 Purpose of Chapter
Section 20.435.020 Applicability
Section 20.435.030 Land Use Regulations
Section 20.435.040 PRD Process
Section 20.435.050 Residential Development Standards
Section 20.435.060 Site Design
Section 20.435.070 Other Development Criteria
Section 20.435.080 Modification of Requirements

Section 20.435.010 Purpose of Chapter

The purpose of this chapter is to establish a process for allowing flexibility in residential development and design to supplement the single-family development standards of the Residential Zones. PRD is intended to encourage and facilitate the use of contemporary best practices for the development of innovative, compact residential neighborhoods in a range of configurations, which may include standard subdivision, alley loaded, cluster or small-lot development, or courtyard site plans. All PRD areas should accomplish the following:

A. Facilitate the development of nontraditional single-family and multifamily residences using alternative configurations, lot sizes, or open space and amenity provisions that are otherwise not consistent with the conventional Residential Zone regulations of this Zoning Ordinance.

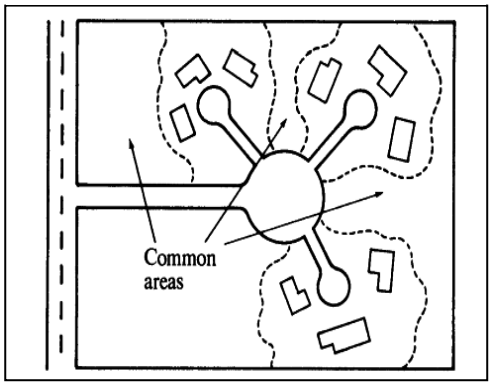
B. Promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural and scenic qualities of open spaces.

C. Preserve the function and character of the residential neighborhoods while allowing for progress in the site planning and development of dwelling units to meet the needs of the community.

Section 20.435.020 Applicability

Planned Residential Development may be permitted to create compact and innovative residential developments within all Residential Zones. PRDs shall be subject to a CUP in each of the Zones, and shall only be approved if findings can be made that the development would be consistent with the intent of the applicable Zone, would not adversely affect properties in the vicinity, would not be contrary to the public interest, and would be consistent with the spirit and intent of section 20.435.010 (Purpose of chapter). Figure 20.435-1 depicts a generic PRD using cluster development to maximize common open space areas.

Figure 20.435-1
PRD Generic Cluster Example



Section 20.435.030 Land Use Regulations

Permitted land uses within a PRD shall be consistent with the land use permit requirements of the applicable Zone, except as follows:

1. Development shall be limited to one (1)-family, two (2)-family, and multiple dwellings in the respective Zones including dwelling units in developments commonly known as town or rowhomes, condominiums, and cluster housing. Housing types shall be consistent with Table 20.215-2 located in chapter 20.215 (Residential Zones).

2. Recreational uses are highly encouraged, including parks; playgrounds; usable common open space; riding and hiking trails; recreational buildings, structures, and facilities; clubhouses; community centers; and similar uses. See section 20.435.060(E) (Open Space).

3. All open space and recreational uses shall be designed for and limited to use by residents of the planned development and their guests.

Section 20.435.040 Planned Residential Development Process

All PRD proposals and applications shall be subject to the regulations of chapter 20.500 (Permits and Applications Process) and the following process requirements:

A. **Permit Required**. All single-family PRD proposals and applications shall be subject to a CUP, consistent with the provisions of chapter 20.520 (Conditional Use Permits). Multifamily proposals and applications shall be subject to Site Development Plan Review, consistent with the provisions of chapter 20.515 (Site Development Plan Review).

B. **Consistency of Intent**. PRD development, by definition, proposes development that is inconsistent with the regulations of the applicable Zone. All PRD proposals shall demonstrate that the proposed development is consistent with the purpose, intent, and character of the applicable Zone, and shall not exceed the density parameters of the General Plan.

C. **Pre-Application.** A pre-application preliminary consultation with the Planning Division shall be scheduled by the applicant prior to submitting an application for a PRD, per the provisions of chapter 20.500 (Permits and Applications Process).

D. **PRD Application.** Application for a PRD must be for a parcel of land that is under the control of the person or corporation proposing such planned development. The application shall be accompanied by all of the development application items listed in Table 20.435-1.

E. **Subdivision Map Required.** A tentative Subdivision Map created in accordance with the development plan shall be filed whenever the PRD constitutes a subdivision (or division of land) within the terms of this Code. A final Subdivision Map conforming to the approved or conditionally approved tentative Subdivision Map and the requirements of and conditions imposed by the CUP and Site Development Plan Review shall be filed with the County Recorder prior to the issuance of any building permits.

Table 20.435-1
Pre-Application Required Review Items

Descriptive Items	Site Plan Elements
1. A complete legal description of the entire proposed development	A. Boundaries and dimensions of the property
2. Statement of the general character, density, and other design and development criteria and standards	B. Existing topography and approximate finished grades
3. Schedule and sequence of development	C. Proposed lot pattern
4. The proposed means for ensuring continuing existence, maintenance, and operation of the various common elements and facilities	D. Locations and types of existing and proposed buildings and structures
5. Any additional information as may be required to permit a complete analysis and appraisal of the planned development	E. Locations and use of open space
	F. Land area to be covered by buildings and structures
	G. Vehicular and pedestrian circulation pattern
	H. Locations and number of off-street parking spaces

Section 20.435.050 Residential Development Standards

All PRD applications and developments shall be designed and constructed in compliance with the following regulations.

A. **Density.** In a planned residential development, there shall be no minimum area requirement for individual lots, building sites, or dwelling units.

1. Within the R-1 Zones, the total area of the PRD shall be equal to the minimum lot size applicable to the Zone, times the number of total dwelling units; development shall be limited to detached dwelling units.
2. Within the R-2 and R-3 Zones, the maximum number of units shall not exceed the maximum allowed density for the Zone as established by Tables 20.215-3 and 20.215-4.
3. The number of dwelling units allowable in a PRD shall not exceed the maximum density of the as determined using the Slope Density

B. **Development Standards.** The following development standards shall apply.

1. Height. Building height shall comply with the Zone in which the PRD is located; the Planning Commission may grant height exceptions where the increased height would not adversely affect the surrounding neighborhood. Additional height shall not be permitted within one hundred (100) feet of the PRD external boundary.
    a. Building height shall be limited to the height of the nearest structure on an adjacent non-PRD lot, unless buffered by one hundred (100) feet or more of open space.
2. Building Setback.
    a. Minimum twenty (20)-foot setback required for all buildings from the ultimate ROW.

b. Minimum twenty (20)-foot setback required for all garages with straight in access; fifteen (15)-foot minimum for all other garage configurations.

c. Minimum twenty-five (25)-foot setback required for all building from the external boundary of the PRD.

d. Minimum one hundred (100)-foot setback required for all intensive recreation uses from the external boundary of the PRD, unless a permanent intervening open space of at least one hundred (100) feet in width exists on the adjacent property, then twenty-five (25)-foot setback may be permitted.

e. Minimum five (5)-foot setback required for all buildings from any interior vehicular or pedestrian way, court, plaza, open parking lot, common open space, or any other surfaced area reserved for public or private use. Measurement shall be from back of sidewalk or back of pavement where no sidewalk exists.

3. Building Separation. Minimum building separation of ten (10) feet required between all buildings.

a. Each building shall be surrounded on all sides by a ten (10)-foot open space, not to exceed ten percent (10%) in slope.

4. Parking requirements shall be consistent with the bedroom count of the unit per chapter 20.340 (Off-Street Parking and Loading).

Section 20.435.060 Site Design

The PRD shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site.

A. **Perimeter Treatment.** Site planning on the perimeter shall give consideration to protection of the property from adverse surrounding influences and protection of the surrounding areas from potentially adverse influences within the development.

B. **Recreational Activities.** Intensive recreational use shall not be permitted within one hundred (100) feet of any external boundary that adjoins or is separated by a boundary street from any Residential or Agricultural Zone; this restriction will not apply where permanent intervening open space of at least one hundred (100) feet in width exists on adjacent property, regardless of Zone.

C. **Garage Configurations.** Garage doors facing property line boundaries adjacent to any Residential Zones are discouraged. Where possible, site design should create front-on or side-on conditions to shared boundary lines with Residential Zones to maintain the quality and character of the adjacent Zone(s).

D. **Potential PRD Configurations.** Flexibility, creativity, and use of contemporary best-practices in architecture and planning can encourage development of a wide range of detached and attached configurations.

E. **Open Space.** Required open space shall comprise at least forty percent (40%) of the total area of the planned development.

1. A minimum of fifty percent (50%) of the required open space shall have an overall finished grade not to exceed ten percent (10%), and shall be suitably improved. All landscaped areas reserved for common use shall be designed and maintained in accordance with the standards of chapter 20.330 (Water Efficient Landscape Standards).
2. The remaining fifty percent (50%) of the required open space may also be improved, or left in its natural state for natural feature preservation. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway, or drainage easements may be applied toward satisfying this portion of the total open space requirement.
3. Land occupied by recreational buildings and structures may be counted as required open space.
4. Land occupied by buildings, street, driveways, or parking spaces may not be counted in satisfying this open space requirement.
5. Open space left in its natural state shall be kept free of litter and shall at no time constitute a health, safety, fire, or flood hazard.
6. Landscaped areas reserved for common use shall be provided with a permanent watering system adequate to maintain such areas.
7. Provision of all open space/recreational amenities planned for the PRD are encourage to be installed concurrent with completion of the first dwelling unit. However, if development is to be accomplished in stages/phases, the development plan shall provide for coordinated improvement of open space and related buildings/improvements with the construction of dwelling units. Each development stage shall include installment of a proportionate share of the total open space.
8. All or any part of the required open space may be reserved for use in common by the residents of the planned development. Required common open space areas established as part of a PRD shall be reserved in a manner that entitles the City, a public district, or a public agency to enforce the reservation, with the City, public district, or public agency a party to the reservation.

F. **Maximum Slope.** Slope surrounding the building pad shall not exceed ten percent (10%) within ten (10) feet in all directions measured from the external building/dwelling walls.

G. **Circulation.**

1. Public Streets. All streets within the PRD that fall within the City's functional street classifications shall be improved to City standards for the particular classification of street, and shall be offered for dedication to the public. The City may reject the offer of dedication, forcing development of private streets.
2. Private Streets. The developer may retain circulation internal to the PRD as private streets. The following forms of access shall be retained as private streets:
   a. Driveways
   b. Open parking spaces or areas
   c. Motor courts or plazas

3. Pedestrian walkways or paseos, such as pedestrian ways, courts, plazas, driveways, or open parking lots, shall not be offered for dedication.
4. These private common access areas shall be permanently reserved and maintained for their intended purpose by means acceptable to the Director and City Attorney.

H. **Access**

1. Any building or any dwelling unit that is located more than one hundred (100) feet from a public or private street or other vehicular way shall have pedestrian access to the ROW capable of accommodating emergency and service vehicles. Design shall be approved by the Fire Marshal.
2. For alley and motor court vehicular access to units, a minimum paved width of twenty-four (24) feet shall be maintained between buildings.

I. **Off-Street Parking.** Within the PRD, the following parking standards shall apply as a modification to the standard parking requirements of chapter 20.340 (Off-Street Parking and Loading).

1. All driveways measuring a minimum of twenty (20) feet in length shall be considered a required non-assigned parking space within a PRD. Driveway spaces shall not count toward guest parking.
2. All off-street parking areas not under cover shall be screened from view of nearby residents of the development by shrubs or other appropriate landscape features.

J. **Identity Signage.** Each PRD shall be permitted one (1) monument or other sign identifying the development at the principal entrance to the development.

1. This sign shall comprise not more than two (2) sign surfaces of thirty (30) square feet each.
2. The sign shall be consistent with the architectural style of the PRD.
3. If the sign is illuminated, illumination shall be limited to continuous reflected light.

Section 20.435.070 Other Development Criteria

A. **Relation to Natural Features**. The PRD shall relate harmoniously to the topography of the site, make suitable provision for preservation of water courses, wooded areas, rough terrain, and similar natural features and areas, and shall otherwise be so designed as to use natural features and amenities to the best advantage.

B. **Fire Protection**. Fire hydrants and connections shall be installed as required by the San Marcos Fire Department and shall be of a type approved by the Fire Marshal. The proposed project shall comply with Fuel Modification requirements to the satisfaction of the Fire Marshal.

C. **Signs**. Interior street, building, and other signs shall be uniform in design and reflect good taste in style and size.

D. **Night Lighting**. Light fixtures for walls, parking areas, driveways, and other facilities shall be provided in sufficient number and at proper locations to ensure safe and convenient nighttime use. For normal street lighting, applicable City standards and regulations shall apply.

Section 20.435.080 Modification of Requirements

Modification of the standards of this section may be granted by the Planning Commission when it determines that such modification will not be detrimental to the subject development, adjacent properties, or the public interest, provided, however, that no modification be granted for the density requirements or the total open space requirement of this chapter.

A. Other Applicable Applications. In addition to the PRD application, all applications that include the following conditions shall be considered a PRD application and processed in the same manner:

1. Any application proposing to substitute open space or recreation for a portion or the required lot area.
2. Any CUP application for a neighborhood housing development.

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CHAPTER 20.440 REASONABLE ACCOMMODATION

Sections:

Section 20.440.010 Purpose of Chapter
Section 20.440.020 Applicability
Section 20.440.030 Applications
Section 20.440.040 Environmental Review
Section 20.440.050 Approval
Section 20.440.060 Findings
Section 20.440.070 Appeal

Section 20.440.010 Purpose of Chapter

The purpose of this chapter is to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

Section 20.440.020 Applicability

A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one (1) or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate or modify regulatory barriers to provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by section 20.440.030 (Applications).

Section 20.440.030 Applications

Requests for reasonable accommodation shall be submitted on an application form provided by the Planning Division or in the form of a letter to the Director and shall contain the following information:

1. The applicant's name, address, and telephone number.
2. Address of the property for which the request is being made.
3. The current actual use of the property.
4. The Zoning Ordinance provision, regulation, or policy from which reasonable accommodation is being requested.
5. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

A. Review with other land use applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including CUP, DP, Site Development Plan Review, General Plan Amendment, Zone change, or Annexation), then the applicant shall file the information required by section 20.440.030 (A) (Applications) together for concurrent review with the application for discretionary approval.

Section 20.440.040 Environmental Review

The City's reasonable accommodation process is administrative, and not subject to review under the California Environmental Quality Act (CEQA).

Section 20.440.050 Approval

A. **Planning Director**. Requests for reasonable accommodation shall be reviewed by the Director, or his/her designee if no approval is sought other than the request for reasonable accommodation. The Director shall make a written determination within forty-five (45) days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with this chapter.

B. **Other Review Authority**. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. The written determination on whether to grant or deny the request for reasonable accommodation shall be made in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with this chapter.

C. **Conditions of Approval**. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by this chapter.

Section 20.440.060 Findings

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual who is disabled under the Acts.
2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.
4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including land use and zoning.
5. Potential impact on surrounding uses.
6. Physical attributes of the property and structures.

7. Alternative reasonable accommodations that may provide an equivalent level of benefit.

Section 20.440.070 Appeal

A determination to grant or deny a request for reasonable accommodation may be appealed in compliance with chapter 20.545 (Appeals and Revocations) of this Zoning Ordinance.

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CHAPTER 20.445 REFUSE AND RECYCLING

Sections:

Section 20.445.010 Purpose of Chapter
Section 20.445.020 Applicability
Section 20.445.030 General Standards
Section 20.445.040 Reverse Vending Machines
Section 20.445.050 Single-Family Residential Standards

Section 20.445.010 Purpose of Chapter

This chapter provides operational and development standards for the provision of safe and adequate facilities to implement Public Resources Code Sections 42900 through 42911 for the reduction of refuse generation. Specifically, this chapter does the following:

A. Provides standards of convenient and accessible space for collection, storage, and loading of such facilities.

B. Promotes the public health, safety, and general welfare of the City and its citizens by minimizing adjacency conflicts.

C. Regulates convenient and accessible space for storage and collection of refuse and recycling facilities.

Section 20.445.020 Applicability

All new construction within any Zone shall provide adequate space for recycling and refuse receptacles per the provisions of this chapter. All recycling and refuse receptacles shall have a dedicated enclosure area and be consistent with the standards of this chapter.

A. **Review Required.** The review of recycling and refuse facilities shall be an integral part of any project application. Compliance with all recycling and refuse facilities standards shall be required, unless otherwise modified by a CUP.

B. **New Construction.** A refuse storage area for the collection of trash and recycled goods shall be provided at the time any structure is constructed.

C. **Requirement.** Any building remodeling or additions (greater than ten percent [10%] of value or equal to twenty percent [20%] or more of floor area) or discretionary permit shall require the addition of recycling and refuse facilities per the standards of this chapter. The additional facilities shall be completed concurrently with the remodeling/addition construction.

Section 20.445.030 General Standards

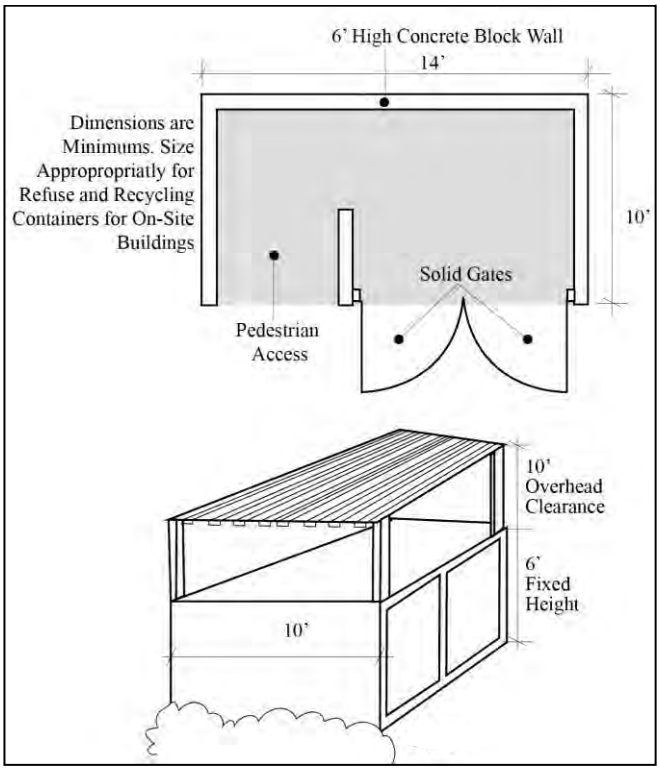
The following provisions and the standards of Table 20.445-1 shall apply to all commercial, industrial, public/institutional, mixed use, and multifamily development in any Zone.

A. **Adequate Facilities.** In all Zones, refuse and recycling containers shall be adequate in capacity, number, and distribution to serve the existing and future occupants in an environment that is free from trash and debris. Recycling bins shall be provided in all locations where refuse bins are provided to enable convenience and ease in the recycling of materials.

B. **Enclosure.** All refuse and recycling materials and collection bins shall be enclosed on four (4) sides unless the materials and bins are stored within a legally approved building. See Figure 20.445-1.

1. A swinging double door as an access gate with locking capabilities shall be included on one (1) side of the enclosure. The enclosure shall be designed with decorative heavy-gauge metal gates with cane bolts on the doors to secure the gates when in the open position. Doors or gates to the enclosure shall be self closing.
2. Enclosures shall provide walk-in pedestrian access without having to open the main enclosure gate if said facility is larger than ten (10) by fourteen (14) feet in dimension.
3. Enclosures shall be constructed of solid masonry material with decorative exterior surface finish compatible to the main building(s). Split face concrete block finish is recommended. Brick or tile veneer exterior finish should be avoided.
4. No material shall be stacked higher than the enclosure walls/fence.
5. A level reinforced concrete slab shall accommodate the entire structure footprint, extending forty-eight (48) inches in front of the access gates, and shall be constructed at the same level as the existing asphalt. Raised bumper guards shall be installed along the inside walls of the enclosure to prevent the dumpster from contacting the enclosure walls.
6. The enclosure shall have an architecturally compatible solid roof/cover feature, with the design to be approved by the Director. Open roof/covers may be permitted if the dumpsters and recycle bins have closable lids.

Figure 20.445-1
Refuse and Recycling Enclosure Standards



7. The access gate shall be painted steel and generally obscuring the view of the enclosure contents.

C. **Location.** Recycling and refuse storage enclosures shall not be located in any required front setback, court, alley, or required landscape or parking space.

1. Enclosures shall not be located closer to the public ROW than the main structure.

D. **Accessible Design.** Each recycling/refuse storage enclosure shall be consistent with Table 20.445-1 and the following standards. All standards shall be evaluated based on site design and circulation, subject to Director review and approval during Site Development Plan Review, if applicable.

1. The overhead clearance is required in all conditions, including at roof lines such as overhanging carports or cantilevered stories.
2. The structure shall contain concrete or asphalt drives of sufficient strength to accommodate 54,000 pounds distributed on ten (10) wheels.
3. The structure shall be designed so that vehicular backing movements into a public ROW are not necessary.

Table 20.445-1
Refuse and Recycling Enclosure Standards

Development Standard	Commercial/Industrial	Multifamily
Design Feature		
Enclosure Size	10 feet by 14 feet minimum; adequate per Director approval	
Enclosure Height	6 feet	6 feet
Overhead Clearance	16 feet vertical	16 feet vertical
Driveway Area	18 feet wide	18 feet wide
Turn-Around (if required)	36-foot radius	36-foot radius
Building Separation	5 feet minimum	5 feet
Maximum Distance from Dwelling/Building	150 feet from main structure	250 feet from unit entry
Setbacks		
Front PL	Behind front setback of main building/structure	
Interior PL	5 feet	10 feet
Residential PL	10 feet	10 feet

All standards are minimums unless otherwise notes. All standards are dependent on site design and circulation, subject to Director review and approval.
PL = property line

E. **Architectural Compatibility.** All recycling and refuse storage areas, including covers and doors, shall be compatible with the architectural treatment of the primary building on the parcel.

F. **Blank Walls Prohibited.** Blank walls are prohibited. Where screening or security walls (excluding fences) are located within ten (10) feet of a public ROW, landscaping shall be provided between the wall and the ROW to a minimum height of forty-two (42) inches to minimize opportunities for crime and unsafe conditions.

G. **Multifamily Development.** Refuse and recycling shall not be stored in balcony or porch spaces. The standards of section 20.445.030 (General Standards) shall apply to all multifamily development.

Section 20.445.040 Reverse Vending Machines

Reverse vending machines shall be allowed as an accessory use, subject to the following standards. Each reverse vending machine shall:

1. Be capable of dispensing cash or a certificate for aluminum and non-aluminum metals, glass, and plastic.
2. Be located adjacent to a building wall and within twenty (20) feet of the main entrance of a market/store.
3. Not exceed the following size and bulk standards for each reverse vending machine:
   i. fifty (50) square feet of bulk; and the
   ii. height shall not exceed eight (8) feet.
4. Be located in a manner that does not obstruct pedestrian or vehicular circulation.
5. Be constructed with durable waterproof and rustproof materials, designed with a color scheme that is in harmony with the surrounding buildings and development. Machines shall be illuminated to ensure safe operation.
6. Be maintained in a clean and litter free condition on a daily basis.
7. Be available and in operation during the operation of the market/store.

Section 20.445.050 Single-Family Residential Standards

Standards of section 20.445.030 (General Standards) shall not apply to single-family homes. All single-family homes shall provide a clear space for storage of recycling and refuse containers. The space shall be as follows:

1. A minimum dimension of five (5) feet by five (5) feet located within the side setback area.
2. Located behind residential fencing a minimum of five (5) feet in height.
3. No material shall be stacked higher than the fencing.
4. Shall not be located within the required front setback or closer to the front property line than the front façade of the dwelling unit.

CHAPTER 20.450 RENEWABLE ENERGY

Sections:

Section 20.450.010 Purpose of Chapter
Section 20.450.020 Applicability
Section 20.450.030 Permit Requirements
Section 20.450.040 Development Standards
Section 20.450.050 Non-Operation

Section 20.450.010 Purpose of Chapter

The purpose of this chapter is to establish the design and operational standards for permitting and installation of non-solar renewable energy systems. The City promotes the use of alternative energy sources such as renewable energy systems to reduce demands on the regional energy grid.

Section 20.450.020 Applicability

The provisions of this chapter shall apply to the installation of and renewal of permits for non-public renewable energy systems. All renewable energy systems shall be operated and maintained in such a manner as to preserve the established character of the surrounding properties, and shall limit, to the extent feasible, noise and vibration resulting from the system.

A. **Measurements**. All measurements, setbacks, and provisions of this chapter shall apply to any portion of the renewable energy system. Where devices include moving parts, the measurement shall be taken from the outermost edge of the moving portions of the device.

Section 20.450.030 Permit Requirements

A. **Permitted**. Non-solar renewable energy systems shall be permitted in all Zones, subject to a DP; ground-mounted systems in the I and I-2 Zones shall be subject to a CUP.

B. **Solar Panels**. Solar panels are permitted on roof tops in conjunction with all permitted land uses, and shall be regulated and permitted subject to applicable state law. Additionally, solar panels may be allowed subject to a CUP, in conjunction with carports and garages in parking areas in all Zones.

C. **Concurrent Development**. Where the renewable energy system is proposed and installed concurrently with the primary land use application, the DP shall be waived and the permit requirements of the primary land use shall suffice.

D. **Site Development Plan Review.** All renewable energy systems shall be subject to Site Development Plan Review, except where the application goes through a CUP or DP, then Site Development Plan Review shall not be required. Each system shall be reviewed for consistency with this chapter and the applicable Zone.

E. **Application Requirements.** All renewable energy systems shall provide adequate plans during DP or CUP application to specifically address all of the following information. The applicant shall submit the following:

1. Standard drawings shall be required to demonstrate compliance with the latest version of the California Building Code.
2. Line drawings of electrical components of the renewable energy system in sufficient detail to demonstrate compliance with the applicable electrical code.
3. Plan and elevation diagram of the utility and placement showing compliance with the standards of this chapter and the applicable Zone.
4. Plans specifying the system manufacturer, model, power rating, and blade dimensions (where applicable).

Section 20.450.040 Development Standards

The following requirements shall apply to all non-solar, non-public renewable energy systems based on the type of system and applicable performance standards:

A. **Noise**. All renewable energy systems shall be operated in such a manner that they do not exceed the City's noise standards as established by the General Plan.

B. **Setbacks**. All non-solar renewable energy systems mounted to a building or structure shall be subject to the required setbacks of the applicable Zone, except as modified below:

1. Where encroachments are ***necessary for proper function*** of the renewable energy system, based on system type or adjacency conditions, no portion of the system shall be:
   a. less than two (2) feet from any rear or interior property line; however, GP noise restrictions as measures from the property line shall prevail over this encroachment provision; or
   b. closer than ten (10) feet to any street frontage or ROW.
2. Stand-alone, ground-mounted renewable energy systems are prohibited; in the I and I-2 Zones, such systems shall be subject to a CUP and appropriate public hearings.

C. **Height**. Renewable energy systems shall be permitted mounted to a building, structure, or roof.

1. Maximum height shall not exceed fifteen (15) feet from the base/mount of the unit to the top of the unit (including blade length in vertical position, where applicable).
2. Solar panels shall be limited to a maximum height of five (5) feet from the base/mount of the unit.
3. Additional height encroachments may be permitted through a DP where adjacency conditions require a fifteen (15)-foot height limitation, if the renewable energy system needs to be taller to function properly.

D. **Size/Coverage.** Non-solar renewable energy systems, or group of systems, shall not exceed thirty percent (30%) area coverage of the surface to which the system is mounted.

E. **Design**. The following measures shall be followed to minimize the visual impact of the renewable energy system:

1. Design of renewable energy systems shall be of white or grey, or other unobtrusive color. Solar systems shall be exempt from the color requirements.
2. Design of non-solar/non-wind systems shall complement the design of the associated building or structure.
3. Removal of existing vegetation shall be minimized.
4. Any accessory buildings shall be painted or otherwise visually treated to blend with the surroundings.
5. A structure shall be non-reflective in all areas possible to blend with the surroundings.

F. **Fencing**. Where systems are ground-mounted or located with public ROWs or easements, public access shall be restricted through the use of a fence with locked gates, non-climbable towers, or other suitable methods.

Section 20.450.050 Non-Operation

A. The project owner shall post a bond, lien contract agreement, cash deposit, or other form of surety acceptable to the Director, sufficient to allow for the removal of non-operational wind turbines.

B. Any non-operational renewable energy system, or any system not in compliance with the provisions of this chapter, shall be removed within twelve (12) months of non-operation or the owner will receive a citation by the City. Violations and abatement procedures shall comply with chapter 20.550 (Enforcement and Penalty).

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CHAPTER 20.455 TEMPORARY EVENTS

Sections:

Section 20.455.010 Purpose of Chapter
Section 20.455.020 Applicability
Section 20.455.030 Event Standards

Section 20.455.010 Purpose of Chapter

This chapter provides additional regulations for activities and uses associated with temporary events or facilities that are otherwise not regulated by this Zoning Ordinance. Specifically, this chapter is intended to allow for short-term activities that warrant individual consideration and are acceptable because of their temporary, short-term nature.

Section 20.455.020 Applicability

The provisions of this chapter shall regulate all special events and temporary land uses occurring in Zones as permitted by Table 20.455-1. The sale and display of products shall be directly related to the business located on the same property. This section shall not apply to special events, parades, processions, rallies, or block parties that shall be governed by Municipal Code Section 12.28.

A. **Exempt Activities.** The following activities, although temporary in duration and nature, shall be exempts from the standards of this chapter, and shall not require the issuance of a permit for the activity:

1. City sponsored temporary activities and events conducted at City Hall.
2. On-site construction yards in conjunction with development projects.
3. Emergency public health and safety facilities and activities.

Section 20.455.030 Event Standards

Temporary events within the City shall be permitted per the standards of Table 20.455-1.

Table 20.455-1
Temporary Event Permitting Standards

Event Type	Permit Requirement	Permitted Zones	Maximum Event Time
Parking Lot Sales	Director issues Temporary Use Permit	C & L-I, I	28 days per calendar year; 3 days in any given month
Outdoor Farmer's Market	Director's Permit (DP); permit renewal required yearly	C & L-I	Time limit, duration, and frequency established by DP
Other Temporary and Seasonal Uses	Director's Permit (DP); permit renewal required seasonally	All Zones	Time limit established by DP

A. **Parking Lot Sales**.

1. Purpose. Parking lot sales (PLS) allow furniture/home improvement oriented businesses within the State Route 78 corridor, large box retailers, and shopping centers as a whole the opportunity to have promotional outdoor sales events on a periodic basis. This may also extend to events sponsored by multiple commercial artists that occupy multitenant industrial complexes in the City. Within the commercial and light industrial Zones, the PLS is limited to primary tenants of multitenant centers, retail businesses along the State Route 78 corridor fronting Los Vallecitos and stand alone retail establishments.
2. Application Required. An application for a Temporary Use Permit for a PLS shall be submitted at least fifteen (15) business days prior to commencement of the PLS and shall be accompanied by the property owner's written approval. If use of a parking area is intended, a site plan showing parking and fire lanes shall be submitted to determine that any use of the parking area does not exceed twenty percent (20%) of the required parking area for the sponsored use. The site plan shall indicate the area proposed for the parking lot sale, including any area for installation or storage of all equipment. Parking lot sales are not permitted in or on parking structures.
3. Standards. Parking lot sales are permitted to occupy parking lot spaces, however, shall not be located within the public ROW or required setbacks unless specified within the Temporary Use Permit as an approval condition.

   Additionally, sale racks, displays, stands, and booths shall be as follows:

   a. Directly related to the business(es) located on the same property.
   b. Located no farther than thirty (30) feet from the establishment being promoted and shall not exceed the confines of the business frontage, unless otherwise approved by the Director.
   c. Removed from the parking lot at the close of each business day.
   d. Located within hardscape areas. No display shall be located within the landscaping area or in a location that would be detrimental to the landscaping.
   e. Located in a manner not to impede the flow of pedestrian and vehicular traffic through the parking lot.
   f. Located in a manner not to block, hinder, or impede entrances and exits to parking lots and buildings.

B. **Outdoor Farmer's Markets.** Outdoor Farmer's Markets shall be allowed in the C and L-I Zones, subject to a DP, which shall be reviewed for renewal annually. The DP shall address the time limit, duration, and frequency of the Farmer's Market. The DP shall also include provisions for standard operation of the Farmer's Market, which include locations, security, water supply, use of tents and canopies, sanitation facilities, medical services, noise, signage, fire protection, traffic control, and permits that may include building, electrical, health, and tent.

1. General Regulations. Farmer's Markets are permitted to occupy parking lot spaces, however shall not be located within the public ROW or required setbacks unless specified within the DP as an approval condition.

Additionally, sale racks, displays, stands and booths shall be as follows:

a. Used for the sale of agricultural and horticultural products grown and/or processed within one hundred (100) miles of the City. Artisans may sell original art, craftwork, or handmade items that they created, constructed, or produced themselves within one hundred (100) miles of the City.

b. Located within hardscape areas. No display shall be located within a landscaped area or in a location that would be detrimental to landscaping.

c. Located in a manner not to block, hinder, or impede entrances and exits to parking lots and buildings.

C. **Other Temporary and Seasonal Uses.** Temporary and seasonal uses may include one (1)-day sales and other temporary seasonal sales, including Christmas tree sales lots and pumpkin patches with affiliated facilities and trucks. These uses may be permitted in all Zones through a DP.

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CHAPTER 20.460 SURFACE MINING

Sections:

Section 20.460.010 Purpose of Chapter
Section 20.460.020 Incorporation by Reference
Section 20.460.030 Applicability
Section 20.460.040 Procedures
Section 20.460.050 Standards for Reclamation
Section 20.460.060 Review Criteria and Findings
Section 20.460.070 Reapplication for Surface Mining Use Permit and Reclamation Plan
Section 20.460.080 Statement of Responsibility
Section 20.460.090 Findings for Approval
Section 20.460.100 Financial Assurances
Section 20.460.110 Performance Bond and Agreement Requirement
Section 20.460.120 Interim Management Plans
Section 20.460.130 Annual Report Requirements
Section 20.460.140 Inspections
Section 20.460.150 Review
Section 20.460.160 Violations and Penalties
Section 20.460.170 Enforcement
Section 20.460.180 Appeals
Section 20.460.190 Public Records
Section 20.460.200 Fees
Section 20.460.210 Amendments
Section 20.460.220 Liability and Responsibility of Permittee
Section 20.460.230 Successor in Interest

Section 20.460.010 Purpose of Chapter

A. This article is adopted pursuant to the California Surface Mining and Reclamation Act of 1975 (as amended), section 2710 et. seq. of the California Public Resources Code (PRC).

B. The extraction of minerals is essential to the continued economic well-being of the City and to the region, and the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment; to protect the public health, safety, and welfare; and to promote achievement of the goals and objectives of the San Marcos General Plan.

C. The purpose of this chapter is to regulate all surface mining operations authorized by this Zoning Ordinance and by the California Surface Mining and Reclamation Act of 1975 (SMARA) to ensure the following:

1. The continued mining of minerals will be permitted in a manner that will ensure that residual hazards to the public health and safety are eliminated and provide for the protection and subsequent beneficial use of mined and reclaimed land; and
2. The possible adverse effects of surface mining operations on the environment, including air pollution, impedance of groundwater movement, water quality degradation, damage to

aquatic or wildlife habitat, flooding, erosion, and sedimentation, will be prevented or minimized; and

3. The production and conservation of minerals are encouraged while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

Section 20.460.020 Incorporation by Reference

The provision of SMARA (PRC Section 2710 et seq.), PRC Section 2207, and California Code of Regulations (CCR) Section 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this chapter are more restrictive than correlative state provisions, this chapter shall prevail.

Section 20.460.030 Applicability

Except as provided in this chapter, no persons shall conduct surface mining operations unless a CUP, Reclamation Plan, and financial assurances for reclamation have first been approved by the City. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including the application of CEQA, the requirement of a CUP, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this chapter shall apply to all public and private lands within the City.

A. The provisions of this article shall apply to the incorporated areas of the City.

B. This chapter shall not apply to the following activities, subject to the above-referenced exceptions:

1. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.

2. On-site excavation and on-site earthmoving activities that are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:

a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provision of state law and locally adopted plans and ordinances, including CEQA (PRC Section 21000 et seq.).

b. The City's approval of the construction project included consideration of the on-site excavation and on-site earthmoving activities pursuant to CEQA.

c. The approved construction project is consistent with the general plan or zoning of the site.

d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that

construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

3. Prospecting and exploration for minerals of commercial value where less than 1,000 cubic yards of overburden is removed in any one (1) location of one (1) acre or less.
4. Any surface mining operation that does not involve either the removal of a total of more than 1,000 cubic yards of minerals, ores, and overburden, or involve more than one (1) acre in any one (1) location.
5. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
6. Emergency excavations or grading conducted by the Department of Water Resources, the Reclamation Board, for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.

Section 20.460.040 Procedures

A. Applications for a CUP or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Director. These applications shall be filed in accord with this chapter and procedures established by the City. The forms for Reclamation Plan application shall require, at a minimum, each of the elements required by SMARA (Sections 2772–2773) and state regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Director. As many copies of the CUP application as may be required by the Director shall be submitted to the Planning Division.

B. As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applications for a CUP for surface mining operations. For surface mining operations that are exempt from a CUP pursuant to this chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted together to the City at in a single application.

C. Applications shall include all required environmental review forms and information prescribed by the City in Title 18 of this Code.

D. Upon completion of the environmental review procedure and filing of all documents required by the City, consideration of the CUP or Reclamation Plan for the proposed or existing surface mine shall be completed pursuant to this Code at a public hearing before the Planning Commission, and pursuant to PRC Section 2774.

E. The Planning Division shall process the application(s) through environmental review pursuant to CEQA and with the provisions of the City's Environmental Guidelines. The environmental review process shall be completed and a CEQA document prepared and certified prior to initiating or in conjunction with a public review and hearing on a surface mining use permit and/or a Reclamation Plan application(s).

F. Within thirty (30) days of acceptance of an application for a CUP for surface mining operations, the Planning Division shall notify the California Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the one hundred (100)-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by FEMA, and within one (1) mile, upstream or downstream, of any state highway bridge, the Planning Division shall also notify the California Department of Transportation that the application has been received.

G. Subsequent to the appropriate environmental review, the Planning Division shall prepare a staff report with recommendations for consideration by the Planning Commission.

H. The Director shall coordinate the review of the Use Permit and Reclamation Plan applications with concerned City departments and other public agencies and shall schedule a public hearing within ninety (90) days of the completion of the environmental review process. This public hearing shall be held by the Planning Commission in accord with the provisions of chapter 20.500 (Administration) of this Zoning Ordinance, for the purpose of consideration of the issuance of a CUP for a proposed surface mining operation and Reclamation Plan approval.

I. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning Commission shall certify that the Reclamation Plan and/or financial assurance complies with the applicable requirements of state law, and submit the plan, assurance, or amendments to the California Department of Conservation for review. The Planning Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the California Department of Conservation. If a CUP is being processed concurrently with the Reclamation Plan, the Planning Commission may simultaneously also conceptually approve the CUP. However, the Planning Commission may defer action on the CUP until taking final action on the Reclamation Plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the CUP with the condition that the City shall not issue any grading permits for the mining operations until cost estimates for financial assurances have been reviewed by the California Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances. Pursuant to PRC Section 2774(d), the California Department of Conservation shall be given thirty (30) days to review and comment on the Reclamation Plan and forty-five (45) days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the California Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the state for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the state's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

J. The Planning Commission shall then take action to approve, conditionally approve, or deny the CUP and/or Reclamation Plan, and to approve the financial assurances pursuant to PRC Section 2770(d).

K. The Planning Division shall forward a copy of each approved CUP for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the California Department of Conservation.

L. By July 1 of each year, the Planning Division shall submit to the California Department of Conservation for each active or idle mining operation a copy of the CUP or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.

M. The Director of the Department of Conservation shall be notified of the filing of all permit applications.

N. All plans and specifications for the grading of the property shall be prepared or approved and signed by a registered civil engineer.

Section 20.460.050 Standards for Reclamation

A. All Reclamation Plans shall comply with the provisions of SMARA (Sections 2772 and 2773) and state regulations (CCR Sections 3500–3505). Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans, shall also comply with the requirements for reclamation performance standards (CCR Sections 3700–3713).

B. The City may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of Citywide performance standards.

C. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include the following:

1. The beginning and expected ending dates for each phase,
2. All reclamation activities required,
3. Criteria for measuring completion of specific reclamation activities, and
4. Estimated costs for completion of each phase of reclamation.

D. The Reclamation Plan shall, in addition to all other requirements, provide in designated phases for the progressive rehabilitation of the mining site land form so that, when reclamation is complete, it will contain stable slopes, be readily adaptable for alternate land uses, and free of

waste materials and scraps. The proposed mining site land form, to the extent reasonable and practical, shall be revegetated for soil stabilization, free to drainage problems, coordinated with present and anticipated future land use, and compatible the topography and general environments of surrounding properties.

Section 20.460.060 Review Criteria and Findings

The Planning Commission, and on appeal, the City Council, shall be governed by the criteria established herein and by chapter 17.32 of this Code, in reviewing and granting of a CUP and/or a Reclamation Plan. A CUP shall not be granted unless the Planning Commission determines and finds the following:

A. The proposed surface mine is consistent with the San Marcos General Plan and furthers its implementation.

B. The proposed surface mine will not impose or create a threat to the public health, safety, or welfare either during its operation or upon completion of said operation.

C. Establishment of the surface mine will not adversely affect the environment in any manner that is not mitigated satisfactorily by the Planning Commission.

D. Erosion control practices and facilities are proposed that will minimize soil erosion from the site and prevent degradation of downstream watershed.

E. The proposed surface mining operation will not be detrimental to any scenic corridor or preservation district officially designated as such by local, state, or federal agencies.

F. The site is physically suited for a surface mining operation (e.g., existing or proposed ingress and egress routes are adequate to serve the site).

G. The proposed surface mine will not damage any public or private property or interfere with any existing drainage course(s) in such a manner as to cause damage to any adjacent property or result in the deposition of debris in or on any public ROW or create a hazard to persons or property.

H. The land area on which the surface mine is proposed is not subject to geological hazards to the extent that no reasonable amount of corrective work will eliminate or significantly reduce any potential hazard to persons or property.

I. The proposed surface mining site is to be fenced and/or maintained in such a manner that no hazards are presented to the public.

J. Finished slopes must match or blend with the natural contours and undulations of surrounding land areas in accord with the provisions of the San Marcos Grading Ordinance.

K. Finish slopes that exceed ten (10) feet in vertical height shall conform to the Grading Code requirements in chapter 17.32 of this Code as revised and that are exposed to public view from or across such open areas as roads, canyons, floodplains, or similar public vantage (view) points or open spaces are adequately screened or landscaped.

L. Where the primary purpose of a surface mining (borrow pit) operation is to prepare (level) a site for future site development related to a specific use, the timing of the project in relation to development in the surrounding area should be a major consideration. When the operation is determined to be premature, it may be grounds for denial pursuant to the provision of the City Zoning Ordinance.

Section 20.460.070 Reapplication for Surface Mining Use Permit and Reclamation Plan

Any application for a surface mining use permit and Reclamation Plan that is denied by the City Council shall be revised as directed by the City Council and resubmitted within one hundred twenty (120) days of such denial. All resubmitted plans shall be accompanied by any required fee(s) unless said fee(s) is/are waived by the City Council.

Section 20.460.080 Statement of Responsibility

The person submitting a CUP for a surface mining and Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined land in accordance with the Reclamation Plan. This statement shall be kept by the Planning Division in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Division for placement in the permanent record.

Section 20.460.090 Findings for Approval

A. **Conditional Use Permit**: In addition to any findings required by this Code, CUPs for surface mining operations shall include a finding that the project complies with the provisions of SMARA and state regulations.

B. **Reclamation Plans**. For Reclamation Plans, the following findings shall be required:

1. That the Reclamation Plan complies with SMARA Sections 2772 and 2773 and any other applicable provisions.
2. That the Reclamation Plan complies with applicable requirements of state regulations (CCR Sections 3500–3505 and 3700–3713).
3. That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this chapter and the City's General Plan and any applicable resource plan or element.
4. That the Reclamation Plan has been reviewed pursuant to CEQA and the City's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.
5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.

6. That the Reclamation Plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.
7. That a written response to the California Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City's position is at variance with the recommendations and objections raised by the California Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

Section 20.460.100 Financial Assurances

A. To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the City shall require, as a condition of approval, security that will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City and the State Mining and Geology Board as specified in state regulations, and that the City reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the City of San Marcos and the California Department of Conservation.

B. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.

C. Cost estimates for the financial assurance shall be submitted to the Planning Division for review and approval prior to the operator securing financial assurances. The Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the California Department of Conservation for review. If the Department of Conservation does not comment within forty-five (45) days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The Director shall have the discretion to approve the financial assurance if it meets the requirements of this chapter, SMARA, and state regulations.

D. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered Professional Engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any

other applicable element of the approved Reclamation Plan shall be based on cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent (10%) shall be added to the cost of financial assurances.

E. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or California Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

F. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

G. The amount of financial assurances required of a surface mining operation for any one (1) year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.

H. Revision of financial assurances shall be submitted to the Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

Section 20.460.110 Performance Bond and Agreement Requirement

A. Upon a finding by the Planning Division that a supplemental guarantee for the reclamation of the mined land is necessary, and upon the determination by the Planning Commission of the cost of the reclamation of the mined land according to the Reclamation Plan, a surety bond, lien, or other security guarantee conditioned upon the faithful performance of the Reclamation Plan shall be filed with the City Engineering Department. This surety shall be executed in favor of the City of San Marcos and reviewed and revised, as necessary biannually.

B. No surface mining shall be conducted pursuant to a CUP or pursuant to vested nonconforming rights unless prior to commencement of grading, an agreement has been entered into, allowing the City to enter the property to correct any landscaping or irrigation system deficiencies, any unsafe condition, or breach or provisions of the CUP and/or Reclamation Plan. Said agreement shall be executed by the permittee, the owner of the property and by holders, except government entities, of any lien upon the property that could ripen into a fee. The permittee shall provide acceptable evidence of title showing all existing legal and equitable interests in the property. The agreement shall be recorded prior to the commencement of grading pursuant to a CUP or Reclamation Plan. Any security instrument as required by this section, shall provide that in the event suit is brought by the City and judgment recovered, the surety shall pay, in addition to the above specified sum, all costs incurred by the City in such suit, including reasonable attorney's fee.

Section 20.460.120 Interim Management Plans

A. Within ninety (90) days of a surface mining operation becoming idle, the operator shall submit to the Planning Division a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including all CUP conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Division, and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.

B. Financial assurances for idle operations shall be maintained as though the operation were active, or as otherwise approved through the idle mine's IMP.

C. Upon receipt of a complete proposed IMP, the Planning Division shall forward the IMP to the California Department of Conservation for review. The IMP shall be submitted to the Department of Conservation at least thirty (30) days prior to approval by the Planning Commission.

D. Within sixty (60) days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within sixty (60) days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the City Council.

E. The IMP may remain in effect for a period not to exceed five (5) years, at which time the Planning Commission may renew the IMP for another period not to exceed five (5) years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

Section 20.460.130 Annual Report Requirements

Surface mining operators shall forward an annual surface mining report to the California Department of Conservation and to the Planning Division on a date established by the Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the Department of Conservation within thirty (30) days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the Department of Conservation at the time of filing the annual surface mining report.

Section 20.460.140 Inspections

The Planning Division shall arrange for inspection of a surface mining operation within six (6) months of receipt of the Annual Report required in section 20.460.130 (Annual Report Requirements), to determine whether the surface mining operation is in compliance with the approved CUP and/or Reclamation Plan, approved financial assurances, and state regulations. In no event shall less than one (1) inspection be

conducted in any calendar year. These inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous twelve (12) months, or other qualified specialists, as selected by the Director by any authorized member of the Division or such other persons as may be designated by the City Council. The operator shall pay for these inspections. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The Planning Division shall notify the California Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of this inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

Section 20.460.150 Review

If the Planning Division determines that the CUP or Reclamation Plan is not continuing compliance as approved, the mining operator shall be so notified and given a reasonable time to comply, but not to exceed ninety (90) calendar days. If, at the end of this period of time, the CUP or Reclamation Plan is still not being followed and completed as approved, the Director shall set the matter for public hearing before the Planning Commission for modification or revocation of a CUP.

At the hearing, if the Planning Commission determines that the operator is not complying with the CUP or Reclamation Plan, the Planning Commission shall revoke or merely suspend the permit until the operator either complies or obtains approval of a revised CUP or Reclamation Plan. The Planning Commission shall also determine whether said Reclamation Plan must be accompanied by a security. If the Planning Commission determines that the mining operator is making reasonable effort to comply with the Reclamation Plan, an additional period of time, not exceeding ninety (90) days, may be allowed for full compliance.

Section 20.460.160 Violations and Penalties

If the Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this chapter, the applicable CUP, any required permit and/or the Reclamation Plan, the City shall follow the procedures set forth in PRC Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provision of this Code for revocation and/or abandonment of a CUP that are not preempted by SMARA.

Section 20.460.170 Enforcement

A. The provisions of this article shall be enforced by any authorized member of the Planning Division of the City or such other persons as may be designated by the City Council.

B. A violation of any provision of this article shall be deemed a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars ($500), imprisonment not to exceed six (6) months, or both, each day of violation being deemed to be a separate offense.

Section 20.460.180 Appeals

Any person aggrieved by an act or determination of the Planning Commission in the exercise of the authority granted herein shall have the right to appeal to the City Council pursuant to the procedures set forth in City Zoning code, chapter 20.545 (Appeals and Revocations) of this Zoning Ordinance. Any appeal must be made within ten (10) days after the rendition, in writing, of the decision.

Section 20.460.190 Public Records

Reclamation plans, reports, applications, and other documents submitted pursuant to this article are public records unless it can be demonstrated to the satisfaction of the City that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The City shall identify such proprietary information as a separate part of each application. A copy of all permits, Reclamation Plans, reports, applications and other documents submitted pursuant to this article, including proprietary information, shall be furnished to the Director of the Department of Conservation by the City of San Marcos. Proprietary information shall be made available to persons other than the Director only when authorized by the mine operator and by the mine owner in accordance with PRC Section 2778.

Section 20.460.200 Fees

The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this chapter and the state regulations, including processing of applications, annual reports, inspections, monitoring, enforcement, and compliance. Such fees shall be paid by the operator, as required by the City at the time of filing of the CUP application, Reclamation Plan application, and at such other times as are determined by the City to be appropriate in order to ensure that all reasonable costs of implementing this chapter are borne by the mining operator.

Section 20.460.210 Amendments

A. An approved surface mining use permit and/or Reclamation Plan, or any condition thereof, may be revised, amended or modified in the same manner as provided in this article for a new application.

B. Minor amendments to the Reclamation Plan may be approved by the Director where the Director determines that

1. the change is minor in accord with the provisions of the chapter 20.530 (Amendments) of this Zoning Ordinance;
2. will not result in a substantial change in the finished appearance of the mining site land form;
3. will not increase the impact on adjacent property; and
4. the change is consistent with the intent of this article and the State Surface Mining and Reclamation Act.

Section 20.460.220 Liability and Responsibility of Permittee

Neither the issuance of a CUP or Reclamation Plan, nor the compliance with any provisions or condition thereof, shall relieve any person from any liability or responsibility resulting from grading operation as specified elsewhere in this Code.

Section 20.460.230 Successor in Interest

Whenever any surface mining operation or portion of an operation subject to this article is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of any Reclamation Plan approved pursuant to the provisions of this article.

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CHAPTER 20.465 WIRELESS TELECOMMUNICATIONS FACILITIES

Sections:

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Section 20.465.150 Obligation to Comply with Chapter
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Section 20.465.170 Enforcement
Section 20.465.180 Definitions

Section 20.465.010 Purpose of Chapter

The purpose of this chapter is to provide a uniform and comprehensive set of procedures and standards for the development, siting, installation, and removal of Wireless Telecommunications Facilities, Amateur Radio Facilities, and Over-the-Air Receiving Devices. More specifically, the purpose of this chapter is as follows:

A. Provide for the managed development and installation, maintenance, modification, and removal of wireless telecommunications infrastructure in the City with the fewest number of Wireless Telecommunications Facilities to complete a network without unreasonably discriminating against wireless telecommunications providers of functionally equivalent services including all of those who install, maintain, operate, and remove Wireless Telecommunications Facilities. **(Ord. No. 2014-1398, 8/12/2014)**

B. Promote and protect the public health, safety, and welfare by reducing the visibility of telecommunications facilities to the fullest extent possible through techniques including but not limited to camouflaging and underground of wireless facilities and the equipment associated therewith.

C. Encourage the deployment of smaller, less intrusive wireless facilities to supplement existing larger wireless facilities. **(Ord. No. 2014-1398, 8/12/2014)**

D. Reduce, if not eliminate, the impacts of telecommunications facilities on City residents and the traveling public, which includes encouraging the location of Wireless Telecommunications Facilities outside of residential and agricultural areas in the City.

E. Effectively manage Wireless Telecommunications Facilities in the public right-of-way.

F. Manage Amateur Radio Facilities and Over-the-Air Receiving Devices in the City.

G. Comply with applicable state and federal laws.

H. Grant no additional rights or entitlements to Wireless Telecommunications Facilities providers or operators to construct, maintain, modify, or remove Wireless Telecommunications Facilities, other than those rights or entitlements existing under applicable state or federal law.

Section 20.465.020 Applicability

The provisions of this chapter are applicable to all proposed antennas and Wireless Telecommunications Facilities and modifications as follows:

A. All Wireless Telecommunications Facilities permit applications received by the City after the Effective Date of this Chapter as defined in 20.465.180 must comply with the regulations and guidelines of this Chapter.

B. All Wireless Telecommunications Facilities that have been previously approved, but are now or hereafter expanded, modified by the replacement of materially different and/or removal of Wireless Telecommunications Facility equipment, or when one or more new bands of service are activated.

C. This Chapter does not apply to:

1. The City of San Marcos

2. Amateur radios licensed by the Federal Communications Commission ("FCC"), except as provided for in 20.465.130.

3. Except as provided for in 20.465.130, Over-the-Air-Receiving Devices, as defined in 20.645.180

Section 20.465.030 Permit Requirement for all Wireless Telecommunications Facilities

The provisions of this chapter apply to all public and private utilities and service providers, and to wireless telecommunication facilities of any kind located within the City. No Wireless Telecommunications Facility shall be installed, expanded, modified by the installation, change, or removal of antennas; or new bands of service activated until and unless the applicant/operator has obtained the applicable City permits.

A. **Administrative Wireless Telecommunications Facility Permit.** All proposed facilities within the preferred zones/locations as set forth in section 20.465.050.A, which meet the design requirements, may be processed through an administrative Wireless Telecommunications Facility permit. The application and all submittal materials identified in 20.465.060 (Application Content for All Wireless Telecommunications Facilities) are to be submitted to the Planning Division for processing. The Director must provide ten (10) days written notice of the decision.

B. **Conditional Use Permit**. All proposed Wireless Telecommunications Facilities located within the discouraged locations are subject to a Conditional Use Permit in accordance with this chapter provisions and San Marcos Municipal Code (SMMC) Chapter 20.520. In addition, a public workshop will be required for all proposed Wireless Telecommunications Facilities located within residential and agricultural zones.

1. Wireless Telecommunications Facilities are permitted in a discouraged location as delineated in section 20.465.050.B only if an applicant obtains a Conditional Use Permit following a public hearing with the Planning Commission and the applicant provides technically sufficient and conclusive proof that the proposed location is necessary to close a significant gap in the carrier's network coverage and there are no less intrusive alternative means to close that significant gap.

2. The Planning Commission must take into consideration the following factors:

    a. Compliance with this Chapter
    b. Height and setbacks
    c. Proximity to residential uses
    d. The nature of uses on adjacent and nearby properties
    e. Surrounding topography and landscaping
    f. Quality and compatibility of design and screening
    g. Impacts on public views and the visual quality of the surrounding area
    h. Availability of other facilities and buildings for collocation

Section 20.465.040 General Regulations for Wireless Telecommunications Facilities

The following regulations must serve as the general guidelines while reviewing proposed applications for Wireless Telecommunications Facilities locating within the City.

A. **Encourage the use of existing structures rather than introducing new structures:** The Wireless Telecommunications Facilities are encouraged to be effectively camouflaged into the existing structure when Federal requirements can be met. Wireless Telecommunications Facilities are encouraged to be designed to be in scale with surrounding building and tree heights.

B. **Height and visibility to the public**. Wireless Telecommunications Facilities are subject to the height specification of the respective zone or higher as approved by the Planning Commission. The height of the proposed Wireless Telecommunications Facility must be designed to be the shortest minimum height technically feasible, and the facility must be placed in a location least visible to the public and least disruptive to the appearance of the host property. If the proposed Wireless Telecommunications Facility exceeds the underlying zone's maximum height, this information and supporting documentation justifying the proposed height must be submitted with the application, as well as the same supporting documentation with the proposed Wireless

Telecommunications Facility constructed to the underlying zone's maximum height. Where applicable, landscaping (such as dense tree growth) or other measures to minimize visual impacts to screen the Wireless Telecommunications Facility must be incorporated into the Wireless Telecommunications Facility design. **(Ord. No. 2014-1398, 8/12/2014)**

C. **Prohibited Designs:**

1. Non-camouflaged Wireless Telecommunications Facilities are prohibited in every zone, except as provided in 20.465.050.A. **(Ord. No. 2014-1398, 8/12/14)**
2. Non-camouflaged Wireless Telecommunications Facilities include bare metal monopoles; lattice tower; guyed towers; 'lollipop' mounts; and any other design that does not result in effective camouflage of the wireless communications facilities.
3. Exempted from the prohibition in Subsection D(1) are:
   i. Wireless Telecommunications Facilities constructed on San Diego Gas and Electric high voltage power transmission towers; and the existing wireless telecommunications tower located in Double Peak Regional Park on County owned land;
   ii. Wireless Telecommunications Facilities constructed on preexisting wood utility poles that are shared by two or more utilities (e.g., telephone and power; power and cable TV; etc.) that are located in the public right-of-way.

D. **Siting requirements and guidelines:**

1. The proliferation of Wireless Telecommunications Facilities or publicly visible elements thereof that create or compound undesirable visual impacts on the community must be avoided. Collocation and/or clustering with existing or other planned Wireless Telecommunications Facilities is preferred whenever feasible. The maximum number of Wireless Telecommunications Facilities identified below include any combination of collocated and/or stand alone facilities. Within Residential and Agricultural zones and areas, the following provisions apply:

Parcel Size	
Less than 1.0 acre	A WTF should not be located on a parcel this size
Between 1.0 – 5.0 acres	No more than one (1) WTF
Between 5.1 – 10.0 acres	No more than two (2) WTFs
Greater than 10.1 acres	No more than three (3) WTFs

The limitation of the number of Wireless Telecommunications Facilities identified in this Subsection may be modified if the applicant provides technically sufficient and conclusive proof that (a) a significant gap in the provider's service exists, and (b) the proposed Wireless Telecommunication Facility is necessary to close a significant gap in the carrier's network coverage and there are no less intrusive alternative means to close that significant gap, and (c) no feasible alternative exists to close that significant gap by the installation of one or more Wireless Telecommunications Facility sites in areas of the City enumerated in 20.465.050.A, and/or by the installation of facilities such as Compact Cell facilities such as are typically located in the public right-of-way).

2. Setbacks. Wireless Telecommunications Facilities must comply with the following setbacks, measured from the property line of the subject property. For freestanding facilities, the setback must be measured from the part of the wireless telecommunications tower that is closest to the property line. For example, the setback for a faux tree facility would be measured from the end of the branch that is closest to the neighboring property.
   i. Residential Zones/Areas: Comply with the respective residential zone setback, except any freestanding Wireless Telecommunications tower located adjacent to a residential zone/area must be setback from the nearest residential property line equal to one hundred ten percent (110%) of the height of the wireless tower, or defined setback, whichever is greater;
   ii. Agricultural Zones/Areas: A minimum of 100' from property line or one hundred ten percent (110%) of the height of the Wireless Telecommunications tower, whichever is greater;
   iii. All other zones: Comply with respective zone setbacks. **(Ord. No. 2014-1398, 8/12/14)**

3. No net loss in required parking spaces shall occur as a result of the installation, maintenance and/or expansion of a Wireless Telecommunications Facility.

E. **Noise**. Noise levels generated by a Wireless Telecommunications Facility must comply with noise standards of the underlying zone, as defined in 20.300.070. Appropriate siting and building measures must be incorporated in to the Wireless Telecommunications Facility design to comply with the City's noise standards. The Director may require an acoustical study if determined necessary based on the proposed design of the Wireless Telecommunications Facility.

F. **Legal Access is Required:** In all applications for Wireless Telecommunications Facilities on public and private property, an applicant/operator must warrant and represent that it has the written agreement of the applicant and the owner of the property which is the subject of the application for legal access to and from the Wireless Telecommunications Facility and the applicant/operator must also warrant and represent that it will have legal access to the utilities necessary to operate and maintain the Wireless Telecommunications Facility. **(Ord. No. 2014-1398, 8/12/14)**

Section 20.465.050 Location Criteria for Wireless Telecommunications Facilities

The following criteria will be utilized by the City to determine the type of wireless telecommunications facility permit that is required for a proposed wireless telecommunications facility.

A. **Preferred Locations.** Wireless Telecommunication Facilities are encouraged to locate on existing buildings and structures due to aesthetics and land use compatibility. Proposed Wireless Telecommunications Facilities should be located in the following zones and areas that are the most appropriate location, which are listed in order of preference:

1. Collocation to existing facilities located in non-residential (and non-agricultural) zones
2. City owned or operated property and facilities
3. Public Institution Zone (includes park facilities)
4. Public right-of-way (camouflaged design) – All Zones
5. Public right-of-way (non-camouflaged design) – All Zones

6. Public and private utility installations (such as water tanks, existing communication tower near Double Peak Regional Park, etc., that are not accessible to the public)
7. Industrial Zones and Business Park Zone (Wireless Telecommunications Facilities are limited to developed sites/parcels in the Transitional Zones)
8. Commercial Zones (except the Senior Residential zone)
9. Specific Plan Areas that include land use regulations for Wireless Telecommunications Facilities, which regulations shall be applied to applications for proposed Wireless Telecommunications Facilities
10. Mixed Use Zones
11. Community facilities in residential zones and areas (such as places of worship, community centers, etc)
12. Developed major multi-carrier sites
13. High voltage transmission towers
14. Open Space Zones

B. **Discouraged Locations.** New Wireless Telecommunication Facilities must not be located in any of the following zones or areas unless the applicant demonstrates by technically sufficient and conclusive proof that (a) a significant gap in the provider's service exists, and (b) that the proposed Wireless Telecommunications Facility is the least intrusive means visually to close the significant gap, and (c) no feasible alternative exists to close the significant gap by the installation of one or more Wireless Telecommunications Facility sites in areas of the City not enumerated below, and/or by the installation of facilities such as Compact Cell facilities that are typically located in the public right-of-way.

1. Residential and Agricultural zones and areas, including Residential Manufactured Home Park zone (except as noted in 20.465.050A (preferred locations))
2. Within any nonresidential zone on a site that contains a legally established residential use
3. Senior-Residential Zone
4. Ridgeline Protection and Management Overlay Zone
5. Vacant land
6. Environmentally sensitive habitat
7. All other areas of the City not described in Subsection A or B.

C. If a proposed Wireless Telecommunications Facility site appears in both the preferred and discouraged location categories set forth in 29.465.050.A and 20.465.050.B, above, it shall be processed as a discouraged location subject to 20.465.050.B. **(Ord. No. 2014-1398, 8/12/14)**

Section 20.465.060 Application Content for All Wireless Telecommunication Facilities

A. Applicant must submit three (3) sets of documentation accompanying its application to the Planning Division in paper printed format, and a copy of the same in electronic format (unlocked and searchable Adobe PDF files or other formats as may be authorized by the City). When Wireless Telecommunication Facilities are subject to a Conditional Use Permit, all of the following items must be submitted in addition to the standard CUP submittal requirements. The Planning Director may waive any of the following or may require the submittal of additional information based on specific project factors.

1. Written documentation demonstrating a diligent and good faith effort to locate the Wireless Telecommunications Facility in the least intrusive location in accordance with

20.465.050.A (Preferred Locations). The coverage objectives and reasons for selecting the proposed site and the reasons other preferred sites including, but not limited to Compact Cell facilities within the public right-of-way, were not technically or legally feasible must be included. **(Ord. No. 2014-1398, 8/12/14)**

2. A description of the site selection process for the proposed Wireless Telecommunications Facility. Coverage objectives and the reasons for selecting the proposed site and the reason why other sites were rejected should be included. A description of the proposed wireless system and its consumer features must be included (i.e., cellular or PCS; voice, video, data transmissions, etc).
3. Site plan and elevations, drawn to scale
4. Geographic Service Area map that shows the location and description of the proposed facility in relation to all of the applicant's existing and potential facilities maintained by the operator in the City and if the proposed Wireless Telecommunications Facility is near the City boundary, within half (1/2) mile of the City boundary in the network associated with the gap the Wireless Telecommunications Facility is meant to close.
5. Visual Impact Analysis with existing before photographs and after scaled color visual simulations showing the maximum silhouette, view shed analysis, color and finish palette and proposed screening. The analysis must include photo simulations and other information of the site and surroundings necessary to determine the visual impact of the proposed facility. The simulations should demonstrate what the project would look like at its proposed location and from surrounding viewpoints, as such viewpoints are determined by the Planning Director. A map depicting where the photos were taken must be included. At his discretion, the Director may require an on-site mock-up for what are perceived by Director to be potentially highly visible or sensitive sites to adequately assess the potential visual impact of the proposed facility**.**
6. Photograph of the actual facility type being proposed (i.e., photograph of an existing facility that represents the Wireless Telecommunications Facility type being proposed).
7. Federal Communications Commission (FCC) compliance report. The report must provide a theoretical assessment of compliance with all applicable Federal Communications Commission radio frequency (RF) guidelines, incorporating all maximum permissible exposure limits. The report must also include a cumulative analysis of all the wireless telecommunications located on and/or adjacent to the project site, identifying total exposure from all facilities and demonstrating compliance with all FCC guidelines. The qualifications of the person who prepared the required FCC compliance report must also be submitted and must include such information as education and professional qualifications, experience preparing studies, history demonstrating compliance with FCC guidelines, etc.
8. Identify proposed height of the Wireless Telecommunications Facility. Evidence must be submitted that demonstrates the proposed facility has been designed to the minimum height required from a technological standpoint for the proposed site. The provider must also submit evidence, as applicable, if facility designed at a lower height combined with multiple sites can accomplish network coverage.
9. Noise Information. Information submitted with the Initial Study must include manufacturer's specifications for all noise producing equipment (including without limitation air conditioning units and back-up generators whether permanent or temporary) as well as a depiction of the proposed equipment location in relation to the property lines. **(Ord. No. 2014-1398, 8/12/14)**
10. Maintenance Plan. The anticipated maintenance and monitoring program for the proposed antennas, equipment, and landscaping must be described. If required by the Director, the applicant, at its own cost and expense, must have such plans prepared,

reviewed, and/or certified by a California Licensed Landscape Architect or arborist, as determined by the Director.

11. Conceptual landscape plan. Plan must identify all proposed landscaping, screening and irrigation. Plan must describe and depict how the materials will screen the site once fully grown. Plans must be prepared by a California Licensed Landscape Architect and must include new and existing plants and trees on site, size, and species (common and botanical name). Plans must also identify any proposed plant and tree removal.
12. Plans must identify the lease area of the proposed facility and legal access. Applicant must submit documentation that it will have legal access to the subject parcel.
13. A statement signed by the person with legal authority to bind the applicant attesting under penalty of perjury to the accuracy of the information provided in the application.
14. A written statement of the applicant's willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible and aesthetically desirable.
15. If the site is not in a preferred location (section 20.465.050.A) or is in an area that is discouraged by 20.465.050B, the applicant must provide evidence that no location in a preferred zone or location can accommodate the applicant's proposed facility. Clear and convincing evidence must be in the form of a map of the geographic area and a discussion of sites within the preferred locations that could potentially serve the same area as the proposed site, and the reason(s) each such preferred location site was not technologically or legally feasible.
16. Deposit fees for Independent Expert Consultant Review selected by the City will be required for all wireless telecommunication facilities. The cost of the review must be paid by the applicant through a deposit at the time of application submittal. The Director shall determine the deposit amount estimated to cover the full cost of the independent review, including, but not limited to, evaluation of information submitted by the applicant to ensure compliance with land use, legal compliance, and technical requirements of this chapter as well as attendance at any meetings or hearings determined necessary by the Director. Expert consultant costs are independent of the processing fees for a Wireless Telecommunications Facility permit or a Conditional Use Permit. The applicant must pay all fees incurred for the City's expert consultant services prior to the public hearing or administrative decision, whichever is applicable to the application process. **(Ord. No. 2014-1398, 8/12/14)**
17. All provisions of Chapter 20.505 (Noticing and Public Hearings) are applicable to applications processed under this Chapter. In the event the site of the proposed Wireless Telecommunications Facility is not visible from the public right-of-way, the applicant must install, at its cost and expense, a "Notice of Permit Application" sign within the public right-of-way in a visible location to be determined by the Director. Location of the off-site sign shall be within the public notice radius for the application.

B. All Wireless Telecommunications Facility permit applications are subject to a presubmittal meeting with the Planning Division.

C. Within thirty (30) days following the Effective Date of this Chapter, the Director shall develop a standardized application for use thereafter by Wireless Telecommunications Facilities applicants. The initial application form shall contain at a minimum the information described in Subsection A, above. From time to time thereafter the Director, without further authorization from the City Council, may modify the application form to respond to changes in law or technology.

Section 20.465.070 Design and Development Standards

The following design and development standards are applicable to all Wireless Telecommunications Facilities and will be considered by the City while reviewing proposed Wireless Telecommunications Facility applications.

A. Design and Development Standards for all facilities.

1. All facilities must be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, landscaping with native species (whenever feasible), and camouflage, and to be compatible with and integrated into existing architectural elements, building materials and other site characteristics. The applicant must use the least visible and physically smallest antennas possible to accomplish the coverage objectives. Such techniques must be incorporated to make the installation, operation and appearance of the Wireless Telecommunications Facility visually inconspicuous, to prevent the Wireless Telecommunications Facility from dominating the surrounding area, and to hide the installation from predominant vies from surrounding properties.
2. All facilities must be designed to include camouflage design techniques except as provided in 20.465.050.A to visually and operationally blend into the surrounding area in a manner consistent with community character and existing development. The Wireless Telecommunications Facility must also be designed to be appropriate for the specific site (i.e., it should not stand out unduly from its surrounding environment, such as a faux tree standing alone in a field or standing at greater height [five feet or more] than other trees on the site). **(Ord. No. 2014-1398, 8/12/14)**
3. Creative and artistic designs, and the smallest size for the Wireless Telecommunications Facility are preferred to achieve the least visual impact on the community. **(Ord. No. 2014-1398, 8/12/14)**
4. All antenna components and accessory wireless equipment must be treated with exterior coatings of a color and texture to match the predominant visual background and/or existing architectural elements so as to visually blend in with the surrounding development. Subdued colors and non-reflective materials that blend with surrounding materials and colors must be used.
5. No signs, striping, graphics, or other attention getting devices are permitted on a Wireless Telecommunications Facility or ancillary facilities except for warning and safety signage with a surface area of no more than three (3) square feet per sign. Such signage must be affixed to a fence or ancillary facility and the number of signs is limited to no more than two unless a greater number is required by law.
6. Each Wireless Telecommunications Facility must be identified by a permanently installed plaque or marker (no larger than four [4] inches by six [6] inches) clearly identifying the addresses, email contact information, and 24-hour local or toll-free contact telephone numbers for both the permittee and the agent responsible for the maintenance of the wireless telecommunications facility. The contact information must be maintained with current contact information specified above.
7. In cases where the Wireless Telecommunications Facility is located in a City park, the wireless telecommunications facility must be designed and located in such a manner as to avoid adverse visual impacts. Such locations must use design techniques such as but not limited to, type of facility, camouflaging, screening, and landscaping.
8. All base station equipment must be enclosed so as not to be visible to the public. Barbed wire fencing and/or razor wire is prohibited.

9. Security Lighting. Security lighting must be kept to a minimum and must only be triggered by a motion detector.
10. Aircraft Beacon Lighting. Beacon lighting is prohibited unless required by the FCC or Federal Aviation Administration (FAA). Beacon lighting must be included when measuring the total height of the antenna. Beacon lighting must employ effective designs and equipment to reduce to the maximum extent possible downward light leakage while still complying with FCC or FAA requirements.
11. The installation of any Wireless Telecommunications Facility and/or related equipment must not create or cause a violation of the Americans With Disabilities Act, and must be compliant with all applicable building and electrical codes as well as the latest iteration of tower safety code, the terms and provisions of which are incorporated herein by reference. Cabinets and other equipment must not impair pedestrian use of sidewalks, pedestrian pathways, nor inhibit equestrian of pedestrian activities on public or private trail systems and must be screened from the sidewalk by landscaping, undergrounding or other means excluding walls and fences.
12. Proposed facilities located in the Ridgeline Protection and Management Overlay zone are subject to the provisions of the Ridgeline Protection and Management Overlay Zone. No facility that is proposed in the Overlay zone shall be approved unless the wireless telecommunications facility blends with the surrounding existing and man-made environment to the maximum extent possible and a finding is made that no other location is technically or legally feasible.

B. Building and Structure Mounted Facilities:

1. Screening materials must match in color, size, proportion style, and quality with the exterior design and architectural character of the building or structure and the surrounding visual environment.
2. Facility components, including all antenna panels, may be mounted either inside the building or structure, or behind the proposed screening elements of the building or structure. Antennas may be required to be located entirely within an existing or newly created architectural feature so as to be completely screened from view.
3. Antennas and associated facilities mounted to a building must not be visible.
4. Roof mounted antennas must be constructed at the minimum height possible to serve the operator's service area and must be set back as far from the edge of the building as possible or otherwise screened to minimize their visibility. Existing visual obstructions or clutter on the roof or along the roof line should, in a commercially practical matter, be removed or screened (such as with a parapet or other architectural feature that serves as a rooftop screen) as a precursor to the new wireless installation.
5. When required by the City, antenna panels must be located and arranged on the building or structure so as to camouflage the appearance of the equipment.
6. If permitted, Wireless Telecommunications Facilities proposed on residential buildings must only be allowed if effectively disguised as a typical and appropriately sized residential feature (i.e., a chimney, a dormer, etc).

C. Ground Mounted Camouflaged Monopoles:

1. Camouflaged monopole installations (e.g., faux trees; faux windmills; faux water tanks, etc.) must be designed and situated so as to utilize existing natural or man-made features including topography, vegetation, buildings, or other structures to provide the greatest amount of visual screening.

2. The camouflage design techniques must result in an installation that either will naturally blend in with the predominant visual backdrop or will disguise the Wireless Telecommunications Facility. If this is accomplished with landscaping, the applicant must develop a landscape and irrigation plan, as well as a maintenance plan for maintaining the required landscaping for so as long as the Wireless Telecommunications Facility exists.
3. Antennas and all equipment related to and installed near the antennas must be mounted as close as possible to the camouflaged monopole so as to improve the overall facility appearance, including for example only being enclosed within the branch canopy of a faux tree and using antenna covers to blend into the faux tree design, or enclosed within the faux windmill or faux water tank.

D. Miscellaneous Facilities:

1. Designs that mimic natural elements and that are natural in appearance are encouraged and should incorporate natural colors applied in a natural looking way; inclusion of related forms and textures as they would normally be found in nature; and antenna or facility elements form in, clad by, or screened by natural looking features should be encouraged.
2. A monorock and/or monoshrub will be properly screened only if it is located in a setting that is compatible with the proposed screening method. For a monoshrub, other vegetation comparable to that replicated in the proposed screen must be prevalent in the immediate vicinity of the Wireless Telecommunications Facility site and the addition of new comparable living vegetation maybe necessary to enhance the monoshrub screening. For a monorock, the proposed screen must match in scale and color other rock outcroppings in the general vicinity of the proposed site. A monorock screen may not be considered appropriate in areas that do not already have appropriately-sized natural rock outcroppings.

E. Public Right-of-Way Installations:

1. Location: Facilities must be designed to be as visually unobtrusive as possible and to minimize above-grade physical installations in the right-of-way. All antennas, mast arms, equipment, and other facilities must be sized to minimize visual clutter. Facilities must be sited to avoid or minimize the negative aesthetic impacts to the right-of-way. Antenna installations on traffic signal standards must be placed in a manner so that the size, appearance, and function of the signal will not be considerable altered. To accomplish this goal, all Wireless Telecommunications Facilities must be designed with the intent of locating and designing such facilities in the following manner and order of preference (listed in order of preference):
    a. Antennas
        i. On an existing utility pole;
        ii. On an existing street light or traffic signal standard;
        iii. On a new light-standard type utility pole or replacement street light pole.
    b. Equipment
        i. Within a flush-to grade underground equipment vault;
        ii. In an existing ground-mounted (grade level) equipment cabinet, with no expansion or additional cabinets to be added;
        iii. Mounted on the subject pole;

iv. Within a new equipment enclosure mounted at grade, however, this is strongly discouraged. Therefore, if the applicant proposes to mount new equipment at grade, a written explanation must be provided describing why no preferred mounting options are feasible.

c. Location:

i. Within the public right-of-way which does not require the removal of existing trees, narrowing of sidewalks, reduction in the size of any landscape planters, and does not require any modifications to the existing location of any infrastructure within the public right-of-way;

ii. Within the a landscaped public right-of-way area which requires only minor alterations to the landscaping and/or infrastructure;

iii. Wireless Telecommunications Facilities (including antennas, equipment and related infrastructure) are prohibited in all center street medians, except when the City determines such installation will be the least intrusive means to provide coverage and the City determines sufficient space is available for such installation.

2. No new Wireless Telecommunication Facility may be installed in a public right-of-way where there are no overhead utility facilities unless the California Public Utilities Commission has authorized the applicant to install such facilities and then only if the applicant demonstrates by technically sufficient and conclusive proof that a new pole is the only means to provide coverage.

3. For Wireless Telecommunications Facilities proposed within the public right-of-way, the applicant must obtain and comply with encroachment permit and right-of-way permit from the City's Engineering Division of the Public Works Department, and pay all deposits and fees associated with all required permits. All requirements of this Chapter apply to Wireless Telecommunications Facilities proposed for location in the public right-of-way. Additionally, the installation of Wireless Telecommunications Facilities in the public right-of-way shall be subject to and consistent with California Public Utilities Code §§ 7901 and 7901.1.

4. Every Wireless Telecommunications Facility to be mounted in whole or in part on City owned streetlights, traffic signals, or any other City owned structures require a written License Agreement executed by the City Manager and approved in form by the City Attorney. The City's approval of Wireless Telecommunications Facilities on City owned structures is discretionary and proprietary in nature, and may be denied by the City for any or no reason.

5. No part of a Wireless Telecommunications Facility shall alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. The Wireless Telecommunication Facility must comply with the Americans With Disabilities Act and every other local, state, and federal law and regulation. No permittee may locate or maintain a Wireless Telecommunications Facility in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other persons authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic; any interference with public utilities; and any other activity that will present a hazard to public health, safety, or welfare.

6. Wireless Telecommunications Facilities must be located underground to the fullest extent possible. Underground vaults and vault covers must be rated for vehicular loading and employ flush-to-grade access portals.
7. Wireless telecommunications facility antennas must be attached to existing or replacement poles (such as a street light pole, traffic signal standards, or public-utility pole) or other vertical structures already located in the right-of-way. The installation of new poles or vertical structures will be permitted only if the applicant demonstrates by technically sufficient and conclusive proof that a new pole is the only means to provide coverage. For proposed new street light or utility pole installations, the design of the utility pole or street light must be consistent with other utility poles or street lights in the same neighborhood to the maximum extent possible and must be located in such a manner to minimize potential visual and compatibility impacts with adjacent residential properties. All antennas and related equipment, where feasible, must be screened behind a cylindrical screening device and all must be painted or finished to match the pole. A street light or public utility pole installed to replace a pre-existing pole in the same location will be considered a new installation if the replacement pole has a larger diameter or taller than the pole it replaces). The location of new facilities should be avoided along the front yard or residential properties, to the greatest extent possible.
8. Equipment located above the surface grade in the right-of-way, including, but not limited to, that on streetlight or traffic signal standards must consist of small equipment components that are compatible in structure, scale, function, and proportion to the street lights and traffic signals on which they are mounted. Equipment must be painted or otherwise finished to be visually compatible with lighting and signal equipment.
9. Under no circumstances will the City be required to approve the installation of more than one (1) wireless telecommunications facility on any single street light, traffic signal, or any City owned structure unless the City in its sole discretion deems it technically and aesthetically feasible, to do so.
10. Under no circumstances will the City be required to extend City facilities upon which telecommunications facilities may be located including, without limitation, street lights, to areas where they currently do not exist. Such facilities shall be extended into areas where they currently do not exist only if the City in its sole discretion approves of such expansion and the applicant pays the full cost of the construction, installation, and ongoing maintenance, replacement, and operation (including electricity costs) of such extended facilities. In addition to the foregoing, to the extent that existing facilities upon which telecommunications facilities can be located must be modified or retrofitted to accommodate a Wireless Telecommunications Facility, such modification or retrofit must be made at the applicant's sole cost and expense. Additionally, the primary purpose or use of any such replacement pole, structure, or facilities must remain as the primary function for which they were initially constructed, and the installation of any Wireless Telecommunications Facility thereon must be a secondary use or purpose.
11. Height:
    a. For proposed antennas on existing street lights or traffic signal standards, the antenna height cannot exceed the height of the existing street light or traffic standard more than four (4) feet.
    b. Wireless Telecommunication Facilities proposed as new streetlights or utility poles must match the height and design of existing streetlights and/or utility poles in the same neighborhood.
    c. All equipment located above any sidewalk or pedestrian or bicycle path must have a minimum vertical clearance of eight (8) feet or greater as required under CPUC General Order 95.

d. Multiple street light poles may be necessary to obtain the desired coverage.

12.

13. Appropriate separation must be provided between existing utility poles and new Wireless Telecommunications Facilities to avoid visual clutter and to maintain the existing community character of the surrounding neighborhood.

14. Proposed wireless telecommunications facility antennas must be vertically mounted to the pole as close as technically feasible. Proposed collocated antennas on an existing Wireless Telecommunications Facility must use similar screening methods and camouflage techniques and be mounted in the same manner as the approved or existing Wireless Telecommunications Facility.

15. Panel antennas must be mounted to the pole or to an antenna mount and must not extend more than six (6) inches from the pole in any direction. For existing wood utility poles, a horizontal antenna mount cannot extend more than five (5) feet horizontally from the pole, except where greater extension is required to comply with health and safety regulations.

16. Antennas and associated equipment must, at the City's option, either be enclosed in a radome camouflage enclosure or painted and textured to match the color and material of the surface of the pole which they are attached.

17. No more than four (4) panel antennas or two omni-directional (whip antennas) may be mounted on any utility pole or structure.

18. Proposed facilities must be located and designed for co-location to the maximum extent feasible. There shall be no more than two (2) collocated facilities located on any utility pole, street light, or traffic signal.

19. No faux or otherwise nonfunctioning street lights, decorative elements, signs, clock towers, or artificial trees or shrubs or other nonfunctioning screening elements made to resemble other objects will be permitted in the public right-of-way. **(Ord. No. 2014-1398, 8/12/14)**

F. Equipment Enclosures:

1. Base Station Equipment Location. All base station equipment must be located in the following manner and order of preference (listed in order of preference):
   a. Underground if feasible;
   b. Within an existing building whenever feasible;
   c. Within a new building;
   d. Within a solid-walled enclosure.
2. Height and Camouflage Design of Equipment Enclosures:
   a. Enclosures may not exceed ten (10) feet in height as measured from the base of the foundation unless a greater height is required to maximize architectural integration.
   b. Any visible fencing, GPS antenna, or other similar ancillary equipment must be painted and textured to match the surrounding area in order to minimize visibility.
3. Operational Standards:
   a. All accessory equipment associated with the operation of a wireless telecommunications facility must be located within a building enclosure or underground vault that complies with the development standards of the underlying zone in which it is located. Design of the equipment enclosure must be architecturally compatible with the surrounding environment and structures.

4. Screening of Equipment:
    a. All equipment (including support structures, mounts, equipment) must be screened from view of adjacent properties or public rights of way to the maximum extent possible. **(Ord. No. 2014-1398, 8/12/14)**

Section 20.465.080 Maintenance and Operation Standards

A. **Maintenance.** All facilities, landscaping, and related equipment must be maintained in good working condition and must be maintained free of litter, debris, graffiti and any form of vandalism.

B. **Facility Maintenance.** Damaged equipment and damaged, dead or decaying landscaping must be replaced within 30 days of notification by the City or discovery by operator. Replacement of landscaping that provides facility screening must be in conformance with the approved landscape plan (i.e., material must be consistent with the approved size (including height), type, and screening capability at the time of planting as the material being replaced.

C. **Maintenance Hours.** Routine maintenance of Wireless Telecommunications Facilities located in residential and agricultural zones or within 100 feet of a residential zone and agricultural zones may be conducted only during the hours of 8:00 AM and 5:00 PM Pacific Time weekdays, not including holidays. In other areas, routine maintenance may be conducted at any time. Emergency repairs and maintenance shall be conducted only in the cases of power outages and equipment failure or malfunction. The City shall determine when routine cycling of generators is permissible. **(Ord. No. 2014-1398, 8/12/14)**

D. **Graffiti Abatement.** Graffiti must be removed within seventy-two (72) hours of notice from neighbors and/or the City.

E. **Flag Condition.** If a flagpole is used for camouflaging a facility, flags must be flown and properly maintained at all times. Display of the United State Flag must fully comply with 4 U.S.C. §§ 6-8.

F. **Contact Information**. All equipment cabinets/enclosures and enclosure entry must display in permanent and legible form the site operator's name, a local or toll free telephone number answered 24 hours every day of the year, and site identification number.

G. **Security Lighting**. Security lighting must be kept to a minimum and must only be activated by a motion detector or hand-set timer. The motion detector must automatically turn off the security lighting no more than fifteen (15) minutes if no movement is detected within the sensor range. The hand-set timer must automatically turn off the security lighting no more than sixty (60) minutes after setting. **(Ord. No. 2014-1398, 8/12/14)**

H. **Noise.** All noise producing equipment associated with a Wireless Telecommunications Facility (including without limitation temporary and permanent power generators and air conditioners) must be designed and operated consistent with City noise standards (20.300.070). **(Ord. No. 2014-1398, 8/12/14)**

I. **FCC Compliance.**

1. Validation of Proper Operation. Prior to unattended operations and every twelve (12) months thereafter, the applicant for approvals with respect to any wireless telecommunications facility site that is not "categorically excluded" as that term is defined in the FCC Office of Engineering and Technology Bulletin 65 ("FCC OET Bulletin 65"), as amended or replaced from time to time, must submit to the City, at its own cost and expense, a detailed technical report prepared by a qualified engineer verifying that the operation of the wireless telecommunications facility is in conformance with the uncontrolled/general population RF exposure standards established by the FCC OET Bulletin 65. The applicant, at its own cost and expense, must pay the cost of the City's review or peer review of said report. To the extent that a wireless carrier has one or more reports on the wireless telecommunications facility, all reports must be provided to the City. **(Ord. No. 2014-1398, 8/12/14)**

2. The applicant, operator, or owner of CUP approvals with respect to any wireless telecommunications facility, must, at its own cost and expense, submit an annual CUP compliance report in conjunction with subsection I.1, above. Said report must include documentation of the status of compliance with all conditions of approval and must include date stamped photographs of existing conditions of the wireless telecommunications facility and any associated screening requirements.

3. The wireless telecommunications facility must comply with all applicable current and future FCC regulations without further action by the City. It is the responsibility of the applicant to contact the City acknowledging any changes in regulations that would affect the wireless telecommunications facility.

J. **Performance Bond.** Prior to issuance of a building permit or encroachment permit, the applicant or owner/operator of the wireless telecommunications facility must pay for and provide a performance bond, which shall be in effect until all facilities are fully and completely removed and the site is reasonably returned to its original condition. The purpose of the bond is to cover the applicant's or owner/operator obligation under the conditions of approval and the SMMC. The bond coverage must include, but not be limited to, removal of the wireless telecommunications facility, maintenance obligations and landscaping obligations (The amount of the performance bond shall be set by the Director on a case-by case basis and in an amount reasonably related to the obligations required under this Chapter and all conditions of approval, and must be specified in the conditions of approval).

Section 20.465.090 Abandonment or Discontinuance of Use

A. **Notification.** All operators who intend to abandon or discontinue the use of any wireless telecommunications facility must notify the City of such intentions no less than sixty (60) days prior to the final day of use. Removal of the wireless telecommunications facility must comply with applicable health and safety regulations.

B. **Removal of Facility**. Wireless Telecommunications Facilities that are no longer operating must be removed at the expense of the applicant/operator/owner no later than one hundred-eighty (180) days after the notification by the City of the discontinuation of use. Upon completion of the abandonment, the site must be restored to its original condition as much as reasonable and practical, at the expense of the applicant, operator, or owner. Disuse for one hundred-eighty (180)

days or more constitutes a voluntary termination of any land use entitlement under this Chapter or any predecessor of this Chapter.

C. **Penalty for Failure to Remove**. A Wireless Telecommunications Facility not removed within the required one hundred-eighty (180) day period is a violation of the SMMC. In the event the City removes a disused facility upon the failure of the applicant, operator, and property owner to do so in a timely manner, the applicant, operator, and property owner shall be jointly and severally liable for the payment of all costs and expenses the City incurs for the removal of the facilities, including legal fees and costs. **(Ord. No. 2014-1398, 8/12/14)**

Section 20.465.100 Duration of Permit

A. A wireless telecommunications facility permit shall be issued a period of exactly (10) years from the date of issuance of the grading permit, building permit and/or encroachment permit, whichever comes first, unless a shorter term is determined by the City to be necessary for public safety reasons or substantial land use reasons. The City may establish a build-out period for a site after which time any portion of the permit for the site as permitted but not constructed shall require the applicant to apply for a new permit under the terms of this Chapter as it exists at the time of the new permit application.

B. In accordance with this Chapter, the permittee may apply for a renewal of its wireless telecommunications facility permit or Conditional Use Permit. There is no limit to the number of times the sunset date for a facility may be extended. Upon a request for either an extension or an amendment of a Conditional Use Permit, the wireless telecommunications facility will be reevaluated to assess the potential impact of the wireless telecommunications facility on the adjacent properties, the record of maintenance and performance with reference to the conditions of approval, and consistency with this Chapter. Additionally, the City should review the appropriateness of the existing facility's technology, and the applicant must document that the wireless telecommunications facility maintains the technology that is the smallest, most efficient, and least visible and that at the time of the application submittal, there are no appropriate and available locations for the wireless telecommunications facility, such as the opportunity to collocate or relocate to an existing building.

Section 20.465.110 As-Built Photographs Submittal Requirement.

The applicant/operator/owner must submit date stamped as-built photographs (in paper copy, and digital format as selected by the City) of the wireless telecommunications facility within thirty (30) days of the completion of the installation of the wireless telecommunications facility, visually detailing all of the installed equipment. Said photographs will be used in conjunction with physical site inspection to substantiate compliance with the approved plans, and for any other lawful purpose. Final building permit release will only be granted upon satisfactory evidence the wireless telecommunications facility was installed in compliance with the approved plans.

Section 20.465.120 Notification of Change of Ownership/Operator

Upon transfer of an authorization to operate a wireless telecommunications facility or any of the rights under said authorization the owner or operator must, within thirty (30) days, provide written notification to the Director of the date of transfer, nature of the transfer in question, and the identity and contact information of the transferee.

Section 20.465.130 Amateur Radio and Over-the-Air Receiving Devices

A. **Amateur Radio**: The following provisions apply to all antennas which are a part of a licensed amateur radio station, in accordance with FCC Order "PRB-1" (101 FCC 2d 952 (1985)) and California Government Code § 65850.3:

1. **Prohibited location**. Amateur radio antennas and amateur radio antenna structures, including antenna tower guys, antennas, and attachments thereto, are prohibited in front yard areas from the building to the front property line or within the required front yard setback, whichever is greater.

2. **Setbacks**. Amateur radio antenna towers and all amateur radio antennas must comply with the front, side, and rear setbacks for the zone. No portion of an amateur radio antenna tower or antenna shall extend across or above any parcel other than the parcel upon which it is installed.

3. **Permits.** Only a City-issued building permit is required for an Amateur Facility to be used by authorized amateur radio station licensed by the FCC, as long as the maximum height of such Amateur Facility including all elements (including without limitation, antennas, masts, booms, arms, cables, and rotors attached thereto) does not exceed the greater of:

   a. Fifty–one (51) feet above existing ground level which the antenna or antenna tower is affixed, or

   b. Fifteen (15) feet above the height of the building to which the antenna and/or mast is attached prescribed for the zone in which the antenna is located.

4. **Tall Installations.** An Amateur Facility exceeding the maximum height set forth in Section A(3) must be required to obtain an administrative wireless telecommunications facility permit. In order to issue such an administrative wireless telecommunications facility permit for an amateur radio facility, the Director, in addition to any other required findings, must also find that:

   a. The application is submitted by an amateur radio operator licensed by the FCC; and

   b. The permitted location is listed by the FCC as the address associated with the amateur radio operator or is the residence of the amateur radio operator; and

   c. Allowance of the additional height and/or width is necessary to reasonably accommodate amateur radio service communications; and

   d. Based on technical showings by the applicant, no lesser antenna heights and no alternative antenna structures or antenna design would reasonably accommodate the amateur radio operator's needs; and

e. The conditions of approval, if any, constitute the minimum practicable regulation to accomplish the City's goal of promoting public health, safety, and welfare; and

f. The conditions of approval, if any, do not preclude amateur radio service communications; and

g. The Amateur Facility as proposed will comply with all adopted safety codes of the City.

5. **Height.** Height is measured as follows:

a. Ground mounted Amateur Facilities (which may include those side-braced to a building). The height of the antenna and support structure must be measured from the natural undisturbed ground surface below the center of the base of the antenna support (i.e., the amateur radio tower) to the top of the tower or from the top of the highest antenna or piece of equipment attached thereto, whichever is higher.

b. Building mounted Amateur Facilities. The height of the antenna and support structure must be measured from the highest point of the building roof on which the Amateur Facility is mounted, to the top of the Amateur Facility.

6. **Permit Inspection.** Amateur Facilities are subject to City building permit requirements, as well as all construction and post-installation permit inspections by the City to determine compliance therewith.

7. **Changes to Permitted Amateur Facility.** Within fourteen (14) days following any modifications or additions to permitted Amateur Facilities pursuant to this Chapter, the applicant must provide written notice to the City of the modifications using a form provided by the City.

8. **Permits Personal.** All permits issued by the City for amateur radio facilities must be personal to the applicant, are not transferrable unless the transferee would on its own qualify for the same permit, and must not run with the land. **(Ord. No. 2014-1398, 8/12/14)**

B. **Over-the-Air Receiving Devices**: The following provisions must apply to all antennas which are Over-the-Air Receiving Devices ("OTARD") in accordance with the FCC Rule (47 C.F.R. § 1.4000 (1996)):

1. **Prohibited location**. An OTARD Facility, including an OTARD Structure, guys, antennas, and attachments thereto, are prohibited in front yard areas from the building to the front property line or within the required front yard setback, whichever is greater, where the OTARD Facility may fall onto a sidewalk or roadway.

2. **Setbacks**. An OTARD Facility must comply with the front, side, and rear setbacks for the zone. No portion of an OTARD Facility can extend across or above any parcel other than the parcel upon which it is installed.

3. **Permits.** Only a City-issued building permit is required for an OTARD Facility. There is no cost for a City-issued building permit for an OTARD Facility. The building permit must be issued within fourteen (14) calendar days following submission by the Applicant to the City of a complete application that is not subject to the requires of Section B(5) below.

4. **Maximum Height.** The maximum height of such OTARD Facility including all elements (including without limitation, antennas, masts, booms, arms, cables, and rotors attached thereto) must not exceed the greater of:

    a. Twenty-five (25) feet above existing ground level which the antenna or antenna tower is affixed;

    b. Fifteen (15) feet above the height of the building to which the antenna and/or mast is attached prescribed for the zone in which the antenna is located;

    c. A lower height as reasonably determined by the City for any proposed OTARD installation in a historic district of the City.

5. **Tall Installations.** An OTARD Facility exceeding the maximum height set forth in Section 4 is required to obtain an administrative wireless telecommunications facility permit. There is no charge for an administrative wireless telecommunications facility permit for an OTARD Facility. The building permit must be issued within thirty (30) calendar days following submission by the Applicant to the City of a complete application that is subject to the requires of this Section B(5) and the Director's determination that the following findings are made:

    a. Allowance of the additional height and/or width is necessary to reasonably accommodate the applicant using an OTARD; and

    b. Based on technical showings by the applicant, no lesser antenna heights and no alternative antenna structures or antenna design would reasonably accommodate the applicant's reasonable needs to receive a non-distant television signals; and

    c. The conditions of approval, if any, constitute the minimum practicable regulation to accomplish the City's goal of promoting public health, safety, and welfare; and

    d. The conditions of approval, if any, do not preclude the applicant from using the OTARD; and

    e. The OTARD Facility as proposed will comply with all adopted safety codes of the City.

6. **Height.** Height is measured as follows:

    a. Ground mounted OTARD Facility (which may include those side-braced to a building). The height of the antenna and support structure must be measured from the natural undisturbed ground surface below the center of the base of the

antenna support (i.e., the OTARD tower) to the top of the tower or from the top of the highest antenna or piece of equipment attached thereto, whichever is higher.

b. Building mounted OTARD Facility. The height of the antenna and support structure must be measured from the highest point of the building roof on which the OTARD Facility is mounted, to the top of the OTARD Facility.

7. **Permit Inspection.** OTARD Facility is subject to City building permit requirements, as well as all construction and post-installation permit inspections by the City to determine compliance therewith.

8. **Changes to Permitted OTARD Facility.** Within fourteen (14) days following any modifications or additions to permitted OTARD Facility pursuant to this Chapter, the applicant must provide written notice to the City of the modifications using a form provided by the City.

9. **Permits Run with the Land.** All permits issued by the City for OTARD facilities run with the land.

Section 20.465.140 Indemnification

To the maximum extent permitted by applicable law, an applicant shall at all times defend, indemnify, protect, save harmless, and exempt the City, the City Council, its officers, agents, servants, attorneys, and employees, and volunteers from any and all penalty, damage, or charges, excepting only punitive damages, arising out of claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, that arise out of, or are caused by, the construction, erection, location, performance, operation, maintenance, repair, installation, replacement, removal, or restoration of telecommunications facilities within the City based on any act or omission of an applicant, its agents or employees, contractors, subcontractors, independent contractors, or representatives. With respect to the penalties, damages, or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included as those costs that shall be recovered by the City.

Section 20.465.150 Obligation to Comply with Chapter

An applicant shall not be relieved of its obligation to comply with every provision of this Chapter, any permit issued hereunder or any applicable law or regulation, by reason of any failure of the City to enforce or prompt compliance.

Section 20.465.160 Appeals

An appeal from the decision of the Director or the Planning Commission made in the administration or enforcement of this Zoning Ordinance pertaining to installations that are pursuant to section 20.465.030A [Administrative Wireless Telecommunications Facility Permit] of this Zoning Ordinance may be made by the carrier or any person having an interest in the property that is the subject of the decision, as provided

in Chapter 20.545 (Appeals and Revocations). All appeals related to a decision made through the CUP process must be consistent with the standards and process of chapter 20.545 (Appeals and Revocations).

Section 20.465.170 Enforcement

Enforcement of the provisions of this Chapter will be through civil remedies in accordance with 1.12 of the San Marcos Municipal Code.

Section 20.465.180 Definitions

For the purposes of this Chapter, the following words, terms, phrases, and their derivations have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number.

Accessory wireless equipment means any equipment associated with the installation of a wireless telecommunications facility including but not limited to cabling, generators, air conditioning units and equipment cabinets.

Amateur radio tower means a free-standing or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended to facilitate amateur radio communication by any person holding a valid amateur radio license issued by the Federal Communications Commission.

Antenna means any system of wires, poles, rods, reflecting discs, panels, microwave dishes, whip antennas or similar devices used for the transmission or reception of electromagnetic waves, including antennas relating to Personal Wireless Services as defined by Congress or the Federal Communications Commission, when such system is either external to or attached to the exterior of a structure (building-mounted or rooftop-mounted), or ground-mounted. Antennas include devices having active elements extending in any direction, and directional beam-type arrays mounted upon and rotated through a vertical mast or tower interconnecting the beam and antenna support, all of which elements are deemed to be a part of the antenna

Antenna height is the vertical distance measured from the ground surface at the grade to the tip of the highest point of the proposed structure (including a beacon if required by the FAA).

Antenna Support means any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

Antenna Tower means a free-standing or building-mounted structure, including any supporting base for the tower or pole, antenna and appurtenances. intended to facilitate wireless telecommunications. **(Ord. No. 2014-1398, 8/12/14)**

Applicable law means all applicable federal, state and local law, ordinances, codes, rules, regulations and orders, as the same may be amended from time to time.

Applicant means a person filing an application in compliance with the Chapter who is:

1. The owner or lessee of property;

2. A party who has contracted to purchase the property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with the Zoning

Ordinance, and who presents written authorization from the property owner to file an application with the City; or

3. The agent of either of the above who presents written authorization from the property owner to file an application with the City.

Base Station means the electronic equipment, equipment enclosures, cables, and antennas minimally necessary to transmit and/or receive the wireless communications authorized by the Wireless Telecommunications Facility permit.

Camouflage design techniques mean any measures used in the design and siting of Wireless Telecommunications Facilities with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. Such techniques may include but are not limited to one or more of the following:

1. Screening elements to camouflage, disguise, or otherwise hide the Wireless Telecommunications Facilities from view from surrounding uses.

2. Painting or coloring, or both, to blend into the predominant visual backdrop.

3. Locating the wireless telecommunications facility to utilize existing features (buildings, topography, vegetation, etc.) to screen, disguise, camouflage, or hide the wireless telecommunications facility.

4. Utilizing simulated natural features such as trees or rocks.

5. Providing a wireless telecommunications facility of a size that, as determined by the Director, or the Director of Public Works, in the case of encroachment permits, is not visually obtrusive such that any effort to screen the wireless telecommunications facility would create greater visual impacts than the wireless telecommunications facility itself.

Examples of camouflaged facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, towers made to look like trees and antenna structures designed to look like light poles.

City means City of San Marcos, California.

Co-location means the use of a single mount on the ground by more than one carrier and/or Wireless Telecommunications Facility (vertical co-location) and/or several mounts on an existing building, structure or site (horizontal co-location) by more than one carrier and/or personal wireless service facility.

Compact Cell means a Wireless Telecommunications Facility with a single Base Station that occupies no greater than eight cubic feet and utilizes three (3) or fewer antennas each occupying no greater than three (3) cubic feet. **(Ord. No. 2014-1398, 8/12/14)**

Drive Test means a test of the actual over-the-air reception of radio frequency signals measuring and recording signal strength by geographic location performed within the area to be served by a particular proposed Wireless Telecommunications Facility and conducted specifically for the purpose of the application within three months prior to the submission of the application. A computer-based projection of radio frequency signal strength is not a Drive Test. **(Ord. No. 2014-1398, 8/12/14)**

Facade Mounted means an antenna that is architecturally integrated into the façade of a building or structure.
Faux trees means a term that is used to refer to monopines, monopalms, monoeucalyptus and other camouflaged monopoles designed to resemble different species of trees.

FCC means the Federal Communications Commission or any successor to that agency.

Effective date means the effective date of this Chapter, (insert month, day, year)

Equipment enclosure, building, or structure, or cabinet means a cabinet or building that is used to house equipment used by telecommunication carriers at a wireless telecommunications facility site.

Guyed Tower means a telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

In-kind call testing means testing designed to measure the gap in coverage asserted by an applicant. If a claimed gap is for in-building coverage, then in-building call testing must be performed to establish the existence or absence of such a gap unless the applicant provides a sworn affidavit demonstrating good faith but unsuccessful attempts to secure access to buildings to conduct such testing and the circumstances that prevented the applicant from conducting such testing. Claimed gaps in service for "in-vehicle" or "open-air" service may be demonstrated by call testing performed in vehicles or in the open.

Lattice Tower means a guyed or self-supporting three or four sided, open, steel frame support structure used to support telecommunications equipment.

Least intrusive means is defined as the location or design of a Wireless Telecommunication Facility addresses a significant gap in an applicant's personal communication service while doing the least disservice to the policy objectives of this chapter as stated in section 17.12.050(A). Analysis of whether a proposal constitutes the least intrusive means must include consideration of means to close an asserted significant gap by co-locating a new personal Wireless Telecommunications Facility on the site, pole, tower, or other structure of an existing personal Wireless Telecommunications Facility.

Monoeucalyptus means a monopole camouflaged to resemble a eucalyptus tree.

Monopalm means a monopole camouflaged to resemble a palm tree.

Monopine means a monopole camouflaged to resemble a pine tree.

Monopole means an uncamouflaged Wireless Telecommunications Facility tower consisting of a pole constructed without guy wires and ground anchors.

Monorock means a wireless telecommunications facility camouflaged to resemble one or a grouping of rocks.

Monoshrub means a wireless telecommunications facility camouflaged to resemble one or a grouping of shrubs or bushes.

OTARD means Over-the-Air Receiving Device.

OTARD Antenna means:

1. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or

2. An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or

3. An antenna that is designed to receive television broadcast signals.

OTARD Antenna Structure means any pole, tower, or other structure designed and intended to support an OTARD Antenna.

OTARD Facility means the combination of one or more OTARD Antennas affixed to an OTARD Antenna Structure.

Panel antennas means antennas that are flush mounted to an existing building façade, or other structure on at least one edge and do not extend more than twenty-four (24) inches. Panel antennas may also be mounted to a pole or a structure within the public right-of-way but must not project more than eight (8) inches from the pole to the front side of the panel.

PUC means The California Public Utilities Commission or its designated representative.

Radio frequency means radiofrequency radiation, or the formation of radiofrequency radiation generated by the movement of electromagnetic energy through space, including radio and microwaves, which is used for providing telecommunications, broadcast and other services.

Roof Mounted Antenna means any antenna with its support structure placed directly on the roof of any building or structure.

Significant gap as applied to an applicant's wireless telecommunications facility or the coverage of its wireless telecommunication facilities is intended to be defined in this chapter consistently with the use of that term in the Telecommunications Act of 1996 and case law construing that statute or term. Provided that neither the Act nor case law construing it requires otherwise, the following guidelines are to be used to identify such a significant gap:

1. A significant gap may be demonstrated by In-Kind Call Testing Or a Drive Test conducted by the applicant.

2. The City must accept evidence of call testing by the applicant and any other interested person and must not give greater weight to such evidence based on the identity of the person who provides it but must consider:
   i. The number of calls conducted in the call test,
   ii. Whether the calls were taken on multiple days, at various times, and under differing weather and vehicular traffic conditions, and
   iii. Whether calls could be successfully initiated, received and maintained in the area within which a significant gap is claimed.

3. A significant gap may be measured by:
   i. The number of people affected by the asserted gap in service;
   ii. The geographic area of the asserted gap in service;
   iii. Whether a wireless communication facility is needed to merely improve weak signals or to fill a complete void in coverage.

(Ord. No. 2014-1398, 8/12/14)

SMMC means San Marcos Municipal Code.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications tower means a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support wireless communication facility antennas.

Unreasonable interference (within the public right-of-way) means any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other persons authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes without limitation any use of the right-of-way that disrupts vehicular or pedestrian traffic; any interference with public utilities; and any other activity that will present a hazard to public health, safety, or welfare. **(Ord. No. 2014-1398, 8/12/14)**

Whip antenna means an antenna that transmits signals in 360 degrees. Whip antennas are typically cylindrical in shape and are less than three inches in diameter and measure up to six feet in length, including the mounting. Also called "omni-directional," "stick," or "pipe antenna."

Wireless Telecommunications Facility means any facility that transmits and/or receives electromagnetic waves, including, but not limited to commercial wireless communications antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment cabinets, pedestals, meters, tunnels, vaults, splice box, surface location marker, equipment, equipment buildings, parking areas and other accessory development. The term also means any personal wireless services defined by the Telecommunications Act of 1996 and licensed by the Federal Communications Commission, including but not limited to, the types commonly known as cellular, personal communications services ("PCS"), specialized mobile radio ("SMR"), enhanced specialized mobile radio ("ESMR"), paging, ground based repeaters for satellite radio services, micro-cell antennas and similar systems. The term wireless telecommunications facility is consistent with "antenna or communications facility" referenced throughout this Chapter. **(Ord. No. 2014-1398, 8/12/14)**

Wireless telecommunications tower means the same thing as Antenna Tower as defined herein.

Wireless Tower means the same thing as Antenna Tower as defined herein.

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CHAPTER 20.500 PERMITS AND APPLICATIONS PROCESS

Sections:

Section 20.500.010 Purpose and Intent
Section 20.500.020 Applicability
Section 20.500.030 Authority and Administration
Section 20.500.040 Administrative Permits and Approvals
Section 20.500.050 Applications
Section 20.500.060 Public Review and Hearings Required
Section 20.500.070 Environmental Review
Section 20.500.080 Application and Permit Limitations

Section 20.500.010 Purpose and Intent

The provisions of this chapter establish the general requirements and procedures for all administrative and discretionary land use permits as required by this Zoning Ordinance. Specifically, the provisions of this chapter accomplish the following:

A. Establish the procedures for the preparation, application and filing, processing, and approvals of all land use permits within the City.

B. Ensure the administrative and discretionary review processes adequately evaluate and address issues of health, safety, and compatibility of land uses and adjacencies.

Section 20.500.020 Applicability

The provisions of this chapter shall be applicable to all land use permits, administrative and discretionary, required for the development, building, establishment, renewal, modification, or discontinuance of any land use or structure within the City. Permits, subject to this chapter, shall be issued in accordance with permit requirements of the applicable Zone. Nonconforming uses and structures shall be subject to permit procedures as established by chapter 20.345 (Nonconforming Uses, and Structures).

A. **Exemptions.** The following activities shall be exempt from the permit requirements of this Zoning Ordinance; however, the activities may be subject to building code compliance and permits required under other provisions of the Municipal Code:

1. Interior modifications or alterations that do not result in an increase in gross square footage or modifications to the exterior setbacks of the building or structure.
2. Ordinary repairs and maintenance that do not impact the operation or conditions of the established land use.
3. Public utility or public agency activities for the installation, construction, modification, or maintenance of utilities as related to the service of existing or approved lots or development.

Section 20.500.030 Authority and Administration

All development proposals and applications may be subject to one (1) or more development application processing procedures.

1. Exact processing and timing of applications shall be determined by the Director based on the applicable Zone and the project characteristics. Table 20.500-1 outlines the primary types of development applications, review procedures required, and responsibilities.
2. All applications for a single project shall be processed concurrently. When a proposed project requires more than one (1) permit application with more than one (1) approving authority, all project permits shall be processed concurrently at the applicant's own risk as interrelated permits for a project and shall not be bifurcated. The highest designated approving authority for all requested permits shall take final action on all permits.

Table 20.500-1
Application and Review Types

Permit Type	Director	Planning Commission	City Council	Public Hearing Required
Director's Permit	D	A	A	Appeals Only
Site Development Plan Review	Note 1	Note 1	Note 1	Note 1
Conditional Use Permit		D	A	Yes
Variance	Note 2	Note 2	Note 2	Note 2
Amendment		R	D	Yes
Specific Plan		R	D	Yes
Development Agreement		R	D	Yes
Planned Residential Development		D	A	Appeals Only
Ridgeline Overlay Zone	D	A	A	Appeals Only
Reasonable Accommodation	D	A	D	Yes
Telecommunications	D	D	A	Yes
Temporary Use	D	A	A	Appeals Only

Notes:
1. See chapter 20.515 (Site Development Plan Review) for approval and referral regulations regarding Site Development Plans.
2. See chapter 20.525 (Variances) for approval and referral regulations regarding Variances.

D = Deciding body whose decision is final unless appealed
R = Advisory body required to make recommendations
A = Appeal authority

Section 20.500.040 Administrative Permits and Approval

This Zoning Ordinance shall be administered and enforced by the City's Director, Planning Commission, and City Council.

All land uses applications shall be processed and approved administratively if the application is consistent with the applicable Zone requirements, and other applicable standards of this Title.

A. **Permit Consistency.** All departments, officials, or public employees assigned the authority to issue certificates, permits, or licenses in compliance with this Zoning Ordinance shall conform to

the provisions of this Title. Any certificate, permit, or license conflicting with the provisions of this Zoning Ordinance, shall be null and void.

B. **Building Permits Issued Prior to Effective Date.** Any current building permit(s) issued prior to the effective date and hour of this Zoning Ordinance shall be permitted to be exercised even though contrary to the provisions of this Zoning Ordinance.

C. **Certificate of Occupancy Required.** To ensure compliance with all provisions of the Zoning Ordinance, an administrative Certificate of Occupancy shall be obtained from the Building Department before:

1. Any new building is initially occupied or used;
2. Any existing building is altered or a change of type or class of use is made; and
3. A change of use of any unimproved premises is made.

Section 20.500.050 Applications

Permit applications may be initiated by the owner, owners, or their authorized agents of property in the City. The applicant shall submit an application in accordance with the format specified by the Director. Fees shall be paid at the time of application in accordance with the fees developed. A land use that complies with the requirements of this chapter shall also comply with the permit requirements of other Code provisions and any applicable permit requirements of other agencies before construction or use of the property commences. These may include building, grading, or other construction permits; a business license; subdivision approval; or any other applicable county, regional, state or federal regulations.

A. **Signatures.** Application shall be signed by the property owner and applicant or agent. When other signatures are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application, and/or as evidence of their opinion on the pending issue, but they shall, in no case, infringe upon the free exercise of the powers vested in the Planning Commission or the City Council.

B. **Application Review.** Applications shall be processed if the Director finds the application to be complete at time of filing. The applicant shall be notified in writing within thirty (30) days if the application is complete. If the application is found to be incomplete, the Director will notify the applicant in writing within thirty (30) days, indicating what additional information is required to complete the application. The application will not be processed until that information is received by the Director.

C. **Fee Schedule.** All fees related to permits, review, or processing related to any application shall be paid at the time of application submittal. All fee schedules may be set or adjusted by resolution of the City Council.

1. Where the applicant withdraws an application for consideration, a written request by the applicant may be filed with the Planning Division or with the City Council for a refund of application fees. Application for refund of fees shall be made in the manner and on the form prescribed for refunds authorized by section 26906 of the Government Code.

Section 20.500.060 Public Review and Hearings Required

Public review and hearings shall be held for all applications subject to the regulations of this chapter. All public hearings and public noticing of such hearings shall be consistent with state law and the procedures of chapter 20.505 (Noticing and Public Hearings).

Section 20.500.070 Environmental Review

All permit applications shall be reviewed by the Director to determine if the application constitutes a "project" under CEQA. Administrative actions and DPs are issued following nondiscretionary review by the Director and do not generally qualify as projects under CEQA. Any permit that qualifies as a project under CEQA shall be subject to environmental review in accord with CEQA and Title 18 (San Marcos Environmental Guidelines) of this Code. The applicant shall submit all information and materials deemed necessary by the Director to complete the environmental review in accordance with CEQA and Title 18 of this Code.

Section 20.500.080 Application and Permit Limitations

All applications and permits filed, granted, or denied through the City shall be subject to the following limitations.

A. **Commencement.** All building, development, or land use activities associated with a granted permit shall commence within:

1. One (1) calendar year of permit issuance,
2. Within the time specified by the permit issued, and
3. Within the extension time specified by the permit issued.

Failure to commence activities or uses within this time period shall result in expiration of the permit, at which time all associated approvals will be null and void.

B. **Time Limit.** All permits shall automatically expire, becoming null and void, one (1) calendar year from the date of permitted use discontinuance.

C. **Reapplication.** Reapplication following denial of a permit shall not occur earlier than three (3) months after such denial unless specific authority to do so has been granted by the Planning Commission or the City Council.

D. **Modifications or Waiver.** An application may be submitted to the Director for a modification or waiver of one (1) or more condition(s) of any granted permit. The processing, approval/denial process, and fee for this modification/waiver applications shall be the same as that of the original permit.

E. **Minor Deviations from Plot Plan.** To provide flexibility in the development and permitting process, minor deviations to approved plot plans in conjunction with an approved permit may be authorized by the Director. Minor deviations shall be limited to actions that will not:

1. Constitute a substantial change in the permit,

2. Adversely affect adjacent property or adjacent property owners, and
3. Violate any requirement of this Zoning Ordinance.

Plot plan deviations resulting in one (1) or more of the following shall not be authorized:

1. An increase or decrease of more than ten percent (10%) of the:
   a. Gross area of any yard, open space working area, or parking area;
   b. Size of any building or structure or of the total land area covered by any building or structure;
   c. Building/structure height or depth; or
   d. Area of an excavation, slope, or working area;
2. Increase of land/site coverage by more than ten percent (10%) by any increase in building size or number of structures.

F. **Nuisance.** Neither the provisions of this chapter nor the granting of any permit provided for in this chapter authorizes or legalizes the maintenance of any public or private nuisance.

G. **Review Period.** The time limits for required review or hearing action on an application or permit may be extended by the City Council.

H. **Bond Insurance.** Any permit granted based on a condition, limitation, or limited time line may be subject to a performance bond. The Director, Planning Commission, or City Council may require the permit applicant to secure a monetary or surety bond to ensure compliance with the conditions and limitations of the permit, including any limitation of time. All bonds shall be:

1. submitted in a form satisfactory to the City,
2. payable to the City, and
3. conditioned upon permit compliance.

Any breach of condition or limitation shall result in forfeiture of the bond to the City and paid into the general fund of the City.

I. **Automatic Revocation.** A permit shall cease to be valid and all rights or privileges from such permit revoked if a court of competent jurisdiction declares one (1) or more of the permit conditions required to be void or ineffective, or enjoins or prohibits the enforcement or operation of any condition.

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CHAPTER 20.505 NOTICING AND PUBLIC HEARINGS

Sections:

Section 20.505.010 Purpose and Applicability
Section 20.505.020 Responsibilities
Section 20.505.030 Noticing for Public Hearings
Section 20.505.040 Continued Hearings

Section 20.505.010 Purpose and Applicability

The provisions of this chapter establish the procedures for all noticing and public hearing conducted by the City applicable to all land use, zoning, and development actions.

All applications, permits, or appeals requiring public hearing shall require public notification of the hearing in compliance with state law (Government Code Sections 65090, 65091, 65094, and 66451.3, and Public Resources Code 21000 et seq.), and as required by this chapter.

Section 20.505.020 Responsibilities

A. **Administrative Decisions.** The Director shall approve, conditionally approve, or disapprove administrative permits. The Director may also decline to take action and forward the application for action to the Planning Commission public hearing.

B. **Setting Hearings.**

1. The Director shall set Planning Commission public hearings.
2. The City Council Clerk shall set City Council public hearings.

C. **Planning Commission.**

1 The Planning Commission may establish its own rules for the conduct of public hearings.

2. The person acting as chair of the Planning Commission is hereby empowered to administer oaths to any person testifying at a hearing before the Planning Commission.
3. The Planning Commission, or members of its staff, shall be responsible for investigation of facts bearing upon an application for hearing, including an analysis of precedent cases, as appropriate to provide pertinent information regarding the application to properly determine applications and actions are consistent with the purpose of this chapter and with previous amendments or variances.

D. **Administrative Citations.** Noticing and hearings for administrative citations shall be conducted in accordance with the provisions of chapter 1.14 of this Code.

Section 20.505.030 Noticing for Public Hearings

Notice of the time and place of all discretionary applications and appeals requiring a public hearing shall be given in the manner provided by section 65905 of the Government Code or where exceeded by the following requirements:

A. Notice Address. All notices and other communications required or governed by this chapter for an applicant shall be addressed to the applicant at the address at which the applicant conducts his/her business. All notices and other communications to the City shall use the applicant's published address for receipt of public communications.

B. **Content of Notice.** Public notices of hearings or administrative decisions on all discretionary applications requiring public hearing shall consist of the words "Notice of Public Hearing" or "Notice of Intended Decision." Additionally, notice of public hearing shall include the following:

1. Hearing information including date, time, place and purpose of the hearing, name of the hearing body, and Planning Division contact for additional information.
2. Project information including the name of applicant, City case number (if relevant and available), general explanation of matter to be considered, purpose of application, and description of property and location map (except if it is Citywide) that is the subject of the hearing.
3. Statement of environmental documentation, including if any CEQA-related document has been prepared for the project, if the project has been determined to be exempt in compliance with CEQA, and whether the hearing will include review/approval of such documentation.
4. Where application is made for administrative decisions or public hearings, the Director or the Planning Commission shall have the discretion to include in the notice of hearing a statement that alternative classifications and/or additional properties and/or uses will be considered.

C. **Required Advance Notice.**

1. **Mailing.** Notice shall be mailed postage prepaid not less than ten (10) days prior to the scheduled hearing date or administrative decision of the Director.
2. **Notice Radius.** Mailed notice shall be sent to the owners of property within a five hundred (500)-foot radius of the exterior boundaries of the project property that is the subject of the hearing, except the following exemptions:
    a. The Director may determine broader public notice requirements are needed based upon the nature of a proposed project. The names and address of all property owners required to receive notice shall be submitted to the City by the applicant as delineated in the City's public notice package.
    b. The public notice radius for DPs for large-family child care homes shall be one hundred (100) feet from the exterior boundaries of the property for which said application is sought.
3. **Circulated Notification.** If the number of property owners requiring notification subject to Section 20.505.030(B)(2) is more than 1,000, the Director may provide a circulated notice allowed by Government Code Section 65091.
4. **Decision Notification.** Notification of the hearing or intended administrative decision to be given by publication shall be made and done in a newspaper with general circulation in accordance with section 65905 of the Government Code.

5. **Posted Notices.** Notice of the Permit Application shall be posted on the project site in a conspicuous location for public visibility within one (1) week of application submittal.
   a. The "Notice of Permit Application" posting shall have a minimum size of sixteen (16) square feet, except a posted notice for a large-family child care home application, which shall be four (4) square feet.

D. **Noticing Package.** The applicant shall provide a public notice package that shall include the following:

1. San Diego County Assessor's Map(s): showing the entire property (project site) by crosshatched markings with a radius line encircling the property at a distance of five hundred (500) feet from the perimeter property line. Each parcel lying wholly or in part within the five hundred (500)-foot line shall have the actual parcel number delineated. Assessor's maps must be drawn to scale and be submitted on eight-and-one-half (8½) by eleven (11)-inch sheets.
2. Typed list of all affected property owners: (project site and parcels delineated within the five hundred [500]-foot radius) by Assessor's Parcel Number with name and address as listed on the latest equalized Assessor's rolls. The list shall also include occupants of each parcel.
   a. A minimum of ten (10) property owners surrounding the project site must be listed.
   b. If the five hundred (500)-foot radius is within the boundary of an owner-occupied mobile home park/project, or condominium project, the entire mobile home park or condominium complex shall be included in the public notice package.
   c. For properties located within the Ridgeline Protection and Management Overlay Zone, the property shall be identified with a crosshatch identifying a 1,000-foot radius. The radius shall be expanded as necessary to include a minimum of one hundred (100) property owners.
3. Three (3) separate sets of gummed mailing labels on eight-and-one-half (8½) by eleven (11)-inch sheets containing the information in section 20.505.030(C)(2) for each property owner and occupant on the list. If a property owner owns several contiguous parcels, the applicant need only submit one (1) label with each set. If the application requires Council approval, two (2) additional sets of labels are required. In addition, if a project requires a public workshop the applicant will be required to submit one (1) additional set of labels. If the workshop or hearings are held more than one (1) year after the initial list of property owners was provided by the applicant, the applicant shall be required to provide new list and set(s) of labels using the latest County Assessor data available.
4. If the project is appealed, the applicant will be required to submit an additional set of gummed labels on eight-and-one-half (8½) by eleven (11)-inch sheets containing the names and addresses of all property owners of the subject site and within five hundred (500) feet of a project. The names on these labels must match the names on the typed list.

5. Public Notice Affidavit: This form, signed by the applicant, certifies that the names and addresses submitted with the public notice package are from the latest adopted San Diego County Tax Assessors Rolls.
6. Completed Tenant Public Notice Affidavit: Some applications may require notification of nearby apartments/condominiums/mobile home parks, industrial park tenants, or commercial center tenants.

Section 20.505.040 Continued Hearings

If, for any reason, testimony on any matter set for public hearing cannot be completed on the day set for such hearing, the person presiding at such public hearing may, before the adjournment or recess thereof, publicly announce the time and place to, and at which, said hearing will be continued and no further notice shall be required.

CHAPTER 20.510 DIRECTOR'S PERMITS

Sections:

Section 20.510.010 Purpose and Intent
Section 20.510.020 Applicability
Section 20.510.030 Applications
Section 20.510.040 Hearings and Decision
Section 20.510.050 Appeals and Revocations

Section 20.510.010 Purpose and Intent

The purpose of this chapter is to establish the application, review, and decision procedures for an administrative DP. The DP enables the Director to administratively review the location, site development, and/or conduct of certain land uses. DPs are not the automatic right of any applicant. A DP goes with the land and is nontransferrable to another location.

Section 20.510.020 Applicability

DPs are required for some land uses, subject to the permit requirements of the applicable Zone. A DP may only be issued in accordance with Zone requirements and with this Zoning Ordinance.

Section 20.510.030 Applications

A. **Responsibility.** The Director shall have the responsibility to approve, conditionally approve, or disapprove an administrative DP. The Director may also decline to take action and forward the application for action to the Planning Commission public hearing.

B. **Initiation of Application**. DP applications may be initiated by the owner, owners, or their authorized agents of property in the City, but only where the use is authorized as a DP in the Zone in which the property lies. The applicant shall submit an application in accordance with the format specified by the Director. Fees shall be paid at the time of application in accordance with the fee schedule. An application for a DP shall be accompanied by the following:

1. Submittal of all information and materials deemed necessary to render the requested land use decision before the application is deemed complete.
2. Complete plans and description of the property involved and the proposed use.
3. Evidence, satisfactory to the Director, of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six (6) months after issuance of the DP.

C. **Project Review and Noticing.** Applications for a DP shall be processed if the Director finds the application to be complete at time of filing. The applicant shall be notified in writing within thirty (30) days if the application is complete.

1. If the application is found to be incomplete, the Director shall notify the applicant in writing within thirty (30) days, indicating what additional information is required to

complete the application. The application will not be processed until that information is received by the Director.

2. The review process for DPs is generally illustrated in Figure 20.510-1. Each application shall be analyzed by the Director to ensure the application is consistent with the purpose and intent of this Section.
3. The Director shall issue a Date of Intended Decision. The Notice of Intended Decision, including the scheduled decision date, shall be publically noticed, consistent with section 20.505.030 (Noticing and Public Hearings) and state law.
4. Public notice shall be given in compliance with chapter 20.505 (Noticing and Public Hearings)

Section 20.510.040 Hearing and Decision

A. **Administrative Decision Requires No Hearing**. DPs are reviewed and approved administratively by the Director and require no public hearing unless an appeal is filed. The Director may approve, conditionally approve, or deny a DP application after making the following findings.

B. **Required Finding**. The approval of a DP shall be accompanied by all the following findings.

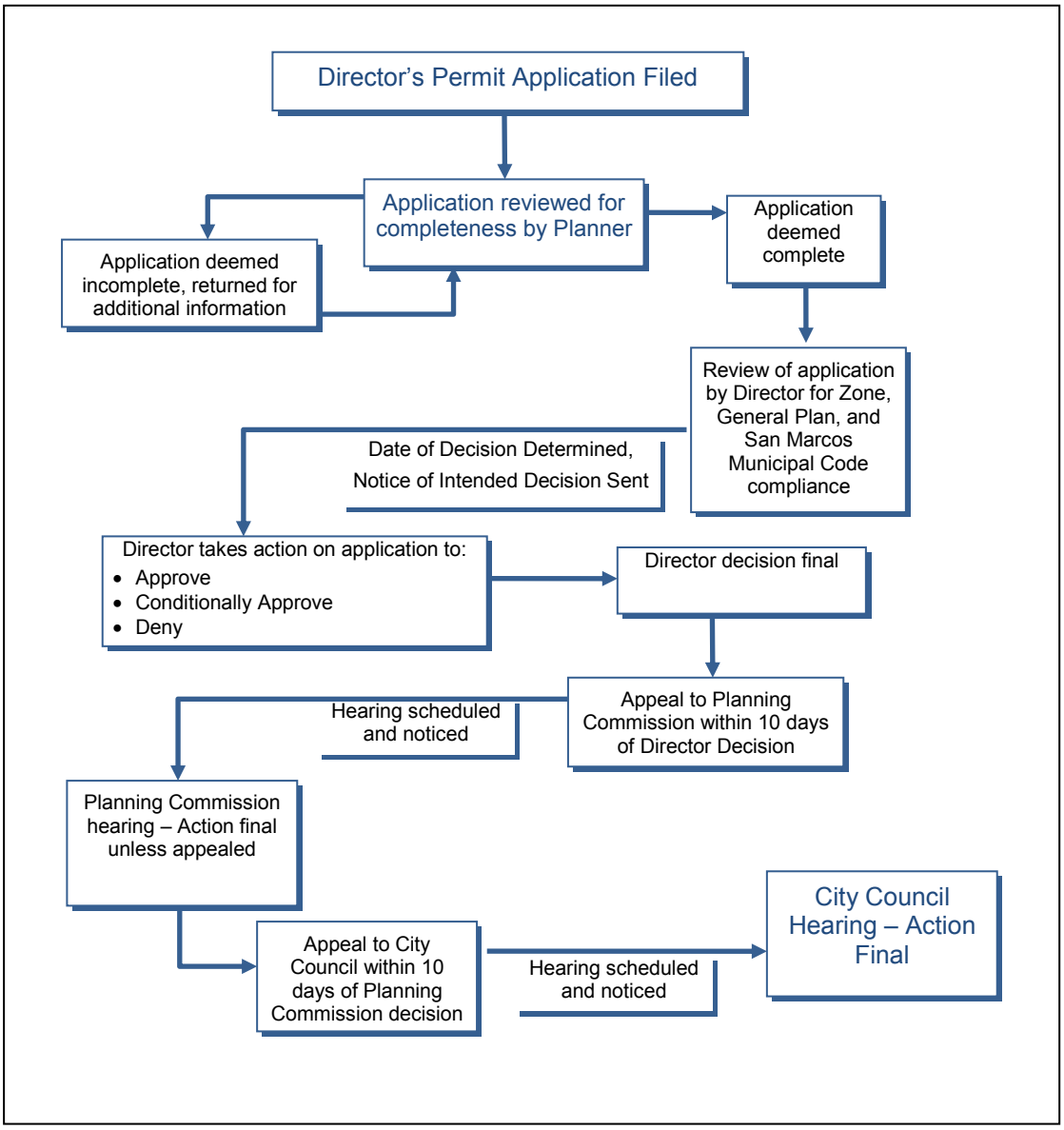
1. Approval of the DP would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood.
2. The design, development, and conditions associated with the DP are consistent with the goals, policies, and intent of the General Plan, the purpose and intent of the applicable Zone, and the character of any applicable Specific Plan.
3. The land use allowed in conjunction with the DP is compatible with the existing and future land uses of the applicable Zone, and the general area in which the proposed use is to be located.

C. Conditions and Limitations. DPs may be granted upon such conditions and limitations and for such periods of time as the Director shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of this Zoning Ordinance are achieved.

Section 20.510.050 Appeals and Revocations

All appeals or use revocations related to a DP application or granted DP shall be consistent with the standards and process of chapter 20.545 (Appeals and Revocations).

Figure 20.510-1
Director's Permit Process



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CHAPTER 20.515 SITE DEVELOPMENT PLAN REVIEW

Sections:

Section 20.515.010 Purpose of Chapter
Section 20.515.020 Applicability
Section 20.515.030 Applications
Section 20.515.040 Notice and Hearings
Section 20.515.050 Decision
Section 20.515.060 Findings
Section 20.515.070 Appeals
Section 20.515.080 Lapsing and Voiding of Site Plan Approval

Section 20.515.010 Purpose of Chapter

Site Development Plan Review by the Development Advisory Committee, when applicable, is included in this chapter to achieve the following purposes:

A. To ensure that the development, buildings, or structures will conserve the values of adjacent properties and will not prove detrimental to the character of buildings or uses already established in the area.

B. To ensure that the proposed development will be properly related to its site and to surrounding sites and structures, and to prevent the erection of structures that would be inharmonious with their surroundings.

C. To ensure that projects and structures subject to Site Development Plan Review are developed with due regard for the aesthetic qualities of the natural terrain and landscape and that trees and shrubs are not indiscriminately destroyed.

D. To ensure that the design and exterior architecture of proposed structures will not be so at variance with either the design or exterior architecture of the structure already constructed or being constructed in the immediate neighborhood as to cause a substantial depreciation of property values in the neighborhood.

E. To ensure that open space, parking areas, and landscaping are designed to enhance the visual and physical use of the property and to screen deleterious uses.

F. To ensure, when feasible, effective concealment of electrical and similar mechanical equipment and trash and storage areas.

G. To ensure adequate improved access to all developments.

H. To ensure that developments are in compliance with City adopted Design Manuals and guidelines.

I. To ensure conformance with the City adopted General Plan, any applicable Specific Plan, and all provisions of the Zoning Code.

Section 20.515.020 Applicability

Site Development Plan Review is an administrative process, unless the review is linked to a project or entitlement that requires a higher review authority; see Section 20.205.030(E) (Highest Permit Level Requirement). All the following applications and project types shall require Site Development Plan Review by the Development Advisory Committee during application processing and prior to approval.

A. Site Development Plan Review shall apply to proposed development of property in the following manner:

1. R-2 and R-3 Zones require Multifamily Site Development Plan Review based on number of units.
    a. A project proposing between two (2) and nine (9) units shall require Site Development Plan Review through Planning Commission approval.
    b. A project proposing ten (10) units or more shall require Site Development Plan Review through Planning Commission recommendation with final approval by the City Council.
    c. The requirements of chapter 20.505 (Noticing and Public Hearings) shall apply.
2. Single-family projects within an approved Specific Plan shall require Site Development Plan Review.
3. All non-residential development in Commercial (C, O-P, S-R), Industrial (L-I, I, I-2), Business Park (B-P), Mixed Use (MU), and SPA Zones shall require Site Development Plan Review.

B. Proposed expansion of non-residential developments consisting of a twenty percent (20%) or more increase in gross floor area or if an additional story is being proposed.

C. Proposed projects that are required to go before the Planning Commission/and or City Council under CUP or Specific Plan procedures shall not be required to comply with the Site Development Plan Review procedures, except that the applicable CUP and Specific Plan shall include within their scope the review requirements set forth in this chapter consistent with section 20.205.030(E) (Highest Permit Level Requirement).

Section 20.515.030 Applications

A. **Process**. The Site Development Plan Review process is generally as follows:

1. Project application with Site Development Plan Review materials is submitted by applicant.
2. Initial notice of application will be sent pursuant to Section 20.515.040(C) (Notice to Affected Property Owners).
3. The application will be routed to City divisions for comments, compliance review, and consistency with this Zoning Ordinance.

4. If environmental review is required in compliance with Title 18, (such as a Negative Declaration or Mitigated Negative Declaration), notice will be sent to surrounding property owners and occupants stating the review period.
5. The applicant and any interested party requesting information will be provided with the preliminary Site Development Plan Review conditions. Final conditions will be issued ten (10) days after the preliminary notice if the applicant consents to conditions; the period may be extended during the resolution of any outstanding issues.
6. All Site Development Plan Review conditions and decisions can be appealed pursuant to the procedures of chapter 20.545 (Appeals and Revocations).

B. **Plan Requirements.** Each Site Development Plan shall be accompanied by plot plans at a workable scale based on the project parameters, and all submittal requirements prescribed by the Director. Plans shall provide detail of all the following items:

1. A materials board displaying proposed building materials shall also be required at time of application.
2. Elevation, floor plans, and location of the proposed buildings.
3. Physical features such as trees, hydrants, electric and telephone poles, lights, driveways, fences, and signs.
4. Use and treatment of ground around such buildings or structures.
5. Proposed drainage facilities.
6. Identification of location and number of off-street parking spaces.
7. Landscaping plan showing type, sizes, and irrigation system (provided on a separate sheet).
8. Utility plan and demonstration of water compliance measures.
9. Other pertinent project information identified by the applicant or deemed necessary for project processing purposes by the Development Advisory Committee.

C. **Required Fees**. A fee in the amount specified on the City's fee schedule shall accompany Site Development Plan Review applications for Business Park, Office Professional, Commercial, Industrial, Mixed Use, and Multifamily projects.

Section 20.515.040 Notice and Hearings

A. **Administrative**. Where Site Development Plan Review is required in conjunction with a DP or other administrative permit, the Development Advisory Committee shall have the same authority to review, process, and approve or require changes to the Site Development Plan in conjunction with the Permit.

1. The Development Advisory Committee has the authority to refer plans to the Planning Commission for the purposes of making a determination on a Site Development Plan, in which case a public hearing will be scheduled before the Planning Commission.

B. **Public Hearing for Residential Projects**. All residential development in the R-2, R-3, and Mixed Use Zones shall be reviewed by staff and scheduled for public hearing before the Planning

Commission and/or City Council, depending on the number of units in the proposed project as determined by section 20.515.020 (Applicability).

1. All hearings shall be set and notice given as prescribed in chapter 20.505 (Noticing and Public Hearings) of this Zoning Ordinance.

C. **Notice of Affected Property Owners**. After the Site Development Plan application has been filed, the Director shall send notice by first class mail to surrounding property owners and occupants within five hundred (500) feet of the project. Each notified person may request, in writing, the opportunity to be heard on the Site Development Plan Review. Such written request must be filed with the Director within fifteen (15) days after the mailing of the notice. Failure to so file shall be deemed a waiver of the rights under this Section. The notice required by this Section shall include a brief description of the project as proposed on the Site Development Plan, and shall inform each property owner of their rights pursuant to this Section. The failure of any person to receive the notice specified herein shall not invalidate any action taken pursuant to this Zoning Ordinance.

Section 20.515.050 Decision

A. **Review by Development Advisory Committee**. A Development Advisory Committee composed of the Director, Building Official, and City Engineer and representatives of Special Districts, or their designees, shall have authority to approve or amend plans or deny within the intent of this chapter and criteria listed for individual Zones in chapters 20.210 (Agricultural Zones) through 20.265 (Airport Overlay Zone). The Committee shall also have the authority to refer plans to the Planning Commission in lieu of making a decision. The Development Advisory Committee shall do the following:

1. Meet to review a Site Development Plan application after it has been deemed a complete application, and
2. Function in accordance with administrative regulations prepared by the Development Services Department.

B. **Decisions**. The Development Advisory Committee shall notify the applicant of the preliminary decision to conditionally approve or disapprove the Site Development Plan, along with the conditions of conditional approval or the reasons for disapproval. If the applicant is dissatisfied with such preliminary decision or with any condition pertaining thereto, he may request in writing that such preliminary decision be reviewed. Such request must be received by the Development Advisory Committee within ten (10) calendar days after the date of the preliminary decision.

Upon receipt of a timely written request for review of a preliminary decision, the Development Advisory Committee shall arrange a time and place for such review, and shall notify the applicant and appropriate City departments and agencies thereof. In the event no timely written request for review is received, the preliminary decision shall become final and the applicant shall be so notified as provided in this Section.

The applicant shall be notified in writing of the preliminary decision and the final decision of the Development Advisory Committee. Notice shall be deemed to have been given upon deposit of the notice in the U.S. mail addressed to the applicant.

C. **Issuance of Permits.**

1. In no event shall building permits be issued in the I, I-2, L-I, S-R, C, NC, B-P, O-P, Mixed Use, or SPA Zones until such plans have been approved by the Development Advisory Committee, or the final approval body as determined by section 20.500.030 (Authority and Administration) or 20.205.030(E) (Highest Permit Level Requirement).
2. In no event shall building permits be issued in the R-2 and R-3 Zones until such plans have been approved by both the Planning Commission and City Council.

Section 20.515.060 Findings

The Development Advisory Committee, Planning Commission, and City Council may approve a development plan in the form submitted or in modified form if, on the basis of the application and the evidence submitted, all of the following findings are made:

A. The project conforms with the General Plan, any applicable Specific Plan, and all provisions of this Zoning Ordinance and Code.

B. As feasible, the project preserves mature trees and will not unnecessarily remove trees and natural vegetation.

C. The project will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural setting.

D. The project provides adequate buffering between residential and non-residential uses, and otherwise is in the best interests of the public health, safety, and general welfare.

E. The structure(s), Site Development Plan, and landscaping are in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site.

F. The structure(s), Site Development Plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists, and vehicles.

G. To the maximum extent feasible, the project includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping; provides adequate and effectively concealed trash, storage, and utility/mechanical equipment; and will correct any violations of the Zoning Ordinance, Building Code, or other sections of this Code that exist on the site.

H. The design and location of architecture and signs are consistent with the character and scale of the buildings to which they were attached or that are located on the same site, the signs are visually harmonious with surrounding development, and there are no illegal signs on the site.

I. The project provides all required on-site and off-site public improvements, in compliance with City adopted Design Manuals and guidelines, as deemed necessary by the review authority.

J. The project provides open space, parking areas, and landscaping consistent with this Zoning Ordinance and in a manner that visually enhances the physical use of the property.

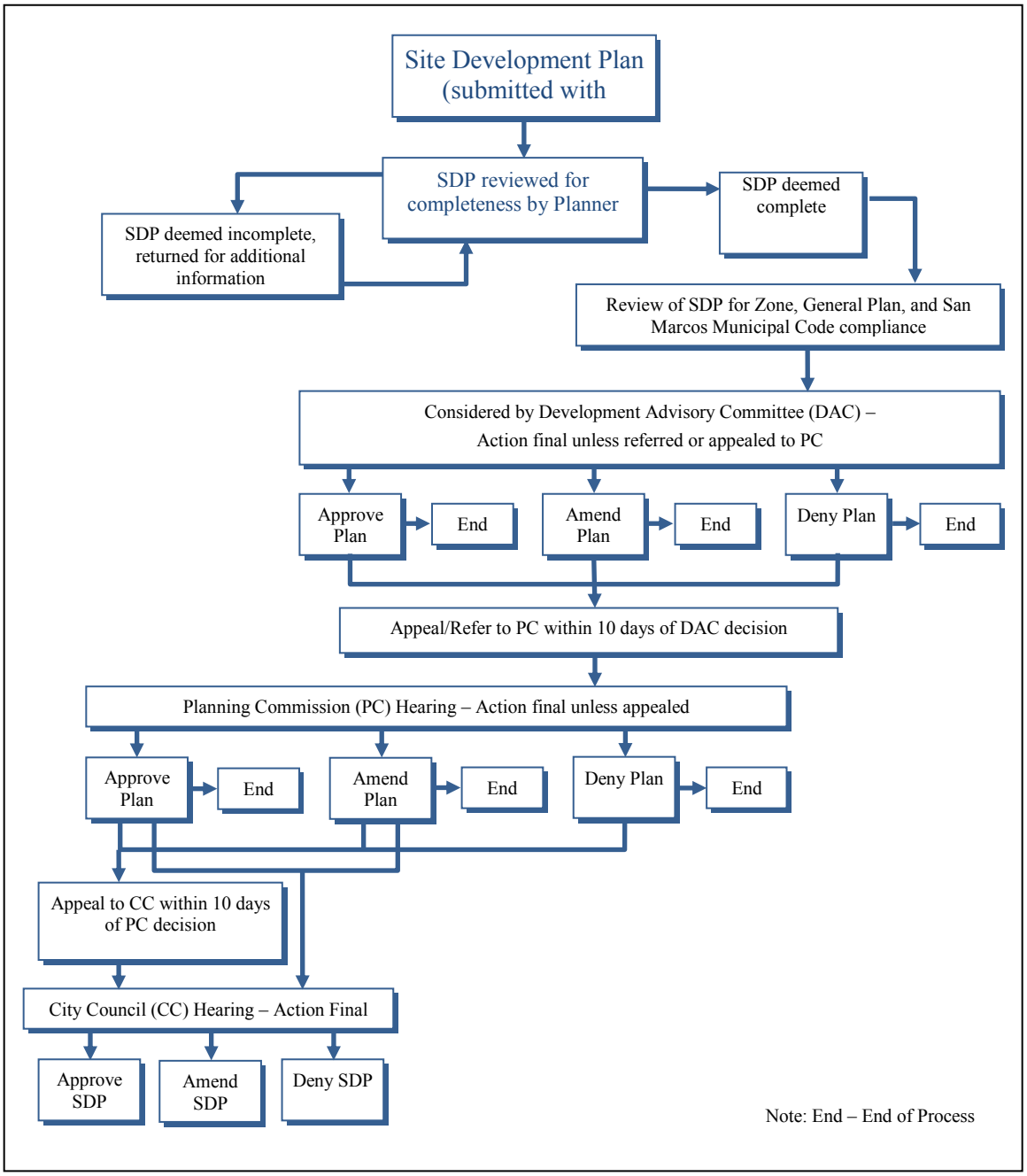
Section 20.515.070 Appeals

An appeal from a decision made in the administration or enforcement of this section may be taken as provided in Chapter 20.545 (Appeals and Revocations).

Section 20.515.080 Lapsing and Voiding of Site Plan Approval

Site Development Plan Review approval shall lapse and shall be null and void one (1) year following the date upon which the plans and drawings were approved by the review authority unless, prior to the expiration of one (1) year, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.

Figure 20.515-1 Site Development Plan Review Process



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CHAPTER 20.520 CONDITIONAL USE PERMITS

Sections:

Section 20.520.010 Purpose and Intent
Section 20.520.020 Applicability
Section 20.520.030 Applications
Section 20.520.040 Decision and Hearings
Section 20.520.050 Appeals and Revocations

Section 20.520.010 Purpose and Intent

The purpose of this chapter is to establish the application, review, and granting/denial procedures for Conditional Use Permits (CUP) and modifications to CUPs to properly evaluate and condition specific land uses. These uses generally have a unique and distinct impact on the area in which they are located or are capable of impacts to adjacent properties unless given special review and conditions. CUPs may be granted at the discretion of the Planning Commission or City Council, and are not the automatic right of any applicant. CUPs go with the land and are nontransferrable to another location.

Section 20.520.020 Applicability

CUPs are required for certain uses as identified by the permit requirements of the applicable Zone. CUPs and Modifications to CUPs may only be approved by the Planning Commission or City Council in accordance with Zone requirements, and compliance with this Title.

Section 20.520.030 Applications

A. **Initiation of Application**. CUP and modification to CUP applications may be initiated by the owner, owners, or their authorized agents of property in the City, but only where the use is authorized as a CUP in the Zone in which the property lies. All CUP applications shall be submitted in accordance with the format specified by the Director.

B. **Fees**. Fees shall be paid at the time of application in accordance with the Fee Schedule.

C. **Requirements**. An application for a CUP shall be accompanied by the following:

1. All information and materials deemed necessary to render the requested land use decision before the application is deemed complete.
2. Complete plans and description of the property involved and the proposed use.
3. Evidence, satisfactory to the Director, of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six (6) months after issuance of the CUP.

D. **Project Review and Noticing.** Applications for a CUP shall be processed if the Director finds the application to be complete at time of filing. The applicant shall be notified in writing within thirty (30) days if the application is complete.

1. If the application is found to be incomplete, the Director will notify the applicant in writing within thirty (30) days, indicating what additional information is required to complete the application. The application will not be processed until that information is received by the Director.
2. The review process for a CUP is generally illustrated in Figure 20.520-1, "Conditional Use Permit Process." Each application shall be analyzed by the Director to ensure the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report with a recommendation to the Planning Commission and when applicable, to the City Council.
3. Public notice shall be given in compliance with chapter 20.505 (Noticing and Public Hearings).

Section 20.520.040 Hearings and Decision

A. **Conditional Use Permit Decision**. CUPs are subject to decision by the Planning Commission and, if applicable, the City Council in a hearing or hearings noticed in accordance with chapter 20.505 (Noticing and Public Hearings).

B. **Conditional Use Permit Decision.** The Planning Commission may approve, conditionally approve, or disapprove an application for a CUP. For CUP applications including concurrent processing of a permit that requires City Council decision, the Planning Commission will make a recommendation to the City Council. The following findings must be made by the applicable decision making body prior to approval:

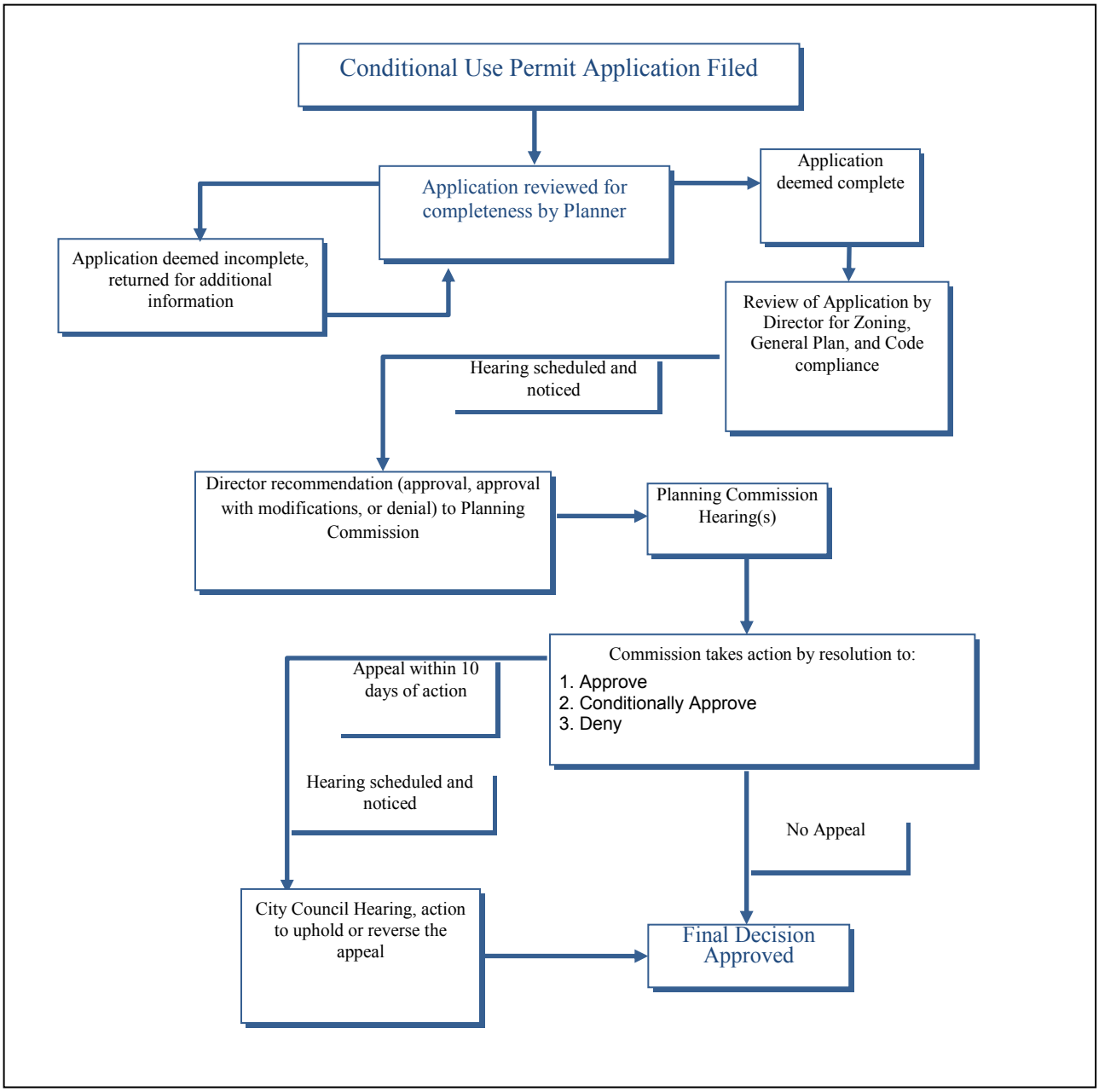
C. **Required Finding**. The approval of a CUP shall be accompanied by all the following findings:
1. Approval of the CUP would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood.
2. The design, development, and conditions associated with the CUP are consistent with the goals, policies, and intent of the General Plan, the purpose and intent of the applicable Zone, and the character of any applicable Specific Plan.
3. The land use allowed in conjunction with the CUP is compatible with the existing and future land uses of the applicable Zone, and the general area in which the proposed use is to be located.

D. **Conditions and Limitations**. CUPs may be granted upon such conditions and limitations and for such periods of time as the Planning Commission or the City Council shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of this Zoning Ordinance shall be achieved.

Section 20.520.050 Appeals and Revocations

All appeals or use revocations related to a CUP application or granted CUP shall be consistent with the standards and process of chapter 20.545 (Appeals and Revocations).

Figure 20.520-1 Conditional Use Permit Process



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CHAPTER 20.525 VARIANCES

Sections:

Section 20.525.010 Purpose and Intent
Section 20.525.020 Applicability
Section 20.525.030 Application
Section 20.525.040 Required Findings
Section 20.525.050 Decision
Section 20.525.060 Appeals
Section 20.525.070 Floodplain Management Variances
Section 20.525.080 Conditions for Floodplain Management Variances
Section 20.525.090 Floodplain Management Appeal Board

Section 20.525.010 Purpose and Intent

The Variance criteria set forth in this chapter are based on the general principle of zoning law that Variances pertain to a piece of property and are not personal. A Variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of the Zoning Ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

The sole purpose of any Variance shall be to prevent discrimination, and no Variance shall be granted that would have the effect of granting a special privilege not shared by other property in the same vicinity and Zone. The intent is to avoid practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of this Zoning Ordinance.

Section 20.525.020 Applicability

A Variance may be granted to allow the following:

A. A reduction or variation in setback regulations; parking and/or loading regulations; front, side, and rear yard regulations; height regulations; and the expansion, extension, alteration, or relocation of nonconforming buildings and uses.

B. A change in the required location of accessory buildings and uses, and the building site front.

C. A reduction or variation in area regulations including limitations on the area covered by accessory buildings.

D. The reestablishment of nonconforming uses consistent with chapter 20.345 (Nonconforming Uses and Structures).

E. Where a lot is divided among two (2) or more Zones, a Variance may be granted to extend the uses permitted in any one (1) of the Zones to include the entire lot, provided the area so changed does not exceed one-half (0.5) acre and provided such lot was held in a single ownership at the time it was so divided among two (2) or more Zones.

Section 20.525.030 Application

A. **Initiation of Application**. An application for a Variance may be made by a property owner or by a lessee with the property owner's consent. The applicant shall submit an application in accordance with the format specified by the Director. Fees shall be paid at the time of application in accordance with the Fee Schedule. An application for an Administrative Variance shall also be accompanied by the following:

1. A written consent signed by the owner or owners of each lot or parcel adjoining the site of the proposed building or structure, and the owner or owners of land across any street from such site.
2. Complete plans and description of the property involved and the proposed use.
3. Evidence, satisfactory to the Director, of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six (6) months after issuance of the Variance.

B. **Fees**. Fees shall be paid at the time of application in accordance with the Fee Schedule.

1. Upon the written request of an applicant, when the Planning Commission or the City Council finds that the necessity for a Variance is the result of the dedication or granting (without receipt of substantial monetary consideration) of a portion of the property for a public purpose, said Planning Commission or City Council may waive the fee for filing the application for Variance.

C. **Processing.** The administrative and discretionary processes for Variance applications is generally illustrated in Figure 20.525-1, "Variance Process." When an application is deemed complete, the Director shall give public notice and a hearing or hearings shall be held as provided in chapter 20.505 (Noticing and Public Hearings).

Section 20.525.040 Required Findings

Before any Variance may be granted, written findings shall be made by the approving body:

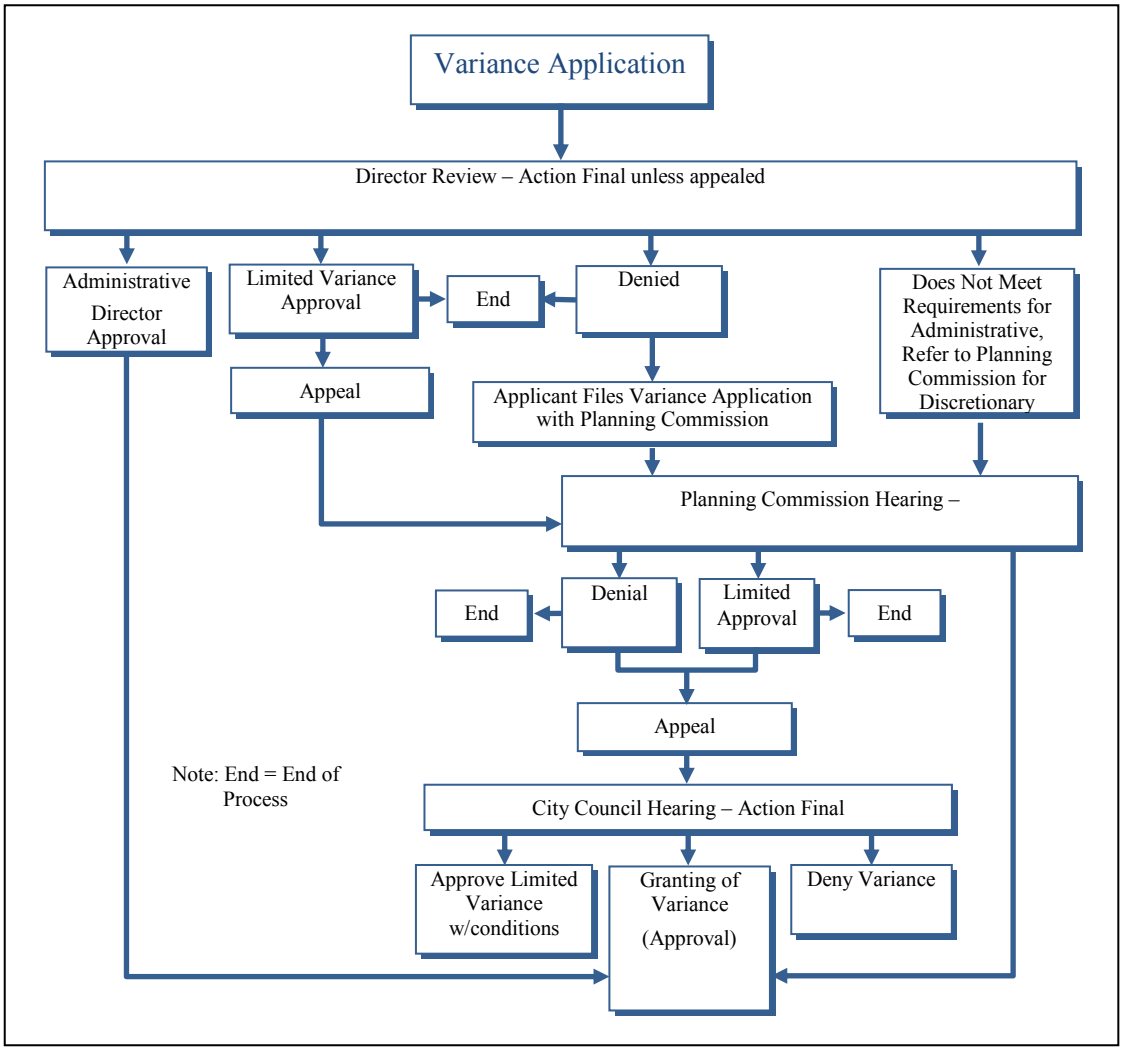
A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of use in the same vicinity and Zone.

B. That the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and Zone, and denied to the property for which the Variance is sought.

C. That the granting of the Variance will not be materially detrimental to the public health, safety, or welfare or injurious to the property or improvement in such vicinity and Zone in which the property is located.

D. That the granting of such Variance will not adversely affect any master or precise plan adopted pursuant to law.

Figure 20.525-1 Variance Process



Section 20.525.050 Decision

A. **Administrative Variance Hardship.**

1. The Director shall review variance applications for site conditions making compliance with standard applicable zoning requirements impossible without difficulty or hardship. The Director may approve the Variance application without notice or hearing if the following conditions are found by the Director:

   a. Hardship due to site conditions exists,

   b, The Variance application meets the requirements of section 20.525.040 (Required Findings), and

   c. The requested modification reduces required setbacks by twenty-five percent (25%) or less.

2. Approval of the Variance based on these findings shall be considered granting of the Variance and building permits, subject to review, may be issued.
3. If the Variance is denied by the Director pursuant to this section, the applicant may file a Variance application with the Planning Commission within sixty (60) days of initial application. No fee shall be charged for the second application.

B. **Discretionary (Planning Commission) Variances.** If the Director determines that an application for a Variance does not meet the requirements of section 20.525.050 (Decision), the application shall be referred to the Planning Commission. Noticing and a hearing or hearings shall be held in accordance with chapter 20.505 (Noticing and Public Hearings).

C. **Conditions and Limitations**. Variances may be granted upon such conditions and limitations and for such periods of time as the Director, Planning Commission, or the City Council shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of this Zoning Ordinance shall be achieved.

D. **Final Decision**. The decision granting or denying the Variance, with or without conditions, shall become final unless an appeal is filed.

E. **Applicant Action**. Where the applicant is granted a more limited Variance than for which the application is made or imposes condition on the Variance, the applicant may decline to accept the Variance as granted and may appeal the decision.

Section 20.525.060 Appeals

All appeals shall be subject to the standards and process of chapter 20.545 (Appeals and Revocations).

Section 20.525.070 Floodplain Management Variances

Issuance of a Floodplain Management Variance shall be for the purposes of floodplain management for the public good only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a Variance.

It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that Variances from the flood elevation or from other requirements of chapter 20.255 (Flood Damage Prevention Zone) are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if Variances are strictly limited. Therefore, the Variance guidelines of this section are more detailed than the standard Variance application and contain multiple provisions that must be met before a Floodplain Management Variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a Variance are more appropriate.

Section 20.525.080 Conditions for Floodplain Management Variances

A. Variances shall not be issued to permit the construction of new structures below the base flood elevation.

B. Variances may be issued for the reconstruction, rehabilitation, or restoration of "historic structures" listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the Variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the Variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of Variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation that the City Council believes will both provide relief and preserve the integrity of the local requirements.

E. Any applicant to whom a Variance is granted shall be given written notice by a City Official that:

1. The issuance of a Variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25) for one hundred dollars ($100) of insurance coverage, and
2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County of San Diego Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all Variance actions, including justification for their issuance, and report such Variances issued in its biennial report submitted to FEMA.

Section 20.525.090 Floodplain Management Appeal Board

A. The City Council shall hear and decide appeals and requests for Variances from the requirements of chapter 20.255 (Flood Damage Prevention Zone).

B. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination and by the Floodplain Administrator in the enforcement or administration of chapter 20.255.

C. In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, and standards specified in chapter 20.255 (Flood Damage Prevention Zone), and the following:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.

D. Upon consideration of the facts of section 20.525.090 (C) (Floodplain Management Appeal Board) and the purposes of chapter 20.255 (Flood Damage Prevention Zone), in the event the City Council determines that a Variance shall be granted, it may attach such conditions to the granting of Variances as it deems necessary to further the purposes of chapter 20.255 (Flood Damage Prevention Zone).

CHAPTER 20.530 AMENDMENTS

Sections:

Section 20.530.010 Purpose and Intent
Section 20.530.020 Applicability
Section 20.530.030 Application
Section 20.530.040 Notice and Hearings
Section 20.530.050 Authority to Review

Section 20.530.010 Purpose of Chapter

The purpose of this chapter is to establish the procedures for amending the text, regulations, or maps of this Zoning Ordinance and the San Marcos General Plan. Amendment may include the alteration of Zone boundaries; the classification of property land uses; the transition of a Transitional Zone from the Initial Zone to the Future Zone; permit requirements of Zones; goals, policies, implementation measures; or other provisions of this Zoning Ordinance or the General Plan that may be amended where required for the public necessity, convenience, and/or the general welfare of the San Marcos community.

Section 20.530.020 Applicability

A. Terminology. "Amendments" as used in this chapter shall refer to applications to amend this Zoning Ordinance or the San Marcos General Plan. The process and requirements for amending either document shall be consistent with the provisions of this chapter.

B. Amendments may be initiated by the following:

1. A property owner or the agent of such owner seeking an amendment, supplement to, or change of the Zone of his/her property.
2. The City Council.
3. The Planning Commission.

C. The standards of this chapter shall apply for all rezoning of property within the City, including rezoning of Transition Zone property to the Future Zone.

Section 20.530.030 Application

Where amendments are initiated by a property owner, the application shall be made to the Planning Division in a format specified by the Director. Applications are subject to payment of a fee in accordance with the City's fee schedule, consistent with chapter 20.500 (Permits and Applications Process).

A. **City Initiated.** Where amendments are initiated by the City Council or Planning Commission, no application is required.

B. **Process.** The amendment process is generally illustrated in Figure 20.530-1.

C. **Submittal.** Submittal of all information and materials deemed necessary to render the requested land use decision is required before the application is deemed complete.

Section 20.530.040 Notice and Hearings

Amendments are subject to approval by the Planning Commission and the City Council in a hearing or hearings noticed in accordance with chapter 20.505 (Noticing and Public Hearings).

A. **Decisions.** The Planning Commission shall announce its decision and shall recommend the adoption of the amendment by the City Council or recommend that the application be denied by the City Council. All decisions regarding amendments are required to be approved by a minimum of four-fifths (4/5) decision by the decision-making body.

1. An amendment shall not be adopted, except by a four-fifths (4/5th) vote of the full membership of the City Council, if the following protests during the hearing are presented:
    a. Protests to the amendment signed by real property owners of twenty percent (20%) or more of the property for which the amendment is proposed, or
    b. Protests to the amendment signed by real property owners of twenty percent (20%) or more of property immediately adjacent to and within five hundred (500) feet of the proposed amendment.

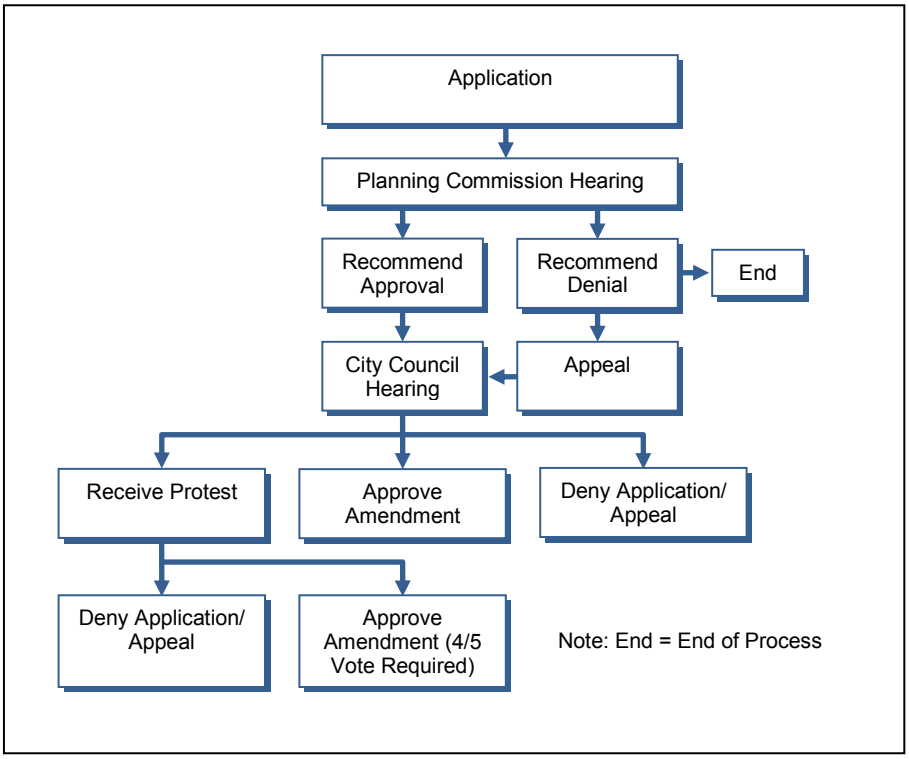
B. **City Council Action.** The City Council shall hold a public hearing on the matter, notice of which shall be given as prescribed in chapter 20.505 (Noticing and Public Hearings).

1. Where the Planning Commission recommends denial of the application and makes no alternate recommendation, the City Council shall not be required to hold a hearing on the matter unless the applicant files with the City Council a written request that said City Council holds a hearing on the matter.
2. The action of the City Council is final and conclusive.

Section 20.530.050 Authority to Review

The City shall have the right to review the appropriateness of a change of Zone enacted at the request of the property owner if the land is not put to the use permitted by the amendment within twelve (12) months, or such other time as may be reasonably required for the development of the land. Such Zone amendment may be rescinded by the City Council by ordinance, after notice and hearing, as provided for in chapter 20.505 (Noticing and Public Hearings).

Figure 20.530-1
Amendment Process



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CHAPTER 20.535 SPECIFIC PLANS

Sections:

Section 20.535.010 Purpose of Chapter
Section 20.535.020 Applicability
Section 20.535.030 Specific Plan Preparation
Section 20.535.040 Required Content
Section 20.535.050 Application Process
Section 20.535.060 Public Hearings and Approval
Section 20.535.070 Annual Specific Plan Review
Section 20.535.080 Specific Plan Amendments

Section 20.535.010 Purpose of Chapter

The purpose of this chapter is to establish the process of preparing and adopting Specific Plans. A Specific Plan is a tool for the systematic implementation of the San Marcos General Plan that provides a framework for the distribution of land uses, infrastructure, development standards, and implementation measures necessary to implement the General Plan for a specific area of the City while taking into consideration the unique physical characteristics and resources of a particular area.

Section 20.535.020 Applicability

A. **Required.** Preparation of a Specific Plan subject to the standards of this chapter shall be required for all new development in a SPA Zone.

1. Minimum development size for a Specific Plan shall be five (5) acres of contiguous property.
2. Less than five (5) acres may be permitted by the Director where the property is adjacent to an existing Specific Plan.
3. The entire contiguous block or site of an existing undeveloped SPA Zone property.
4. The entire contiguous block or site of a Mixed Use Zone property.

B. **Applicant Generated.** A Specific Plan, subject to the standards of this chapter, may be proposed for property not designated within a SPA Zones concurrently with a request to rezone an area to a SPA Zone when a systematic framework for the distribution of land uses, infrastructure, development standards, and implementation measures would be beneficial based on the unique physical characteristics and resources of a particular area, or where the proposed project would include innovative development in the form of buildings, construction, design, or use combinations inconsistent with the established provisions of this Zoning Ordinance.

C. Mixed Use (SP) Zones. The MU-3 (SP) and MU-4 (SP) Zones, as delineated by the Regulating Plan Figure 20.225-2, are required to prepare a Specific Plan subject to the standards of this chapter prior to development or redevelopment. Specific Plans in these Zones shall be applicant generated.

C. **State Law.** All Specific Plans shall be prepared in accordance with state law (Government Code Section 65450).

D. **Regulating Document.** A Specific Plan may either supplement or supersede land use regulations of this Zoning Ordinance, including all previously adopted ordinances, standards, and guidelines. Upon adoption of a Specific Plan and requisite Zone/General Plan amendments, the Specific Plan shall replace and take precedence over the Zone regulations of this Zoning Ordinance for the subject property. Where the regulations of a Specific Plan are silent, the comparable regulations of this Zoning Ordinance, and all adopted ordinances, regulations, standards, and guidelines of the City shall prevail, as deemed appropriate by the Director.

E. **Reference.** "Specific Plan," as used in this Zoning Ordinance, shall refer to the entire Specific Plan document, including text and maps, consistent with state law.

Section 20.535.030 Specific Plan Preparation

A. **Compatibility.** All uses shall be compatible with the intent of the General Plan and this Zoning Ordinance; maximum development intensity/density shall be consistent with the General Plan.

B. **Applicable Land.** All land areas included within a SPA Zone (under multiple or single ownership or otherwise subject to unified planning by persons, corporations, or other similar legal entities) shall be subject to all applicable provisions of the adopted Specific Plan.

C. **Ridgeline Protection Mandatory.** The Ridgeline Protection and Management Overlay Zone shall be applicable to all Specific Plans occurring within the ROZ, and shall not be revised or modified by such Specific Plan.

Section 20.535.040 Required Content

A Specific Plan shall provide regulations and design standards governing the minimum and maximum development parameters of all real property within the SPA Zone. All Specific Plans prepared and adopted under this chapter shall be consistent with the requirements of Government Code Section 65450 and shall, at minimum, regulate the following:

A. **Purpose.** State the relationship to the goals and policies of the General Plan.

B. **Setting.** State the existing and regional setting to establish the conditions and reasons for the project.

C. **Proposed Land Uses.** Establish the distribution, type, definitions of, and regulations for all proposed land uses. The uses described within the Specific Plan shall be designed and developed in a manner compatible with and complementary to existing and potential development in the same general vicinity.

D. **Development Standards.** Establish all regulating policies and include all of the following for all building types:

1. Building height, setbacks, massing, and design standards.

2. Lot area, width, depth, and structural limitations.
3. Maximum number of dwelling units and the maximum residential density (of the SPA and any individual site or portion). The distribution of units within the SPA shall be governed by the adopted Specific Plan. In the event that the General Plan does not establish a maximum residential density, the City Council shall establish the appropriate density.
4. Usable open space provisions and requirements within the development.
5. Off-street parking and loading facilities.
6. Design and development standards (architectural, landscape, streetscape, street furniture, utilities, fence/wall types, etc.), which may include design themes or similar architectural treatments to control future construction of buildings on parcels covered by the Specific Plan. Site planning at the perimeter of the Zone boundaries shall provide for the mutual protection of the Zone and the surrounding property.
7. Signage requirements shall be addressed, either through express adoption of chapters 20.320 (Signs on Private Property) and 20.325 (Signs on City Property) or by a unique sign program codified in the Specific Plan.
8. All areas for storage of vehicles, maintenance equipment, refuse and collection facilities, manufactured products, or other similar materials used by or in a manufacturing/fabricating process on-site shall be prohibited or shall be enclosed by a decorative, block, or brick wall and/or landscape screening in combination.

E. **Site Planning.** Establish a comprehensive map of all streets, open spaces, private and public property, and land uses for all affected property, consistent with the intent of the General Plan.

1. Provide site planning at the perimeter of the Zone boundaries for the mutual protection of the Zone and the surrounding property.
2. Consider and preserve environmentally sensitive resources (water courses, view sheds, drainage areas, wooded areas, rough terrain [canyons, ravines, steep slopes, ridges, knolls, promontories], and other similar natural features) and make provisions to retain natural features and amenities found on-site.
3. Provide landscape architectural concept plans and standards, including project entries, streetscapes, fencing details, lighting, signage, utility, and street furniture.

F. **Infrastructure.** Identify the proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed.

1. Include physical and fiscal plans for the construction, improvement, or extension of transportation facilities, public utilities, and all other public facilities/services required to serve the properties in conformance with Chapter 20.315 (Residential Growth Management).
2. Dedicate all public ROWs within or abutting the development to applicable City specifications.

3. Private streets and alleys shall be designed to public street standards, or proposed modifications, and be privately owned and maintained for their intended purpose without public cost or maintenance responsibility.

4. Consideration of other forms of access, such as pedestrian ways, paseos, courts, plazas, driveways, horse trails, bike trails, or open public parking areas, may be made at the time of Specific Plan consideration by the City.

G. **Maintenance**. Provisions assuring the continued maintenance of private property, grounds, and all common areas shall be required.

H. **Phasing**. Provide project development phasing for the full life of the project and anticipated schedule, including start date and completion date of each construction phase.

1. Specific Plans developed in phases or neighborhoods over a period of time, not developed in a consecutive and uninterrupted manner, shall be required to process each phase or neighborhood through Development Site Plan Review.

Section 20.535.050 Application Process

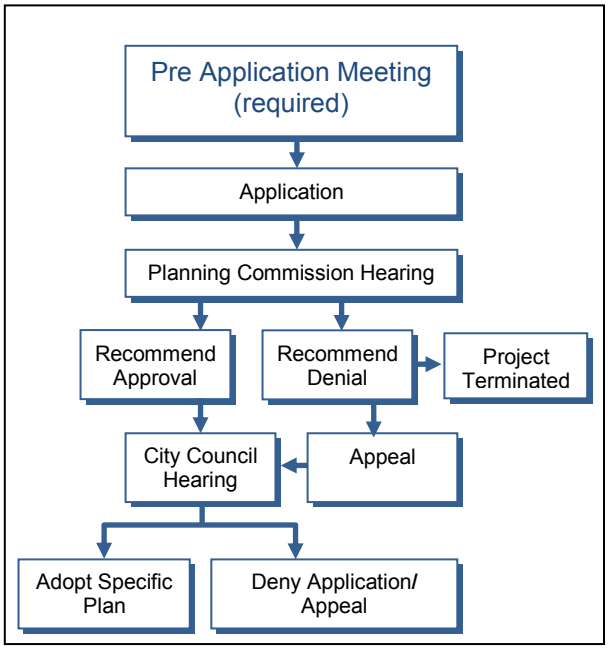
The Specific Plan processes and long-term impacts of such a document require City staff involvement from pre-application through final approval. The following application process shall apply to all proposed Specific Plans within the City. The Specific Plan process is generally illustrated in Figure 20.535-1.

A. **Pre-Application Process.** Prior to submitting a formal application for a Specific Plan, the applicant shall meet and confer, in preliminary consultations, with the Director and other appropriate City officials. The preliminary consultations shall be for obtaining information and guidance before entering into binding commitments that would ordinarily incur substantial expense in the preparation of plans, surveys, and other data or documents. Such consultations should be conducted based on a prepared conceptual Specific Plan and environmental constraint mapping for the entire property, which would include the following:

1. Constraint maps identifying slope/landform areas, biological resources, archaeological resources, and surrounding and future land uses.

2. Proposed land uses to be developed.

Figure 20.535-1 Specific Plan Review Process



3. Preliminary developmental concepts, standards, and design themes.
4. Schematic maps, illustrative materials, and narrative sufficient to describe the general land uses, design themes, and other principal features.
5. A preliminary development schedule, including quantitative data such as population and housing unit counts, preliminary grading estimates, land use acreage, and other data needed to illustrate the phasing of development and potential impact on public services.
6. For submission of an application for review procedure, the Director may request the submission of a housing market analysis demonstrating the need for housing by pricing and unit numbers.
7. A market analysis may be required by the Director for general retail, office, and industrial proposals to demonstrate the need/demand for such uses and the inadequacy of existing zoned sites and properties to meet this need. The market analysis should include the following:
    a. define the potential trade and employment area;
    b. estimate projected population of the trade area and identify existing population figures; and
    c. define existing and projected potential customer buying power in the trade area for commercial developments or define the existing and potential buying power within the defined trade area.

B. **Application**. Following this pre-application consultation, a formal application, including the full Specific Plan, shall be submitted, subject to a fee. The Specific Plan shall include the following:

1. **State Requirements.** All requirements consistent with state law (Government Code Section 65450).
2. **Project Map.** The entire Specific Plan project shall be mapped in the appropriate number of maps necessary to include all the following information:
    a. A boundary survey map with calculation of the gross land area.
    b. A tentative subdivision map if subdivision of property is proposed.
    c. A topographic map with preliminary grading and drainage plan; include specific cross-sections for sensitive areas or locations specified by the City and show adjacent lands within one hundred (100) feet of the property.
    d. A preliminary grading plan to show contour intervals no greater than two (2) feet for natural slopes of two percent (2%) or less. For natural slopes more than two percent (2%) contour, intervals shall not exceed five (5) feet.
    e. Current General Plan land use designations and Zone classification, including property within five hundred (500) feet of the project boundary.
    f. The location of structures and other significant improvements.
3. **Graphic Plan.** A rendered Specific Plan map identifying all proposed land uses and improvements.

4. **Circulation Plan.** A circulation plan showing existing and proposed public and private streets, pedestrian ways and/or paseos, bike paths, and/or other trail systems required to serve the proposed development. The circulation plan shall be supported by schematic mapping.
5. **Proposed Plan.** A text and graphics plan, including an executive summary, detailing all the required content identified in section 20.535.040, and any additional information pertinent to conveying the development intent, standards, and outcomes of the Specific Plan.

Section 20.535.060 Public Hearings and Approval

A. **Public Hearings.** The Specific Plan process, including public hearings, is generally illustrated in Figure 20.535-1. The Planning Commission and the City Council shall hold public hearings in all cases where they are required by state law to do so; in other cases, the Planning Commission or City Council may hold such public hearings regarding a Specific Plan as it deems appropriate. All hearings shall require public noticing and hearing procedures consistent with chapter 20.505 (Noticing and Public Hearings).

B. **Approval.** The Specific Plan shall be adopted by ordinance, or by resolution of the City Council, in compliance with state law (Government Code Section 65453). The City Council's action to adopt a Specific Plan shall be accompanied by findings that the Specific Plan is in conformance with the goals, policies, and objectives of the General Plan and other adopted goals and policies of the City.

C. **Incorporation upon Approval**. Upon approval, the Zoning Map shall be updated by the City. The Specific Plan, as modified and approved by the City Council, shall be incorporated into this Zoning Ordinance upon adoption.

D. **Specific Plan Fee.** The City Council may impose a Specific Plan fee surcharge on development permits within the SPA, in compliance with state law (Government Code Section 65456).

E. **Action Extension.** The time within which the Planning Commission or the City Council shall act on an application, beyond the stipulations of chapter 20.505 (Noticing and Public Hearings), for a Specific Plan may be extended by the City Council.

F. **Authority to Review.** Development associated with an approved Specific Plan shall commence within twenty-four (24) months of approval. When development has not commenced within this time period, the City Council shall have the right to hold public hearings to review the appropriateness of a Specific Plan, and the associated Zone change. Proper hearings and noticing subject to chapter 20.505 (Noticing and Hearings) shall occur in conjunction with review or rescind actions.

Section 20.535.070 Annual Specific Plan Review

For Specific Plans in progress, not fully developed, the Director shall annually review the Specific Plan to provide a report to the Planning Commission and City Council on the development status. A copy of the

annual report shall be provided to the applicant or successors or other interested parties. The report(s) shall contain the following:

1. A summary of Zone development progress to date, with an assessment of progress to be achieved within the forthcoming year toward the completion of development authorized by the Specific Plan.
2. A statement of changes, if any in land uses; economic trends; housing indicators; and commercial, office-professional, and industrial trends/rates that may affect the provisions and scheduling of public facilities and services needed to serve the Specific Plan development or the completion of the adopted Specific Plan.

Section 20.535.080 Specific Plan Amendments

A. **Process.** A Specific Plan may be amended in the same manner as a Zone amendment, subject to the process and required findings established by chapter 20.530 (Amendments).

B. **Initiation.** An amendment may be initiated by the City Council or by the applicant for the SPA Zone, provided such an applicant has, at the time of application submittal, demonstrated a controlling interest in the development or management of uses within the SPA Zone boundaries.

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CHAPTER 20.540 DEVELOPMENT AGREEMENTS

Sections:

Section 20.540.010 Purpose and Intent
Section 20.540.020 Applicability
Section 20.540.030 Applications
Section 20.540.040 Notice and Hearings
Section 20.540.050 Decision
Section 20.540.060 Duration of Agreement
Section 20.540.070 Irregularity in Proceedings
Section 20.540.080 Recordation
Section 20.540.090 Review
Section 20.540.100 Amendment and Cancellation

Section 20.540.010 Purpose and Intent

This Chapter provides for the following:

A. Minimize the waste of resource and escalation in the cost of housing and other development arising from uncertainties inherent in the approval of such projects; and

B. Provide assurances to applicants for development projects, that upon approval of a project, they may proceed with development in accord with the rules, regulations, and policies in effect at the time of approval.

Section 20.540.020 Applicability

A. Any residential, commercial, office/professional, or industrial project meeting the following minimum qualifications shall be eligible for consideration of a Development Agreement:

1. The minimum staging/phasing period for all projects shall be four (4) years.
2. The minimum number of units for residential projects shall be two hundred fifty (250).
3. The minimum gross building square footage for commercial, office/professional, and industrial ("business") projects shall be 250,000 square feet.
4. Mixed use projects shall qualify for consideration upon meeting the requirements of (1), and (2), or (3), above.

B. All public service projects shall be eligible for a Development Agreement in accordance with this Zoning Ordinance. The term "public service project" means all projects that provide a public service, public facilities, or both, whether initiated by a public agency or by a private party pursuant to a contract with a public agency. Public service projects include parks, court facilities, libraries, public transit facilities, solid waste services or facilities, fire service or facilities, water or sewer services or facilities, or other projects providing public facilities or services.

Section 20.540.030 Applications

A. **Initiation**. A Development Agreement may be initiated by an application of one (1) or more qualified applicants. A qualified applicant shall mean a person having legal or equitable interest in the real property that is the subject of the agreement. Applicant shall include the duly authorized agent of such persons.

B. **Application and Content**. Application for a Development Agreement shall be made in writing to the Planning Division on a form prescribed by the Director. All applications shall be accompanied by the following:

1. A map drawn to suitable scale showing the following:
    a. The limits of property covered by the proposed agreement,
    b. The Assessor's Parcel Numbers of all parcels shown, and
    c. All streets within or abutting the subject property and all recorded easements affecting it.
2. A current title policy or title report for all affected parcels, if required by the Director.
3. A proposed agreement containing the following:
    a. A legal description of the subject property.
    b. The duration of the agreement.
    c. Permitted use of the property.
    d. Permitted density or intensity of development.
    e. The maximum permissible height and size of proposed buildings and other pertinent development criteria.
    f. Provisions for reservation or dedication of land for public purposes.
    g. A provision that, unless otherwise exempted by terms of the agreement, the rules, regulations, and policies governing permitted use and density/intensity of use of the land, and the design, improvement and construction standards/specifications applicable to its development, shall be those rules, etc. in force on the date the agreement is executed.
    h. Notice that the burdens of the agreement shall be binding upon, with its benefits inuring to, all successors in interest to the parties thereto.
    i. Notice that in the event of subsequently enacted state or federal laws or regulations preventing or precluding compliance with one (1) or more provisions to the agreement, such provision(s) shall be modified or suspended, as appropriate.
4. A completed Environmental Initial Study Form (Part I).
5. Such additional information or materials as the Director considers necessary to process the application.

C. **Optional Provisions**. A Development Agreement may, at the discretion of the Director, include the following additional provisions:

1. Conditions relative to financing of necessary public improvements/facilities and subsequent reimbursement over time, if applicable;
2. A schedule for commencement and completion of the project and any phases thereof, including both private and public improvements;
3. Conditions, terms, restrictions, and requirements for any subsequent discretionary action(s) by the City, provided that such conditions shall not prevent or preclude development of the land for the uses, and to the density/intensity of use, set forth in the agreement; and
4. Any other terms or conditions agreed to by the parties.

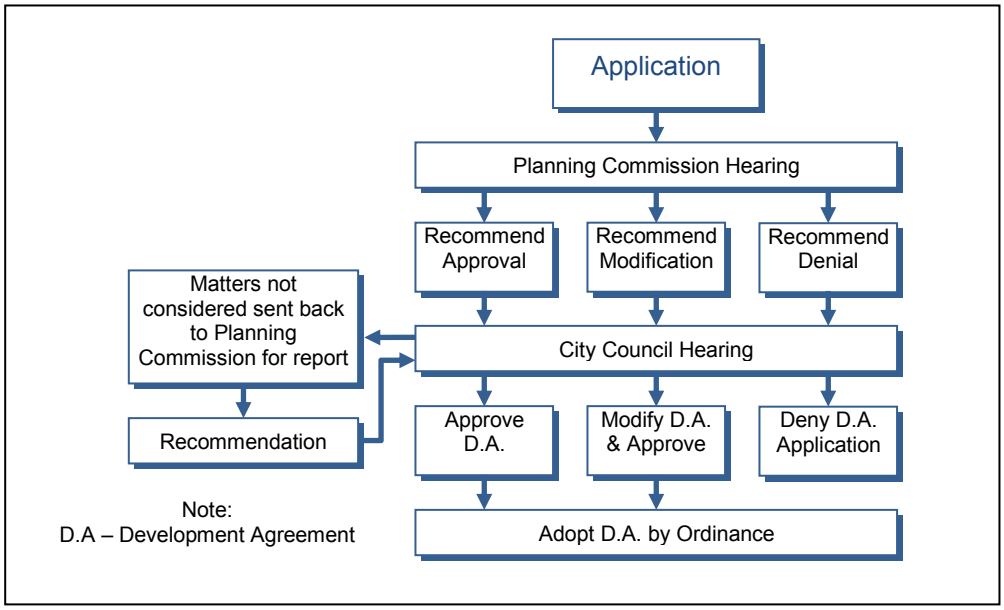
D. **Form of Agreement**. The City Attorney shall prepare a standard Development Agreement form that shall contain all of those elements listed in Section 20.540.030(B)(3) (Application and Content) above, and may address any other provision permitted by law, including those listed in Section 20.540.030(C) (Optional Provisions). An applicant may submit an alternate form of agreement, use of which shall be subject to approval by the Director.

E. **Fee**. The application shall require payment of a fee as established in the City's fee schedule.

F. **Environmental Review**. A Development Agreement that qualifies as a project under CEQA shall be subject to environmental review in accord with CEQA and Title 18 of this Code (Environmental Review).

G. **General Process**. The process for review of Development Agreements is generally illustrated in Figure 20.540-1, "Development Agreement Process."

Figure 20.540-1: Development Agreement Process



Section 20.540.040 Notice and Hearings

A. **Notice**. Notice of intention to consider adoption of a Development Agreement and of other public hearings required by this chapter shall be given as provided in Government Code Sections 65090 and 65091and chapter 20.505 (Noticing and Public Hearings). The failure of any person to receive lawfully required notice of any hearing prescribed herein, shall not affect the authority of the City Council to enter into a Development Agreement.

B. **Planning Commission**. Applications accepted by the Director as complete shall be considered in public hearing by the Planning Commission. Where applicable, Development Agreement request shall be considered concurrently with other discretionary permits or approvals for a project. Upon completing the public hearing, the Planning Commission shall render its decision in the form of a resolution recommending approval, modification, or disapproval of the agreement to the City Council. The resolution shall include the Planning Commission's determination on findings listed in 20.540.040(C) (City Council), below.

C. **City Council**. Upon receipt of the Planning Commission resolution, the City Clerk shall set the matter for public hearings before the City Council. Upon completing such hearings, the City Council may approve, modify, or disapprove the Development Agreement. Matters not previously considered by the Planning Commission in its deliberations may be referred back to the Planning Commission for report and recommendation. The Planning Commission need not hold a public hearing on such referrals. The City Council shall not approve a Development Agreement unless it finds in writing that the agreement is consistent with:

1. The goals, policies, objectives, land uses, and programs of the General Plan and any applicable Specific Plan; and
2. The provision of Government Code Sections 65864 through 65869.5.

Section 20.540.050 Decision

Development agreements shall be adopted by ordinance and are subject to referendum. The ordinance shall authorize the City Manager to sign the agreement on behalf of the City.

Section 20.540.060 Duration of Agreement

Each ordinance adopting a Development Agreement shall specify the date upon which the agreement will expire. In establishing the duration of an agreement, the Planning Commission and City Council shall consider the following:

1. The degree to which the proposed time frame may preempt or impair effective long-range planning for the area;
2. Permitted use of surrounding properties and the potential for their development over the life of the agreement;
3. The nature, size, and complexity of the project covered by the agreement;
4. Proposed phasing and construction intervals for the project; and
5. Short-term versus long-term market demand for the project.

Section 20.540.070 Irregularity in Proceedings

No action, inaction, or recommendation regarding a proposed Development Agreement shall be held void or invalid or be set aside by a court by reason of any error or irregularity more specifically set forth in Government Code Section 65801.

Section 20.540.080 Recordation

Within ten (10) days of the date on which the City enters into, amends, or terminates a Development Agreement, the City Clerk shall have the agreement, amendment, or notice of termination recorded with the County Recorder.

Section 20.540.090 Review

A. Each Development Agreement shall be reviewed administratively by City staff at least every twelve (12) months. In the course of such review, the applicant or successor in interest thereof shall be required to demonstrate good faith compliance with the terms and conditions of the agreement. Upon a finding by the Director that substantial compliance has not been achieved, the matter shall be referred for review by the City Council.

B. Should the City Council determine on the basis of substantial evidence, that one (1) or more terms or conditions of the agreement have not been complied with in good faith, it may initiate proceedings to modify or terminate the agreement. Council action to modify or terminate the agreement shall be taken in public hearing, after written notice of the Council's intent has been given to the other party. Such notice shall contain the following:

1. The time and place of the hearing.
2. A statement as to whether or not the City Council intends to modify or terminate the agreement.
3. A list of the terms or conditions of the agreement that have not been complied with in good faith and a summary of the factual basis upon which the determination of noncompliance was made.

C. In modifying an agreement, the City Council may, as part of its final determination, impose such conditions as it considers necessary and appropriate to protect the City's interests.

D. The decision of the City Council to modify or terminate an agreement shall be final. Any court action or proceeding by the applicant or its successor in interest to attack, review, set aside, void, or annul any decision or determination of the Council shall be commenced within thirty (30) days.

Section 20.540.100 Amendment and Cancellation

Any Development Agreement may be modified, or terminated in whole or in part, by mutual consent of the applicant (or its successor in interest) and the City, or it may be modified or terminated by the City pursuant to Section 20.540.090 (Review) above. The parties to an agreement may also set forth an alternative procedure in the Agreement for processing insubstantial amendments. In such event, alternative procedures shall include a precise definition of the term "insubstantial amendment."

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CHAPTER 20.545 APPEALS AND REVOCATIONS

Sections:

Section 20.545.010 Purpose and Applicability
Section 20.545.020 Filing an Appeal
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Section 20.545.010 Purpose and Applicability

A. An appeal from a decision of the Director, other administrative official(s), or the Planning Commission made in the administration or enforcement of this Zoning Ordinance may be made, as provided in this chapter.

B. The appeal may be taken by the owner or any person having an interest in the property that is the subject of the decision (the subject property) or by the owner of or person having an interest in any property located within five hundred (500) feet of the exterior boundaries (or one hundred [100] feet for appeals of large family child care facilities) of the subject property.

C. The appeals process is generally illustrated in Figure 20.545-1, "Appeals Process." An appeal from a decision of the Director or other administrative official(s) must first be taken to the Planning Commission. Decisions of the Planning Commission may be appealed to or reviewed by the City Council.

Section 20.545.020 Filing an Appeal

A. **Written Filing, Fee Payment.** An appeal may be made by filing a written appeal with the Director and paying any required fee within ten (10) days of the decision being appealed.

B. **Appeal Statement**. The appeal shall set forth the decision being appealed, and shall contain the reasons for the appeal and the grounds upon which the appeal is based.

C. **Appeal Documents.** On the filing of such appeal and the payment of any required fee, the Director shall transfer the records on file with the official whose decision is being appealed, together with the report of such official, to the Secretary of the Planning Commission. If a decision of Planning Commission is the subject of the appeal, the transfer of the record and report referenced herein shall be made to the City Clerk.

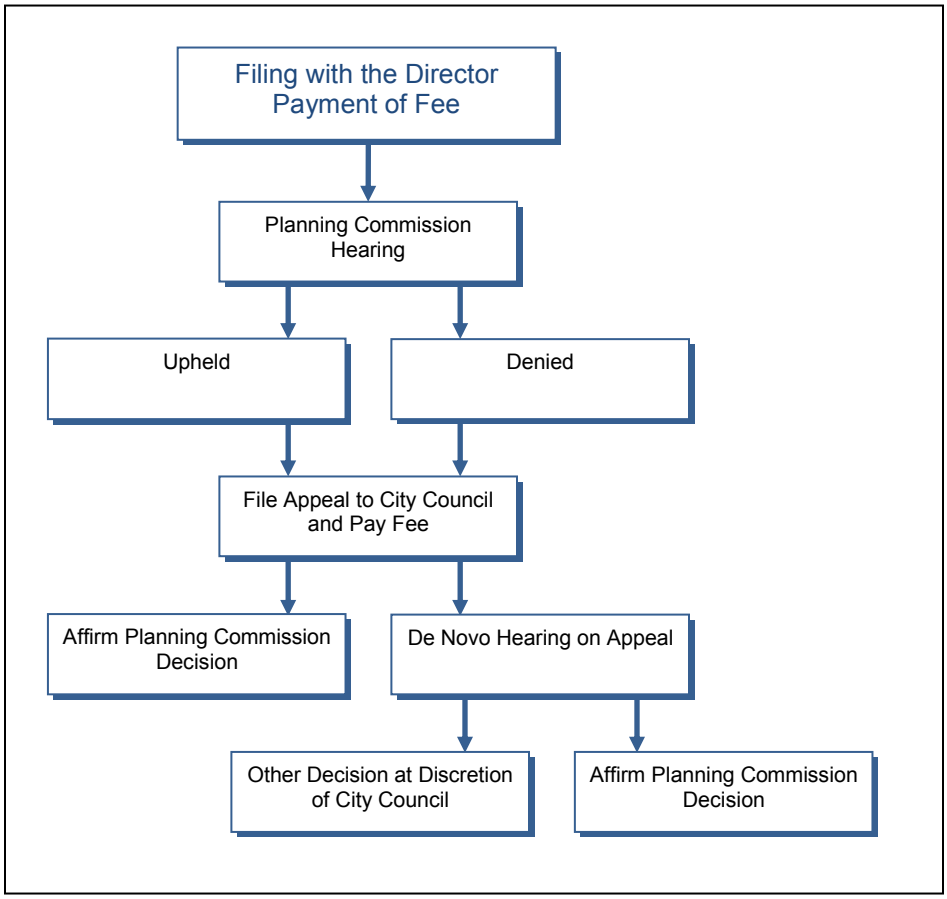
Section 20.545.030 Hearing

A. **Hearing on Appeal of Decision by Director or other Administrative Official(s)**. The Planning Commission shall hold a hearing on an appeal from a decision of the Director or other administrative official(s) after giving due notice thereof to the appellant and to the owners of the property in the manner prescribed in chapter 20.505 (Noticing and Public Hearings) of this

Zoning Ordinance. The Planning Commission may call for a review of a decision of the Director on a variance at the next scheduled meeting of the Planning Commission.

B. **Hearing on Appeal of Planning Commission Decision.** If the appeal is from a decision of the Planning Commission, the City Council shall hold a hearing on said appeal after giving due notice thereof to the appellant and to the owners of the property in the manner prescribed in Chapter 20.505 (Noticing and Public Hearings) of this Zoning Ordinance.

Figure 20.545-1
Appeals Process



1. Upon the filing of an appeal and payment of any required fee, the Director shall transfer to the City Council the papers and documents applicable to such hearing and on file with the Planning Commission including the decision of the Planning Commission. The written appeal shall set forth the grounds upon which the appellant asserts the decision of the Planning Commission was in error.

Section 20.545.040 Decision on Appeal

A. For appeals from a decision of the Director or other administrative official(s), the Planning Commission shall consider the appeal and shall either:

1. Affirm the decision of the Director or other administrative official(s) or
2. Render its decision de novo on the appeal.

B. For appeals from a decision of the Planning Commission, the City Council shall consider the appeal and shall either
   1. Affirm the decision of the Planning Commission or
   2. Render its decision de novo on the appeal.

C. The decision of the City Council in the case of any such appeal shall be the final determination of the City.

Section 20.545.050 Action Halted by Appeal

An appeal stays all proceedings in furtherance of the action appealed from. No building permit, license, or other permit that is the subject of an appeal shall be issued unless the officer from whose decision the appeal is taken, certified to the Planning Commission or City Council as appropriate, that by reason of facts stated, a stay would, in his/her opinion, cause imminent peril to life and/or property. In this case, proceedings shall not be stayed except by restraining order, which may be granted by the Planning Commission or City Council as appropriate, or by a court having appropriate jurisdiction.

Section 20.545.060 Revocation

A. **Authority to Revoke Approval**. After a public hearing as provided for in chapter 20.505 (Noticing and Public Hearings), the Planning Commission may revoke or modify any permit, CUP, Variance, or other approval granted by the Planning Commission, the City Council, or any administrative officer(s) pursuant to the provisions of this Zoning Ordinance on any one (1) or more of the following grounds:
   1. That the permit or other approval was obtained by fraud.
   2. That one (1) or more of the terms or conditions upon which the permit or approval was granted has been violated.
   3. That the use for which the permit was granted is so conducted as to be detrimental to the public health or safety, or as to be a nuisance.

   The City Council will be the final decision-making body for any permits or approvals that required City Council approval, and for appeals of decisions by any lower decision-making body.

B. **Hearing**. The hearing to revoke or modify a permit or approval may be initiated by order of the Planning Commission or City Council on its own motion or on request of any City officer. The order shall set forth the grounds for revocation or modification.

C. **Notice**. Notice of the time and place of any hearing to revoke or modify a permit or approval shall be issued in the manner and within the time period prescribed by chapter 20.505 (Noticing and Public Hearings).

   Additionally, the Secretary of the Planning Commission shall do as follows:

1. Cause a notice of the time and place of hearing and copy of the order to be sent to such public officers, departments, or agencies who, in the opinion of the Secretary of the Planning Commission, might be interested, and request a report thereon.
2. Cause a copy of the notice of the time and place of such hearing to be published once in a newspaper of general circulation in the City.
3. Service a written notice of the time and place of such hearing and a copy of the order upon the owner and upon the person in possession of the premises involved. Service of the notice and copy of order shall be made in the manner required by law for the service of summons, or by registered or certified mail, postage prepaid; however, if no owner or person in possession can be found, the Secretary shall cause notice of such hearing together with a copy of the order by first class mail, postage prepaid, to be mailed to the person whose name and address appear as owner of the premises involved on the latest adopted tax roll of the County of San Diego, or, alternatively, on such other records of the Assessor or the Tax Collector as contain more recent information in the opinion of the Secretary of the Planning Commission.
4. Cause a notice of the time and place of hearing and copy of the order to be sent to such public officers, departments, or agencies who, in the opinion of the Secretary of the Planning Commission, might be interested, and request a report thereon.

D. **Planning Commission Decision**. After such hearing, the Planning Commission shall render its decision subject to Section 20.545.060(A) and may revoke or modify the permit or approval.

E. **Appeal of Revocation**. Any person dissatisfied with the decision of the Planning Commission may appeal such decision to the City Council within fifteen (15) days after the Planning Commission renders its decision. The appeal may be taken by filing a written appeal with the Director. The written appeal shall set forth the grounds upon which the appellant asserts the decision of the Planning Commission was in error. Upon the filing of such appeal and payment of any required fee, the Director shall transfer to the City Council the papers and documents applicable to such appeal and on file with the Planning Commission, including the decision of the Planning Commission.

The City Council shall consider the appeal and shall either:

1. affirm the decision of the Planning Commission, or
2. hold a hearing de novo on the appeal.

Following any such hearing, the City Council shall render its decision de novo on the appeal. In rendering its decision, the City Council may revoke or modify the permit or approval. The decision of the City Council shall be the final determination of the City.

CHAPTER 20.550 ENFORCEMENT AND PENALTY

Sections:

Section 20.550.010 Authority to Enforce
Section 20.550.020 Violators Punishable by Fine and Imprisonment

Section 20.550.010 Authority to Enforce

City personnel in the following City Departments and Divisions shall be empowered to enforce the provisions of the Zoning Ordinance: City Attorney, City Manager, Code Compliance, Development Services, Public Safety, and Public Works.

Section 20.550.020 Violators Punishable by Fine and Imprisonment

Any person, firm, or corporation violating any of the provisions of this Zoning Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by fine, by imprisonment in the County Jail for a period of time, or both such fine and imprisonment in accordance with the provisions in chapter 1.12 (General Penalty) of this Code. As provided in chapter 1.12, each violation constitutes a public nuisance and is declared unlawful each day it is committed, continued, or permitted to exist. Each offense constitutes a separate offense, and the City's remedies are cumulative in nature. In addition to any civil or criminal penalties imposed under chapter 1.12, the provisions of this Zoning Ordinance may be enforced under the provisions in chapter 1.14 (Administrative Citations and Fines) and chapter 10.04 (Nuisance Abatement Procedure- Real Property). A violation of the Zoning Ordinance includes the following:

A. Any building or structure erected, constructed, altered, or maintained and/or any use of property contrary to the provisions of this Zoning Ordinance;

B. Any violation of any Permit or Entitlement as defined in section 1.14.020 of this Code or condition thereto, or failure to obtain a required permit or entitlement; or

C. Any violation of any term or condition of any agreement with the City entered into under this Zoning Ordinance.

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CHAPTER 20.600 DEFINITIONS

Sections:

Section 20.600.010 Purpose of Chapter
Section 20.600.020 Applicability
Section 20.600.030 "A" Definitions
Section 20.600.040 "B" Definitions
Section 20.600.050 "C" Definitions
Section 20.600.060 "D" Definitions
Section 20.600.070 "E" Definitions
Section 20.600.080 "F" Definitions
Section 20.600.090 "G" Definitions
Section 20.600.100 "H" Definitions
Section 20.600.110 "I" Definitions
Section 20.600.120 "J" Definitions
Section 20.600.130 "K" Definitions
Section 20.600.140 "L" Definitions
Section 20.600.150 "M" Definitions
Section 20.600.160 "N" Definitions
Section 20.600.170 "O" Definitions
Section 20.600.180 "P" Definitions
Section 20.600.190 "Q" Definitions
Section 20.600.200 "R" Definitions
Section 20.600.210 "S" Definitions
Section 20.600.220 "T" Definitions
Section 20.600.230 "U" Definitions
Section 20.600.240 "V" Definitions
Section 20.600.250 "W" Definitions
Section 20.600.260 "X" Definitions
Section 20.600.270 "Y" Definitions
Section 20.600.280 "Z" Definitions

Section 20.600.010 Purpose of Chapter

The purpose of this chapter is to provide definitions of terms and phrases used in this Zoning Ordinance that are technical or specialized or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of this Zoning Ordinance, these definitions shall control for the purposes of this Zoning Ordinance. If a word is not defined in this chapter or in other provisions of this Zoning Ordinance, the Director shall determine the correct definition.

Section 20.600.020 Applicability

Terms and phrases defined in this chapter shall be applicable to all contexts within this Zoning Ordinance, unless the context in which they are used clearly indicates otherwise.

A. Referenced Definitions.

1. Flood Damage Prevention Overlay Zone Definitions. All definitions related to the Flood Damage Prevention Overlay Zone are located in section 20.255.170 (Definitions).

2. Sign Definitions. All definitions related to signs and sign regulation are located in section 20.320.120 (Definitions).

3. Adult Entertainment Establishment Definitions. All definitions related to adult entertainment establishments are located in section 20.405.070 (Definitions).

4. Wireless Telecommunication Facilities. All definitions related to wireless telecommunication facilities are located in Section 20.465.180. **(Ord. No. 2014-1398, 8-12-2014).**

Section 20.600.030 "A" Definitions

A-weighted Sound Pressure Level (dBA). Some frequencies of noise are more noticeable than others. To compensate for this fact, different sound frequencies are weighted more.

Abandoned. The condition resulting when the building(s) of a piece of property have been vacated and all activities related to the approved land use have been discontinued for a period of twelve (12) consecutive months or more, or twenty-four (24) months or more for any property designated as a Transitional Zone. The status of maintenance and the condition of the property shall not be a determining factor in the abandoned status.

Abutting or Adjoining. Having Zone boundaries or property/lot lines in common.

Accessory Structure. A structure that is subordinate to, and detached from the main structure, the use of which is incidental and subordinate to that of the main structure. See chapter 20.410 (Second Dwelling Units and Accessory Structures).

Accessory Use. A land use that is incidental and subordinate to the main use of the site and located on the same site as the main use. An accessory use may be located either in the principal structure or an accessory structure.

Adjacent Property Line. See, "Property Line, Adjacent."

Adult Bookstore. See section 20.405.070 (Definitions) for adult-related land use definitions.

Adult Cabaret. See section 20.405.070 (Definitions) for adult-related land use definitions.

Adult Computer Software Establishment. See section 20.405.070 (Definitions) for adult-related land use definitions.

Adult Entertainment Business (land use). Any establishment engaging in any of the activities defined in section 20.405.070 (Definitions).

Adult Entertainment Establishment. See section 20.405.070 (Definitions) for adult-related land use definitions.

Adult Model Studio. See section 20.405.070 (Definitions) for adult-related land use definitions.

Adult Motel. See section 20.405.070 (Definitions) for adult-related land use definitions.

Adult Motion Picture Arcade (Peep Show). See section 20.405.070 (Definitions) for adult-related land use definitions.

Adult Motion Picture Theater. See section 20.405.070 (Definitions) for adult-related land use definitions.

Adult Residential Facility (land use). A residential facility that provides twenty-four (24)-hour non-medical care for adults ages eighteen (18) through fifty-nine (59), who are unable to provide for their own daily needs. Adults may have physical, developmental, and/or mental disabilities.

1. Large. An Adult Residential Facility serving seven (7) or more adults per the definition above. This includes the provision of non-medical care for seven (7) or more adult persons on a less than twenty-four (24)-hour basis and commercial care centers for adults. It excludes substance-recovery shared living/dwelling units.
2. Small. An Adult Residential Facility serving six (6) or fewer adults per the definition above.

Adult Theater. See section 20.405.070 (Definitions) for adult-related land use definitions.

Adult Video Games. See section 20.405.070 (Definitions) for adult-related land use definitions.

Agent. A person authorized in writing by a property owner to represent and act for the property owner in contacts with City employees, committees, Planning Commission, and the Council, regarding matters regulated by this Zoning Code.

Agricultural/Horticultural (land use). The growing of any horticulture or agricultural of crops, or the raising of animals, as further defined below in conjunction with a residential or agricultural use, subject to the regulations of the applicable Zone and chapters 20.210 (Agricultural Zones) and 20.415 (Animals). Does not include marijuana cultivation, which is a prohibited use under Section 20.205.030(D). **(Ord. No. 2016-1423, 3-8-2016)**

1. Non-Commercial. This includes the raising of vegetables, flowers, fruit trees, nut trees, vines and ornamentals, and shrubs. Raising of animals is not permitted within this land use.
2. Commercial. This includes commercial and wholesale greenhouses and nurseries for the production of vines, trees, and other horticultural stock.
3. Processing and Packaging. The on-site processing and packing of any horticulture or agricultural of crops, including animals, in conjunction with an agricultural use, subject to the regulations of the applicable Zone, chapters 20.210 (Agricultural Zones) and 20.415 (Animals), and the conditions of the required CUP.

4. Plans and Crops Wholesale Production. Includes the raising of vegetables, flowers, fruit trees, nut trees, vines and ornamentals, and shrubs for wholesale distribution on a residential lot.

Alley. Any public roadway without curbs or sidewalk having a roadway not exceeding twenty five (25) feet in width that is primarily used for access to the rear or side entrances of abutting properties.

Alter or Alteration. To make a change in the supporting members of a structure (e.g., bearing walls, columns, beams or girders) that will prolong the life of the structure.

Ancillary Alcohol-Service. Any portion of or space within an established "Commercial Entertainment" land use business that serves alcohol for on-site or off-site consumption. Requires a CUP.

Animal Keeping (land use). The act of maintain one or multiple animals on a property; type, disposition, and number of animals is regulated by section 20.415(Animals) and Table 20.415-2.

Animal Sales and Services(land use). A commercial land use including any individual or combination of the following:

1. Boarding/Kennels. Shelter and care of animals, daily or overnight, on a commercial basis including feeding and activities. Includes "dog daycare."
2. Grooming. The provision of bathing, tending, or general trimming services on a commercial basis.
3. Veterinary Hospitals. An establishment providing medical and surgical treatment for small domestic animals.
4. Retail Sales. The retail sale and boarding of small animals within an enclosed building.

Animal Shelter (land use). A nonprofit facility operated for the purposes of impounding, harboring, selling, placing and retrieving seized, strayed, distressed, homeless, abandoned or unwanted animals. May include incidental activities including vaccination, training classes, spay/neuter services, and boarding services.

Apartment Building. Any building or structure, or portion thereof, which contains three (3) or more dwelling units.

Appeal. A request by an interested party for a de novo review of a decision.

Applicant. A person filing an application in compliance with this Zoning Code who is:

1. The owner or lessee of property;

2. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Zoning Code, and who presents written authorization from the property owner to file an application with the City; or

3. The agent of either of the above who presents written authorization from the property owner to file an application with the City.

Application Efficiency (AE). A measure of the efficiency of an irrigation system.

Application Rate. the depth of water applied to a given area, measured in inches per minute, inches per hour or gallons per hour.

Application Water. The portion of water supplied by the irrigation systems to the landscape.

Approval. Includes both approval and approval with conditions.

Appurtenance. A tower, spire, cupola, chimney, penthouse, water tank, flagpole, theater scenery loft, radio or television antenna, transmission tower, fire equipment, or other similar structure that is attached to a structure and not intended for human occupancy.

Architectural Feature. Any portion of the outer surface of a structure, including the kind, color and texture of the building material, the type and style of all windows, doors, roof shape, decorations, or other fixtures appurtenant to a structure. Architectural features include the following elements: chimney, fireplace, columns, cornices, eaves, belt courses, water tables, sills, buttresses, capital, bases, and canopy/awning elements. All architectural features shall be consistent with the architectural character, style, and of complementary color to, to the primary structure.

Architectural Projection. A marquee, porch, canopy or similar projection of a building.

Area, Building. The sum in square feet of the area of the horizontal projections of all buildings on a lot excluding buttresses, chimneys, cornices, eaves, open pergolas, patios, steps, unenclosed and unroofed terraces, unenclosed private balconies not used for access, and minor ornamental features projecting from the walls of a building that are not directly supported by the ground.

Area, Lot, or Site. The horizontal area within the property lines of a lot. If a street dedication is required, the lot or site area shall be calculated using the size of the lot prior to the street dedication.

Assembly and Recreation (land use). A building located in a mobile/manufactured housing park or development designed for indoor assembly and/or recreation for on-site residents only.

ATM (land use). A pedestrian-oriented machine used by bank and financial service patrons for conducting transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel.

1. Freestanding Exterior/Exterior Wall. A freestanding machine or machine installed in an exterior wall that functions as an ATM as an accessory use to the primary building use(s).
2. Interior to Building/Vestibule. A space located inside a building dedicated to the functions of an ATM, as an accessory use to the primary building use(s).

Auctions, Indoor (land use). Any commercial or industrial use conducting the live or silent sale of products or merchandise through an auction process. All activities shall be conducted completely indoors and shall abide by all noise, loading, and storage standards of this Zoning Ordinance applicable to the Zone.

Automatic Controller. A mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.

Automobile

Automotive Fueling Station (land use). A commercial establishment engaged in the retail sales of vehicle fuels, traditional and alternative fuel types (including electric-charging stations, ethanol, natural gas, propane, solar, etc.), lubricants, parts and accessories. These uses include service stations with convenience stores, self-service auto washes and facilities having service bays for vehicle service and repair as permitted by the applicable land use. The service and repair may include incidental maintenance and repair of automobiles and light trucks as permitted by the applicable land use, but shall not include maintenance and repair of large trucks, or body and fender work or automobile painting on any vehicles.

Automotive Rentals (land use). Any establishment providing for the rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts. Shall not impact required parking standards. Does not include moving van rental facilities or services as permitted/conditionally permitted uses.

Automotive Sales (land use).

1. New. The retail sale, or leasing of automobiles and trucks, including storage and incidental maintenance and repair. This use includes the on-site storage and display of vehicle inventory. This use does not include uses that exclusively rent vehicles; see *Automotive Rental.*
2. Used. The retail sale of previously owned or used automobiles, not directly from the manufacturer. Used automotive sales shall not be permitted on sites of less than one and one-half (1.5) acres (65,340 square feet), shall be limited to one (1) business operator/sales establishment per site, and shall not be located adjacent to an existing used automotive sales establishment.
3. Wholesale. An establishment for wholesale automotive sales, limited to two (2) indoor fully-enclosed vehicle show spaces. Outdoor storage or display of vehicle inventory shall be prohibited.
4. Other Vehicles. The retail sale, or leasing of tractors, construction or agricultural equipment, mobile homes, recreational vehicles, and similar equipment and vehicles not intended for daily personal use, including storage and incidental maintenance and repair. This use includes the on-site storage and display of vehicle inventory.

Automotive Services (land use).

1. Repair. Automotive Repair, Maintenance or Service. Any activity where automotive vehicles including recreational vehicles, cars, trucks, or motorcycles are serviced, maintained or repaired or associated parts are installed into, on or attached to these vehicles. These shall include, but not be limited to autobody repair and painting, brake service, engine overhaul/rebuilding, muffler installation, oil change, smog check, tire installation or service, tune-ups, and any other use deemed similar by the Director.
2. Washing/Detailing. Any business, indoor or outdoor, providing machinery or staffing for the cleaning, washing, or detailing of vehicles as a primary use. Washing and detailing are permitted as an accessory use in conjunction with a primary automotive services repair use.

Automotive Wrecking Yards. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. This use is prohibited in all Zones within the City.

Awning. A permanent or temporary structure attached to and wholly supported by a building and installed over or in front of openings or windows, and consisting of a fixed or movable frame, and covered in canvas or other similar material.

Section 20.600.040 "B" Definitions

Backflow Prevention Device. A safety device used to prevent pollution or contamination of the water supply due to reverse flow of water from the irrigation system. Backflow device must comply with County Department of Environmental Health standards.

Bar (land use). Any retail facility maintaining and using an "On Sale Beer" license or an alcohol-related license other than an On Sale Beer license. For facilities operating under an On Sale Beer license, food shall not be sold or served to the public except as required by the license.

Barricade (landscaping). Protection for vegetation to be preserved that is erected at the drip line and clearly visible to heavy equipment operators.

Basement. The portion of a building between the floor and ceiling that is wholly or partly below grade and having more than one-half of its height below grade.

Bathroom. A room containing all of the following: a sink, toilet, and shower or bathtub. A partial bathroom is missing at least one (1) of those components.

Battery Charging Station. An electrical component or assembly designed specifically to charge batteries within production electric vehicles.

Battery Exchange Station. A fully automated facility to facilitate an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process.

Bed and Breakfast. See, "Lodging, Bed and Breakfast."

Berm. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Best Management Practices (BMPs). Methods, measures, or practices designed to prevent or reduce water pollution.

Bicycle Facilities. A general term describing improvements and provisions to accommodate or encourage bicycling, including parking facilities, maps, all bikeways, and shared roadways not specifically designated for bicycle use.

Blockface. The lots abutting on one (1) side of a street, between the two (2) nearest intersecting streets or a City boundary.

Boat Building (land use). Any establishment engaged in the construction, fabrication, or assembly of water vessels/vehicles of any size.

Body Painting Studio. See section 20.405.070 (Definitions) for adult-related land use definitions.

Bubbler (landscaping). An irrigation head that delivers water to the roots by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella, or short stream pattern.

Buffer, Perimeter Landscape. A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and to reduce the environmental, aesthetic, and other impacts of one (1) type of land use upon another.

Buffering. The use of landscaping or retained native vegetation or the use of landscaping along with berms, walls or decorative fences that at least partially and periodically obstruct the view from the street or an abutting property in such a manner that vehicular use areas, parking lots, parked cars, detention ponds and conflicting activity areas will be partially or completely screened.

Buffer Yard. A landscaped area usually at the side or rear of development sites that are provided to separate and partially obstruct the view of adjacent land uses or properties.

Building. A structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, chattels, or property of any kind. See "structure."

Building Face. The outermost surface of any main exterior wall of a building, but not including cornices, bay windows, balconies, oriels or other architectural features that extend beyond the general outermost surface of such main exterior wall.

Building Complex. A building or group of buildings on one (1) or more lots or building sites containing two or more unrelated occupants and share common parking facilities.

Building Materials Storage and Sales Yard (land use). An industrial land use providing retail or wholesale sales of building materials. This use includes indoor and outdoor storage of building materials.

Building Separation. Separation between buildings measure from all stories of both structures.

Business Support Services (land use). An establishment providing non-retail-related services that may be regulated by square footage thresholds subject to the regulations of the applicable Zone. The following services types shall be operated under "Business Support Services":

- architecture, CAD services, drafting, engineering, etc.
- dispatch office (including taxi, plumbing, limo, emergency; limited to fielding calls, no on-site vehicle operations, waiting areas or storage)
- blueprinting printing, binding, engraving, photocopying, or related services
- business equipment repair services
- computer-related services (rental, repair)
- electronics/small machinery maintenance and repair
- equipment rental businesses within buildings
- film processing and photofinishing
- heavy equipment repair services where repair occurs on the client site
- janitorial and window-cleaning services
- locksmith
- mail-box services
- outdoor advertising services

Section 20.600.050 "C" Definitions

California Environmental Quality Act (CEQA). CEQA is the state law implemented by the City's Environmental Policy Guidelines and contained in the California Public Resources Code, section 21000 et seq. Definitions of other CEQA-related terms are located in the City's Environmental Policy Guidelines.

California Public Utilities Commission. The governmental agency that regulates the terms and conditions of public utilities in the state.

Caliper. The thickness of trees as measured in inches, feet, etc. Trunk diameter for trees up to four (4) inches shall be measured six (6) inches above the soil line, and all trees more than four (4) inches in diameter will be measured fifty-four (54) inches above the soil line.

Carport. A permanently covered building open on one (1) or more sides used for automobile shelter and storage. Canvas, fiberglass, lath, vegetation, or other similar material are not ordinary roof coverings and cannot be used in providing covered spaces for a carport.

Caretaker Unit (land use). A dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied exclusively by a guard or caretaker and his/her family, and may

include a single housekeeping unit. Only one (1) caretaker unit is allowed on a single site and shall be on the same parcel as the permitted use needed continual supervision.

Carpentry. See "Furniture and Carpentry."

Cat. A feline that has reached the age of 4 months.

Catering (land use). Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

1. Food Truck. A mobile food vendor operating a fully-self contained unit with valid State of California registration that sells only food and beverage and that uses no outside cooking area. Mobile food vendors stopping for sales of less than thirty (30) minutes at a single site shall not be considered food trucks. Catering facilities with food truck operations shall be subject to additional storage, parking and screening requirements.

Cemetery (land use). An area or property primarily utilized for the accommodation of graves, tombs, or funeral urns; this may be a standalone burial ground or in conjunction with a mortuary or churchyard.

Certificate of Completion. A written document required prior to occupancy, issued for a use upon a developer's compliance with the provisions of this code and any applicable development agreements.

Certified Landscape Irrigation Auditor. A person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the U.S. Environmental Protection Water Sense irrigation auditor certification program and Irrigation Association Certified Landscape Irrigation Auditor program.

Certified Irrigation Designer. A person certified to design irrigation systems by an accredited institution a professional trade organization or other program such as the U.S. Environmental Protection Water Sense irrigation auditor certification program and Irrigation Association Certified Landscape Irrigation Auditor program.

Charging Levels. The standardized indicators of voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common charging levels, and include the following specifications:

1. Level 1 is considered slow charging.
2. Level 2 is considered medium charging.
3. Level 3 is considered fast charging.

Check Valve (or Anti-Drain Valve). A valve located under a sprinkler head or other location in the irrigation system to hold water in the system to prevent drainage from sprinkler heads when the system is off.

Child. A person who is under eighteen (18) years of age for whom care and supervision are being provided in a child daycare facility.

Child Care Facility (land use). A land use category including any facility, residential or commercial, that provides non-medical care and supervision to minor children for periods of less than twenty-four (24) hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

1.
2. Small family home. A daycare facility located in a single-family residence where a full-time resident provides a home-like environment where non-medical care and supervision is provided for periods of less than -) 24 hours that serves no more than eight (8) children, plus two (2) additional children after school as defined in Health and Safety Code Chapter 3.4. Children under the age of ten (10) years old whole reside in the home count as children served by the day care facility.
3. Large family home. A day care facility located in a single-family residence and licensed by the State as a family child care home, where a full-time resident provides care and supervision for periods of less than twenty-four (24) hours that serves nine (9) to fourteen (14) children, plus two (2) additional children after school, as defined in Health and Safety Code Chapter 3.4. Children under the age of ten (10) years old whole reside in the home count as children served by the day care facility.
4. Daycare center. Commercial or nonprofit facility designed and approved to provide non-medical care and supervision is provided for periods of less than twenty-four (24) hours. This land use includes adult day care, infant centers, preschools, sick-child centers, and school-age daycare facilities that do not qualify as a small or large family care home. This use may operate in conjunction with other approved land uses, such as schools or places of worship, or as an independent land use.

Chimney. A hollow shaft containing one or more passages vertical or nearly so, for conveying products of combustion.

Cigar Lounge/Smoke Shop (land use). A retail establishment whose primary business (30% or more of their receipts come from tobacco or tobacco related products or services) involves the sale of cigars, tobacco products, allows for the interior smoking of tobacco products, and/or provides the sale or services of related products.

City. The City of San Marcos, State of California.

City Council. The City of San Marcos City Council, referred to in this Zoning Ordinance as "City Council," or "Council."

Closet. Small room or recess primarily designed to store wearing apparel.

Club (land use). A meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests.

College (land use). A public or private higher-learning educational facility granting degrees, certificates and academic training, categorized by the following programmatic elements:

1. Nontraditional Campus Setting. A College in a business/office oriented setting not including any form of student housing.
2. Traditional Campus Setting. A College in a traditional multi-building campus setting limited to educational purposes and providing faculty offices, student services, and on-campus student housing.

Commercial Artist/Production Studio (land use). Any commercial use or space for the creation, exhibition, or production of artistic or craft pieces**.** Excludes ceramic manufacturing.

Commercial Bakery (land use). Any establishment manufacturing bakery products for retail or wholesale sales, operating standard bakery ovens, rotary ovens, peel ovens and other commercial bakery equipment, or operating delivery trucks, or shipping such bakery products interstate. Bakeries operating listed equipment for on-site sales only (not engaging in distribution to other food sellers outside of the City) shall be considered a restaurant based on the programmatic categories of the "restaurant" definition within this chapter.

Commercial Entertainment (land use). Any place of business providing spectator entertainment for commercial purposes. This use includes:

- Theaters (live performance)
- concert halls,
- cinemas (movie theaters, any size),
- comedy clubs.

Commercial Recreation (land use). A business providing participant or spectator recreation open to the public for a fee, categorized by the following programmatic elements:

1. Indoor. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:
    - bowling alleys
    - coin-operated amusement arcades (see subdefinition below)
    - dance halls, clubs and ballrooms
    - electronic game arcades (video games, pinball, etc.)
    - ice skating and roller skating
    - internet/cyber café
    - pool and billiard rooms as primary uses

    Amusement Arcade (subdefinition). Four (4) or more electronic games or coin-operated amusements in any establishment, or a premises where fifty percent (50%) or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; three (3) or fewer machines are not considered a land use separate from the primary use of the site. This use does not include adult businesses. All amusement arcade activities or land uses are subjected to chapter 5.08 of this Code.

2. Outdoor. Outdoor participant or spectator recreation; this classification includes amusement parks, driving ranges, golf courses, miniature golf courses, private sport fields, tennis clubs/organizations, outdoor batting cages, and private outdoor swimming pools.

Common Interest Developments. Community apartment projects, condominium projects, planned developments, and stock cooperatives per California Civil Code Section 1353.8.

Common Open Space. Improved or natural areas that provides usable recreation areas available for the use and enjoyment of project residents. Common open space is required per Zone as identified by the applicable development standard table.

Community Noise Exposure Level (CNEL). The accumulated exposure to sound measured in a twenty-four (24)-hour sampling interval and artificially boosted during certain hours. For CNEL, samples taken between 7:00 p.m. and 10:00 p.m. are boosted by five (5) dB; samples taken between 10:00 p.m. and 7:00 a.m. are boosted by ten (10) dB.

Community Garden (land use). A parcel of land, or portion of land, used by residents of the local neighborhood for the planting, raising, harvesting, and trading of horticultural and produce in a co-op setting.

Conditionally Allowed. Allowed subject to approval of a CUP or Temporary CUP.

Conference/Convention Center (land use). A building or complex of buildings used as a conference center and includes auditorium, meeting rooms, exhibition space, and banquet facilities.

Conservation Easement. A legally binding agreement not to develop part of a property, but to leave it "natural" in perpetuity or for some designated lengthy period of time. The property ownership is retained bythe landowner, but restrictions are placed both on the current landowner and on subsequent landowners.

Continuing Care Retirement Community (land use). Any establishment that offers a long-term continuing care contract that provides for housing, residential services, and nursing care, usually in one (1) location, and usually for a resident's lifetime. All providers offering continuing care contracts must first obtain a certificate of authority and a residential care facility for the elderly license. In addition, Continuing Care Retirement Communities that offer skilled nursing services must hold a Skilled Nursing Facility License issued by the Department of Health Services.

Contractor Offices and Services (land use). Any office space or building operated for use by a contractor of any type that includes the storage of vehicles, equipment, or materials based on the operational standards of chapter 20.400 (Specific Use Standards). Storage of equipment, materials, are only permitted within enclosed buildings.

Controller. An automatic timing device used to remotely control valves to set an irrigation schedule. A weather-based controller is a controller that uses evapotranspiration or weather data.

A self-adjusting irrigation controller is a controller that uses sensor data (i.e., soil moisture sensor).

Conversion Factor (0.62 inches) (landscaping). The number that converts acre-inches per acre per year to gallons per square foot per year.

Council. See, "City Council."

Coverage, Lot or Site. The total ground area of a site occupied by any building or structure as measured form the outside of its surrounding external walls or supporting members. Lot coverage includes exterior structures such as stairs, arcades, bridges, and permanent structure elements protruding form buildings such as overhanging balconies, oriel windows, stories which overhang a ground level story, garages, and covered carports. Lot coverage also includes the perimeter area of a basement. Excluded form lot coverage are roof eaves extending less than thirty (30) inches from the face of any building, awnings, open parking areas, structures under thirty(30) inches in height, and masonry walls not greater than six (6) feet in height such as wing-walls, planter walls, or grade separation retaining walls.

Section 20.600.060 "D" Definitions

dBA. A number in decibels read from a sound level meter with the meter switched to the weighting scale "A."

Day Night Sound Level (Ldn). Representing the Day/Night sound level, this measurement is a twenty-four (24)-hour average sound level where ten (10) dB is added to all the readings that occur between 10:00 p.m. and 7:00 a.m. This is primarily used in community noise regulations where there is a ten (10) dB "Penalty" for night time noise. Typically Ldn's are measured using A weighting.

Demolition. Any dismantling, intentional destruction, or removal of public or private structures, sites, surfaces, utilities, or other improvements.

Density. The number of dwelling units on a lot in relation to the lot size, expressed in units per acre. If a street dedication is required, density shall be calculated using the size of the lot prior to the street dedication.

Density Bonus. Dwelling units or non-residential square footage permitted in addition to the permitted density or intensity with a Zone.

Detention Area. An area designed by hydrological calculations for the temporary storage of a determined quantity of water with a release rate that is either fixed or variable.

Developer. Any association, corporation, firm, joint venture, partnership, person, or any entity or combination of entities, which seeks City approvals for all or part of a development project.

Development. Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any

construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Zoning Ordinance.

Director. The City of San Marcos of Planning Division Director, referred to in this Zoning Ordinance as the "Director."

Disability. With respect to a person:

1. A physical or mental impairment that substantially limits one (1) or more of the person's major life activities;
2. A record of having an impairment as described in Subsection 1, above; or
3. Being regarded as having an impairment, but the term does not include current illegal use of, or addiction to, a controlled substance.

The foregoing and related terms shall be interpreted in a manner consistent with the same or similar terms set forth in Code of Federal Regulations Title 28, section 35.104, as amended.

Discretionary Approval. Any approval or entitlement granted in compliance with this Zoning Ordinance that requires the exercise of discretion, including the ability of the review authority to impose conditions of approval.

Dog. A canine that has reached the age of 4 months.

Drip emitter. Drip irrigation fittings that deliver water slowly at the roots of the plant, usually measured in gallons per hour.

Drip Irrigation. Any non-spray low volume irrigation system utilizing emission devices with a flow rate equal to or less than two (2) gallons per hour.

Drip Line. An imaginary vertical plumb line that extends downward from the tips of the outermost tree branches and intersects the ground.

Drive-Through (land use). A building, use, or facility that provides a specified "drive-through" lane or driveway where customers receive a service or purchase goods while remaining in a motor vehicle. Drive-through facilities include fast food restaurants, pharmacies, and financial institutions that provide service windows and/or automated teller machines.

Dry Cleaning or Laundry (land use). Any place of business providing clothes laundering services categorized by the following programmatic elements:

1. Agency. A facility where materials are dropped off and picked up for cleaning service, or cleaned on-site through either conventional laundry or chemical processes where an agency is less than 2,500 square feet in size and no material collected at other dry cleaning or laundry agencies are brought for cleaning. Cleaning or laundry facilities that are greater than 2,500 square feet in size, or which clean items collected at other dry cleaning or laundry agencies are considered cleaning or laundry plants.
2. Plant. A facility greater than 2,500 square feet in size or processing items collected from other retail locations, where clothing and similar items are cleaned through either

conventional laundry or chemical processes. Cleaning or laundry facilities that are less than 2,500 square feet in size and accept only items dropped off and picked up on-site are considered dry cleaning or laundry agencies.

Duplex (land use). A building comprised of two (2) attached living units within independent unit entrances.

Dwelling. A building or portion thereof used exclusively for residential purposes, including one (1)-family, two (2)-family, and multiple dwellings, but shall not include hotels, or rooming houses.

1. Unit. One (1) or more rooms in a dwelling, with a minimum of one (1) kitchen, designed and used for occupancy by one (1) household (including necessary servants and employees of such household) for living or sleeping purposes, with all rooms except the garage or carport accessible from the interior of the unit. The definition of dwelling unit shall also include a single-room occupancy unit.
2. Single-Family. A detached building used exclusively for occupancy by one (1) household (including necessary servants and employees of such household) and containing one (1) dwelling unit. Also referred to as single dwellings.
   a. Single-Family Attached. A form of single family residential development allowing for two (2) units to be attached, designed in character, style, and massing, to match the setting and scale of a single-family detached neighborhood.
   b. Single-Family Detached. Individual single family units not attached to any other unit or structure.
3. Small Attached. A building or portion thereof, used for occupancy by three (3) or four (4) households (including necessary servants and employees of each such households) living independently of each other, and containing three (3) or four (4) dwelling units. Includes three (3) and four (4) unit dwellings similar in size and massing to single-family residences.
4. Multifamily. A building or portion thereof, used for occupancy by three (3) or more households (including necessary servants and employees of each such households) living independently of each other, and containing three (3) or more dwelling units. Also referred to as multiple dwellings or apartment houses (see also, Residential Development, Multifamily).

Section 20.600.070 "E" Definitions

Easement. A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Ecological Restoration Project. A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Effective Precipitation (Usable Rainfall, *Eppt*). The portion of total precipitation that is used by the plants.

Electric Vehicle. Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes:

1. a battery electric vehicle,
2. a plug-in hybrid electric vehicle,
3. a neighborhood electric vehicle, and
4. a medium-speed electric vehicle.

Electric Vehicle Charging Station. A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

Emergency Shelter (land use). Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Emitter. A drip irrigation emission device that delivers water slowly from the system to the soil.

Employee Services (land use). Uses or space accessory to the primary use for employee personal services, such as the following:

- cafeteria
- food service
- health and fitness facilities
- recreation
- daycare center
- play area
- outdoor eating
- other similar employee services

Equipment Rental Yard (land use). A facility providing for short- or long-term leasing or rental of commercial equipment, may include limited service facilities for equipment owned by the same business operator, conducted completely within an enclosed structure.

Equivalent Sound Level (L_{eq}). the true equivalent sound level measured over the run time. L_{eq} is the A-weighted steady sound level that contains the same total acoustical energy as the actual fluctuating sound level.

Establishment Period of Plants. The first year after installing the plant in the landscape, or the first two (2) years if irrigation will be terminated after establishment.

Estimated Total Water Use (ETWU). The total water used for the landscape as described in Table 20.330-1.

ET Adjustment Factor (ETAF). A factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two (2) major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ET Adjustment Factor, the average irrigation efficiency is 0.71. Therefore, the ET Adjustment Factor (0.7) = (0.5/0.71).

Extended Care Facility (land use). A private or nonprofit establishment providing medical care on a twenty-four (24)-hour basis for persons requiring regular medical attention, but excluding residential care facilities and facilities providing surgical or emergency medical services. May include uses such as skilled nursing facilities.

1. Skilled Nursing Facility. An extended care facility that provides supportive care to patients whose primary need is for availability of skilled nursing care on a daily and extended basis.

Evapotranspiration Rate. The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specific time.

Evergreen. A plant that retains foliage and remains green year-round.

Section 20.600.080 "F" Definitions

Farm Employee Housing, Small (land use). Any living quarters, dwelling, rooming house, bunkhouse, or other housing accommodations, consisting of no more than thirty-six (36) beds in a group quarters or twelve (12) units or spaces designated for use by a single family or household, and which is for the exclusive occupancy of farm employees and their families in connection with any farm work or place where farm work is being performed, and the premises upon which they are situated.

Farm Employee Housing, Large (land use). Any living quarters, dwelling, rooming house, bunkhouse, or other housing accommodations, consisting of more than thirty-six (36) beds in a group quarters or more than twelve (12) units or spaces designated for use by a single family or household, and which is for the exclusive occupancy of farm employees and their families in connection with any farm work or place where farm work is being performed, and the premises upon which they are situated.

Farmers' Market (Certified). A temporary marketplace, either indoors or outdoors, for the display and sale of produce and other agricultural products such as, but not limited to, fresh fruits, vegetables, nuts, honey, shell eggs, flowers, and nursery stock, for which a Certified Farmers' Market Certificate has been issued by the County Agricultural Commissioner pursuant to California Code of Regulations, Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5.

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

Fence, Open. A fence (and the gates in such fence) which permits direct vision through at least 80 percent of any one square foot segment of fence surface.

Fence, Solid. A fence (and the gates in such fence) constructed of solid material through which no visual images or light may be seen. Openings in such fence (and its gates when closed) shall not exceed 2 percent of any one square foot segment of the fence's surface which is more than 8 inches above the ground.

Fence, View-Obscuring. A fence (and the gates in such fence) whose surface is covered by solid or opaque material through which no visual images may be seen. Openings in such a fence (and

its gates when closed) shall not exceed 20 percent of any one square foot segment more than 8 inches above the ground, nor shall any opening exceed one-half inch in width. Woven wire or chain link fences containing slats are not view- obscuring fences.

Financial Institution (land use). 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. Financial institutions may or may not have drive-through services.

Firearm. Any barreled weapon capable of firing a projectile or bullet using an explosive charge. **(Ord No. 2016-1419, 2-23-2016)**

Firing line. A safe and secure line parallel to fixed targets from which firearms are discharged. a firing line is generally broken up into individual "shooting lanes" from which firearms are discharged. **(Ord No. 2016-1419, 2-23-2016)**

Firearm Shooting Lane. A division of the firing line within a firearm shooting range intended to serve as a firing point for an individual shooter, provide a location for mounting individual targets, and offer a shelf for shooters to use. Firearm shooting lanes are typically separated with walls arranged perpendicular to the firing line designed to protect shooters from adjacent shooters by minimizing side blast interference and reducing the hazard of misdirected shots. **(Ord No. 2016-1419, 2-23-2016)**

Firearm Shooting Range (Indoor). A completely enclosed facility designed to offer a controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use. **(Ord No. 2016-1419, 2-23-2016)**

Floor Area, Gross.

1. Gross Floor Area. The total square footage included within the surrounding walls of a building plus any roofed, partially roofed or open area customarily used for display or business operations. Interior open court may be exempt if not used for display or business operations
2. Net Floor Area. The total square footage of all usable space in a building, minus garage, parking, elevator, and stairway square footage. Calculating a land use as a percentage of the gross floor area shall be done by adding the existing space for the specific land use within a structure and dividing that figure by the total gross square footage of the building.

Floor Area Ratio (FAR). The numerical value obtained by dividing the aboveground gross floor area of a building or buildings located on a lot by the total area of the lot. If a street dedication is required, the calculation shall be based on the total area of the lot before the street dedication. See Figure 20.600-1.

Flow Rate. The rate at which water flows through pipes, valves, or emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

Food Processing (land use). The processing or production of a natural or manmade solid or liquid food substance(s) used for human or animal internal consumption. Typical supportive activities include food packaging, egg processing, butter or cheese processing.

Frontage.

1. Street or Highway. The portion of a lot that borders and has access to a public street, highway or parkway. The frontage shall be measured along the common lot line separating the lot from the public street, highway or parkway.
2. Business Frontage. The side or face of the building that is parallel to a public street or a public parking area.

Fueling Station; Fleet (land use). A site where the primary activity is the retail sale and dispensing of vehicle fuels for non-passenger vehicles. This use may be accessory to a primary industrial or public agency use or a primary use for the regular fueling of site-specific or general commercial fleet vehicles. May include maintenance and service facilities conducted completely within an enclosed structure.

Funeral Home/Mortuary (land use). The provision of services including preparing human remains for burial, and arranging and managing funerals. This use does not include cemeteries, crematoriums, and columbariums.

Furniture and Carpentry (land use). A place of business providing furniture upholstery, furniture manufacture and repair, cabinet making, and general carpentry services. Palette manufacturing is prohibited.

Future Zone. See "Zone" definition; only applicable to designated Transitional Zones.

Section 20.600.090 "G" Definitions

Garage. A permanently roofed structure with three (3) enclosed sides and a garage door, that is used for automobile shelter and storage.

General Plan. The City of San Marcos General Plan, as amended.

Government Code. The State of California Government Code.

Grade.

1. Existing. The surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project regulated by this Zoning Code.
2. Finished. The elevation of the surface of the ground adjoining the building at the completion of a project regulated by this Zoning Code. Where the finished grade is below the level of the existing grade, the existing grade shall be used for this purpose
3. Street. The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Grading Plan (landscaping). The Grading Plan shall be shown at the same scale as the Planting and Irrigation Plan. The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscaped area.

Greenhouse/Nursery (land use). An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown in both open and enclosed buildings. See "Agricultural/Horticultural (land use)."

Gross Building Area. All enclosed floor areas, as measured along a building's outside perimeter.

Ground Cover. Anything that covers the ground surface or topsoil and has the effect of reducing erosion. Preferably, this would be a vegetative layer of grasses and/or other low-growing plants but may also include plant residues such as leaf litter and tree debris as well as various forms of rock or mulch. Artificial groundcovers may also be established with such materials as straw mulch, jute mesh, or artificial turf.

Group Home. A facility of any capacity that provides twenty-four (24)-hour non-medical care and supervision to children in a structured environment. Group Homes provide social, psychological, and behavioral programs for troubled youths.

Section 20.600.100 "H" Definitions

Habitable Space. A room or space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered a habitable room or space.

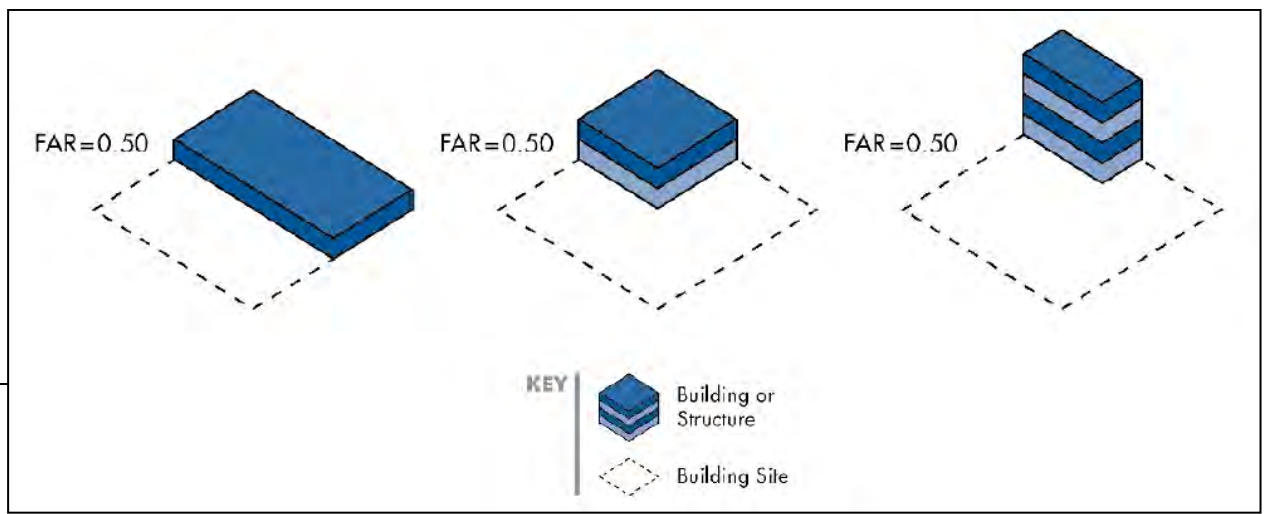
Half Street. A condition where a fully dedicated public or private ROW is only half constructed, resulting in the adjacent property on the non-constructed side having limited access to the ROW.

Hardscapes. Any durable surface material (pervious and nonpervious).

Height. The maximum allowable height of a structure shall be measured from the lowest elevation of the existing grade at an exterior wall of the structure to the highest point of the structure. The following conditions shall apply to the calculation of height. The highest point of any structure shall be considered its highest ridge or parapet.

corridor includes all buildings and properties within two hundred (200) feet of the State Route 78

Figure 20.600-1 Floor Area Ratio



easement and may be subject to additional regulations or standards. Access streets include Los Vallecitos Boulevard/Furniture Row, Grand Avenue, E. Carmel Street, and Rancheros Drive where these streets are within two hundred (200) feet of the State Route 78 easement.

Home Occupation. An occupation conducted as a secondary use entirely within a dwelling unit operated by an occupant of the dwelling. This use shall be incidental and shall not change the character of the primary residential use. The use shall be licensed through the City and shall not be evident beyond the limits of the residential property line including the presences of noise, light, smoke, odor, vibration, electrical interference, storage of material or equipment, no display, no stock in trade, or commodity sold on the premises, and no persons employed.

Homeowner Provided Landscaping. Landscaping either installed by a private individual for single family residence or installed by a license contractor hired by the homeowner.

Hookah Lounge. Any facility or location whose business operation, whether as its primary use or as an ancillary use, is denoted by the inhaling or exhaling of the fumes of any organic or synthetic material, including plants, herbs, tobacco, or shisha, through any device or equipment producing smoke or vapors, including pipes (commonly known as a hookah, waterpipe, or narghiles) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it, including establishments known variously as hookah bars, hookah lounges, or hookah cafes.

Horse. A horse is an equine that has reached the age of 8 months.

Hospital. A facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This use includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.

Hydrozone. A portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

Section 20.600.110 "I" Definitions

Impervious Surface. Land area covered by a surface treatment that hinders the ability of the underlying soils to percolate water.

Inclusionary Unit. Any rental or for-sale dwelling units provided per the requirements of section 20.310 (Inclusionary Housing) for low-, very-low, extremely-low, and moderate-income households in residential projects that require development plans

Industrial Design and Services (land use). Any business providing or combining professional design services and light fabrication or assembly technology for product specification. This land use may include office space and light or quasi-light industrial space to provide the full range of design, testing, and modification of commercial and industrial products.

Infiltration Rate. The rate of water entry into the soil expressed as a depth of water per unit of time (i.e., inches per hour).

Initial Zone. See "Zone" definition; only applicable to designated Transitional Zones.

Internet-Based Sales (land use). Any commercial or office use conducting retail or wholesale sales and services provided strictly online. This use may include limited on-site customers and storage of products on-site; all activities shall be conducted interior to the building. Any outdoor storage of large scale items shall require additional outdoor storage permitting.

Invasive Plants. Those plant species that tend to become nuisances because of their undesirable growth habits such as pampas grass but that, if properly cultivated, may be useful or functional as elements of landscape design.

Invasive Plants Species. Species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species.

In-Lieu Fee. Cash payments that may be required of an owner or developer as a substitute for a dedication of land or physical improvements, including the provision of inclusionary units.

Irrigation Audit. an in-depth evaluation of the performance of an irrigation system conducted by a certified Landscape Irrigation Auditor. An irrigation audit includes an inspection and system tune-up. System test with distribution uniformity or emission uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule.

Irrigation Designer. A person who has been certified by the Irrigation Association to prepare irrigation system designs, and/or a Landscape Architect.

Irrigation Efficiency (IE). The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum irrigation efficiency for purposes of chapter 20.330 (Water Efficiency Landscape Standards), is 0.71.

Irrigation Plan. The irrigation plan shall be shown at the same scale as the planting plan. The irrigation plan shall show the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Irrigation Survey. An evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes an inspection, system test, and written recommendation to improve performance of the irrigation system.

Irrigation Water Use Analysis. An analysis of water use data based on meter readings and billing data.

Section 20.600.120 "J" Definitions

Junk. Means secondhand or used machinery, equipment, appliances, furniture, motor vehicle parts, tires, lumber, rope, bottles, pipe, wire, drums, scrap metal, construction material, packaging material, including items made of or containing wood, metal, paper, plastic, clay, brick, glass,

porcelain, rubber, concrete, or other personal property.

Junkyard. Any parcel, lot, contiguous lots or portions thereof used for dismantling, salvage, outside storage, purchase, sale, or exchange of junk, or containing any activity in the Scrap Operations use type. It is not an exception to this definition that a person intends or proposes to use the junk for some purpose.

Section 20.600.130 "K" Definitions

Kiosk (land use). Kiosks are free-standing, walk-up facilities. Facilities with drive-through access require a Major Use Permit.

Kitchen. A room used for preparation of food. A complete kitchen contains a sink, refrigerator, stove or range top, and oven or microwave. Includes any room having a sink and either a 3/4 inch gas opening or provision for an electric stove. A partial kitchen is missing one (1) of the above components.

Section 20.600.140 "L" Definitions

Land Use. The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged for which either a site or a structure is or may be occupied or maintained.

Landscaping. The planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination of design may include natural features (e.g., rock and stone) and structural features, including fountains, reflecting pools, art work, screens, walls, fences, and benches. All landscaping shall be consistent with chapter 20.330 (Water Efficient Landscape Standards).

Landscape Area, Net. All of the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated area designated for non-development (e.g., open space and existing native vegetation).

Landscape Architect. A person who holds a license to practice landscape architecture in the State of California (Government Code Section 5615).

Landscape Contractor. A person licensed (with a valid C-27 license) by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems and facilities consistent with the Business and Professions Code, section 7058 and 7059.

Landscape Documentation Package. The documents required under Section 20.300.060.

Landscape Irrigation Audit. A process to perform site inspections, evaluate irrigation systems and develop efficient irrigation schedules.

Landscape Project. The total area of landscape in a project as defined in "landscape area."

Land Clearing. The removal of vegetation from any site, parcel or; provided, however, it does not include mowing, trimming or pruning, so as to maintain vegetation in a healthy, viable condition.

Lateral Line. The water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

Line of Sight Triangle. The area on either side of an access way at its junction with a public street forming a triangle within which clear visibility of approaching vehicular or pedestrian traffic must be maintained.

Live Entertainment. Music, comedy, readings, dancing, acting, or other entertainment performed on a site three (3) or more days during a calendar year. This includes dancing by patrons to live or recorded music.

Live-Work Unit (land use). Live/Work means an integrated dwelling unit and working space, in which the work component is the primary use and the residential component is secondary, occupied by a single housekeeping unit in a structure, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and that includes:

1. Complete kitchen space and sanitary facilities in compliance with the Building Code; and,
2. Working space reserved for and regularly used by one (1) or more occupants of the unit.

Loading Space. An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods or materials.

Local Agency (landscaping). The City that is responsible for adopting and implementing Chapter 20.330 (Water Efficient Landscape Standards). The City will be responsible for landscape plan checks, design review of the project, and approval of the landscape permit.

Local Water Purveyor. Vallecitos Water District (VWD), Vista Irrigation District (VID), Olivenhain Water district (OWD), and Rincon Water District (RWD) serve as the retail water purveyor within the limits of the City that provides retail water service.

Lodging (land use).

1. Bed & Breakfast. A dwelling containing a single living unit that serves as the residence for the owner or manager and not more than five (5) guest rooms that, for compensation, provide temporary night to night lodging with or without meals.
2. Rooming House. A building containing three (3) or more bedrooms or other rooms used, designed, or intended to be used, rented, leased, let or hired to be occupied or which are occupied by five (5) or more individuals under five (5) or more separate oral or written leases, subleases or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term. A "Rooming Housing" does not require a property owner, or an agent, or a rental manager,

to be in residence. A "Rooming House" may or may not have individual or group cooking facilities. A "Rooming House" may or may not provide free access to common living areas beyond the bedrooms or guest rooms. A "room" means any rented, leased, let or hired room, living space or other square footage within the building that is used or designed to provide sleeping accommodations for one (1) or more persons. A property permitted accessory dwelling unit, second unit, or "granny flat" shall not be considered a rooming house if used, designed, or intended to be used, rented, leased, let or hired, to be occupied or that is occupied by two (2) or fewer individuals under two (2) or fewer written leases, subleases or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term.

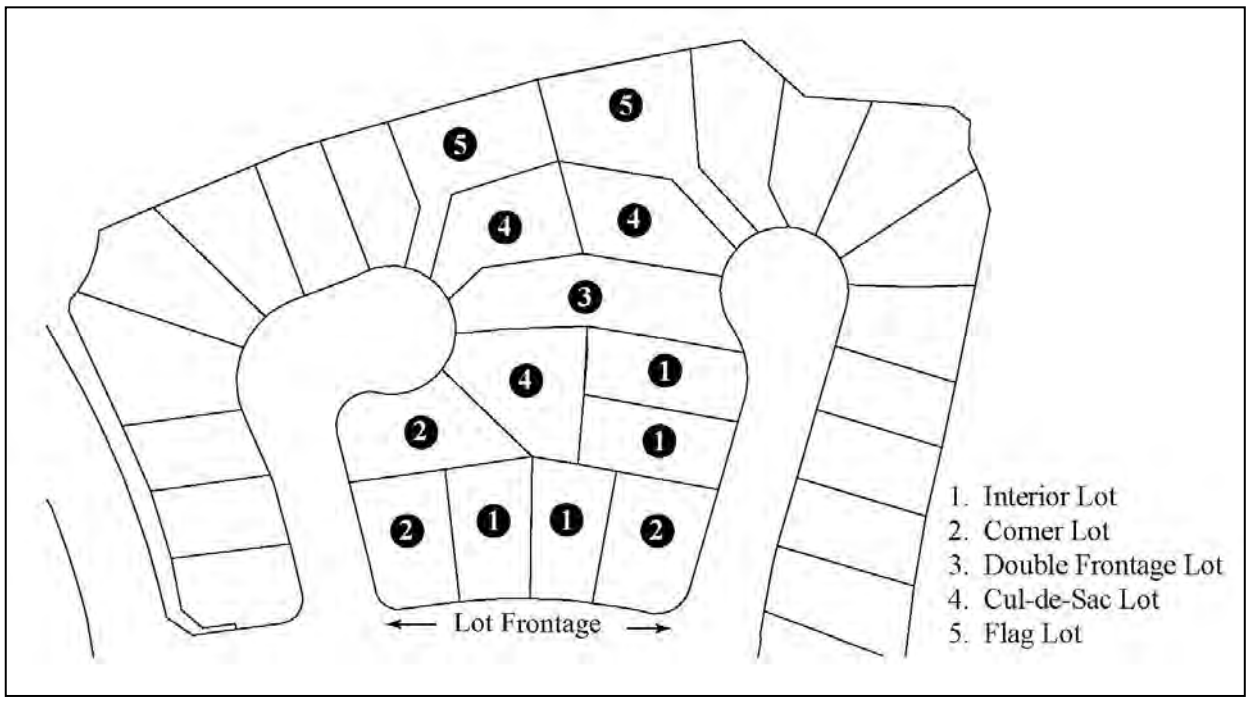
3. Hotel. A building or group of buildings in which there are six (6) or more guest rooms that are designed for and occupied as the temporary lodging place of individuals for generally less than thirty (30) consecutive days, but shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings, where human beings are housed and detained under legal restraint.
4. Motel. A building or group of buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients.

Lot. A legally established lot of land under one (1) ownership with frontage upon a street. Types of lots include the following. See Figure 20.600-2.

1. Interior lot. A non-corner lot bounded on three (3) sides by adjacent lots with street frontage on only one (1) side.
2. Corner Lot. A lot bounded by two (2) or more intersecting streets that has an angle of intersection of not more than one hundred thirty-five (135) degrees. The intersecting streets shall not be the same street. In determining the angle of intersection for a rounded corner, straight lines shall be drawn as extensions of both street lot lines. The calculation of the angle of intersection shall be made from the side facing toward the lot at the point where these two (2) extensions meet.
3. Double Frontage Lot. An interior lot with frontage on more than one (1) street. A lot fronting on a street on one (1) side and a private ingress-egress easement on the other side shall be considered a double frontage lot even if the lot does not have ingress-egress from the private easement.
4. Cul-de-Sac Lot. An interior lot taking access from and having frontage primary on the bulb of a cul-d-sac. Setbacks are measured from
5. Flag Lot. A lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access.

6. Substandard Lot. A legally created lot that does not have the width or area required by the Zone in which it is located [not shown in Figure 20.600-2 Lot Types].

Figure 20.600-2 Lot Types



Lot Area, Net. Equal to the lot area exclusive of natural on site buffer (like creek vegetation, public trail, or any area used for access), and excluding streets, access easements or public trails. Landscaped setbacks may be included in the net calculation.

Lot Depth. The horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

Lot Frontage (also Business Frontage or Frontage). Those portions of a lot or building site that abut a public street. For purposes of determining frontage on corner lots and through lots, all sides of a lot abutting a public street shall be considered as separate frontage.

Lot, Through. A lot fronting on 2 parallel or approximately parallel streets.

Lot Width. The horizontal distance between the interior property line of a lot, measured at right angles to the lot depth at the rear of the required front property line setback.

Low Volume Irrigation. The application. of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are especially designed to apply small volumes of water at or near the roots of plants.

Section 20.600.150 "M" Definitions

Machine Repair Shop (land use). Any establishment engaged in the repair, retooling, and associated light-fabrication activities for mid- to industrial-size machines.

Main Line. The pressurized pipeline that delivers water from the water source to the valve or outlet.

Manufacturing and Assembly (land use). Any establishment engaged in the manufacturing, production and/or assembly of products, primarily from extracted or raw materials, or bulk storage and handling of the products and materials. Uses in this classification involve an incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. All activities shall be completely enclosed within a structure unless other outdoor activities are expressly permitted within the Zone. This land use includes the following industry types:

- Apparel and other finished products
- Chemicals and related products
- Fabricated metal products
- Lumber and wood products
- Paper and related products
- Professional and scientific goods
- Rubber and miscellaneous plastic products
- Stone, clay and glass products
- Textile mill products

Marijuana cultivation (land use). The planting, growing, harvesting, drying or processing of marijuana plants or any part thereof, and any and all associated business and/or operational activities. **(Ord. No. 2016-1423, 3-8-2016)**

Market (land use).

1. Convenience. A retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience and travelers' shopping needs.
2. Grocery/Supermarket. The retail sale of food and beverages for off-site preparation or consumption.
3. Liquor. A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages, which may specialize in a particular type of alcoholic beverage (e.g., wine shops).
4. Specialty Food and Beverage. The retail sale of specialty food and beverages for off-site preparation or consumption.

Massage Establishments (land use). Any premises, place of business or membership club where the primary use is providing or giving for a fee or other form of consideration a massage, fomentation, bath, manipulation of the body, electric or magnetic treatment, alcohol rub or other similar massage service or procedure. A use where accessory massage occurs shall not be classified as a massage establishment. The following professions and services shall not be classified as a massage establishment:

1. Any duly licensed medical physician, doctors, surgeon, osteopath, chiropractor, acupuncturist, registered nurse, or to other persons licensed by the state while engaging in practices as part their license.
2. Any barber, beautician, manicurist, cosmetologist, and esthetician who are licensed under the laws of the State of California while engaging in practices as part their license. This exemption shall include hospitals, nursing homes, sanitariums, or any other health facility duly licensed by the State of California or to accredited high schools, junior colleges, colleges, or universities whose coaches and trainers are acting within the scope of their employment.
3. Shall not apply to physical therapist and trainers of amateur, semiprofessional, or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes.
4. Any massage technicians offering massage services to a fully clothed client in public common areas where the primary use is not a massage establishment (i.e., chair massage services in a supermarket, massage services in the courtyard of an outdoor or indoor shopping center). These massage technicians shall comply with the permit requirements of Tile 5 of this Code.

Massage, Accessory Use (land use). A use where massages occurs either permanently or temporarily in conjunction with a primary permitted land use, and the area where the massage occurs covers less than twenty percent (20%) of the gross floor of the principal use. All persons performing massages shall be state licensed.

Maximum Applied Water Allowance (MAWA). The upper limit of annual applied water for the established landscaped area as specified in section 20.330.070(C). It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the Maximum Applied Water Allowance. Special landscape Areas, including recreation areas, area permanently and solely dedicated to be edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water, are subject to the MAWA with ETAF not to exceed 1.0.

Maximum Sound Level (L_{max}). Maximum SPL or the highest SPL measured over the time interval the A-weighted network and slow time weighting.

Medical (land use).

1. Hospital. An institution, specializing in giving clinical, temporary and emergency services of a medical or surgical nature to injured persons and patients. This definition includes acute care hospitals, acute psychiatric hospitals, and special hospitals as defined in section1502 of the California Health and Safety Code.
2. Urgent Care. An establishment providing limited clinical and emergency medical services, generating primary walk-in service.

Merchandise Sales (land use). Any commercial use engaged in retail sales of merchandise not specifically listed under another use. Merchandise sales may be regulated by square footage

thresholds subject to the regulations of the applicable Zone and shall be categorized by the following programmatic categories:

1. Discount. The retail sales of new merchandise by discount retailers, including all products or commercial stores listed under "New Retail."
2. New Retail. The retail sales of new merchandise including the following products or commercial stores:
   - Antique shop
   - Artists'/craft supplies
   - Bicycle shops
   - Books/stationary
   - Cameras and photographic supply stores
   - Candy shop
   - Clothing and accessories
   - Collectibles (cards, coins, comics, stamps) excludes second-hand and pawn
   - Department stores
   - Dry goods
   - Fabrics and sewing supplies
   - Pharmacy
   - Florist and house plants (indoor sales only)
   - Hardware
   - Hobby materials
   - Jewelry
   - Luggage and leather goods
   - Musical instruments, parts and accessories
   - Newsstands
   - Orthopedic supplies
   - Paint sales
   - Small wares
   - Specialty shops
   - Sporting goods and equipment
   - Toys and games
   - Variety stores
   - Movie rental and sales (does not include cinemas)
3. Showrooms. Stand alone and retail showroom establishments engaged in the retail sales of larger-scale new merchandise including appliances, indoor or outdoor furniture. All showrooms shall be subject to the operational and design standards of section 200.400.190 (Showrooms), and the business operator shall sign an affidavit acknowledging all operational standards for such uses prior to issuance of a business license.
4. Used/Pawn. An establishment engaged in the retail sale of secondhand merchandise, or offering loans secured by personal property.

Metal Working Shop (land use). Any industrial use engaged in metal working of any kind, including sheet metal operations; drop hammers or foundries are prohibited.

Microbrewery. A facility for the production of beer, fermented on the premises, for distribution, retail, or wholesale on or off premises. On-site tasting facilities shall be limited to the sale/tasting of product produced on-site and shall not exceed fifty percent (50%) of the building area. Ancillary retail sales are permitted. Alcohol-related businesses are subject to all applicable state law (California Business and Professions Code Section 23000 et seq.) licensing requirements for the sale or provision of alcohol. As an associated use, see "Tasting Room" definition.

Microclimate. The climate of a small, specific area that may contrast with the climate of the overall landscape area due to wind, sun exposure, plant density, proximity to reflective surfaces, etc.

Minimum Sound Level (L_{min}). Minimum SPL or the lowest SPL measured over the time interval using the A-weighted network and slow time weighting.

Mined-Land Reclamation Projects. Any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

Minor Alteration. Any physical modification to a structure that is limited in scope or has a minor visual impact in relation to the total design of the project. Minor alterations normally include awnings, landscaping, lighting, roofing, paint colors, seismic work, signs, new storefronts, and alterations to existing storefronts.

Mobile / Manufactured Home (Mobile Home) (land use). A structure, transportable in one (1) or more sections, that in the traveling mode is eight (8) or more feet in body width or forty (40) feet in body length, or that when erected is three hundred twenty (320) or more square feet in area and is built on a permanent chassis and is designed to be used as a dwelling with or without a foundation system when connected to the required utilities, and that contains required plumbing, heating, air conditioning, and electrical systems A mobile home that was constructed after 1974 in accordance with California Department of Housing and Urban Development standards or after 1976 in accordance with U.S. Department of Housing and Urban Development (HUD) standards is considered to be a manufactured home.

Mobile/Manufactured Home Park (land use). Any parcel, area, or tract of land, or portion thereof where two (2) or more mobile home lots are rented, leased, or offered for rent or lease to accommodate mobile homes used for human habitation.

Motor Court. A building or group of buildings attached, detatched, or semidetached, providing guest accommodations, in which there is exterior access independently to each individual room, unit, or suite, and on which automobile storage space is provided at each unit (e.g., motel, motor lodge, motor hotel).

Moving Company (land use). A facility providing for-hire transportation and temporary indoor warehousing for the moving of personal possessions.

Multifamily Dwelling (land use). A type of residential development comprised of a building or portion thereof, used for occupancy by three (3) or more households living independently of each other, and containing three (3) or more dwelling units. See definition of "Dwelling, Multifamily" in section 20.600.060 for additional information.

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

Municipal Code, or Code. The City of San Marcos Municipal Code, as it may be amended from time to time.

Museum, Library, or Gallery (land use). A commercial or nonprofit use that displays or preserves objects of interest in literature, the arts, or sciences.

Section 20.600.160 "N" Definitions

New Construction (pertains to landscaping only). A new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

Newspaper Printing (land use). Any establishment engaging in the production, on-site printing and distribution of any general circulation, private interest, or community newspaper. Regulation of this use is required due to noise, chemicals, and processes used in the printing process.

Nightclubs (land use). A bar, tavern, or similar establishment that provides live entertainment (music, comedy, etc.) that may serve alcoholic beverage for sale, where the performance area exceeds seventy-five (75) square feet, or customer dancing occurs.

Nonconforming Sign-Legal. See section 20.320.120 (Definitions).

Nonconforming Structure. A building, or portion thereof, that was legally constructed or altered and maintained, but that, because of the application of this title, no longer conforms to the physical development standards of the Zone in which it is located.

Nonconforming Use. A use that was legally established and that has been continuously conducted at the same location, but that because of the application of this title, is no longer authorized at that location, or requires approval of a discretionary permit and has not obtained such discretionary permit approval.

Non-Commercial Horticulture (land use). The growing of horticulture or agriculture on-site for the sole purpose of use by the property owner/on-site resident. Sale of such products is prohibited unless permitted under a separate land use.

Nursery (land use). An establishment for the growth, display, and/or sale of plants, seeds, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building. This includes garden centers. All merchandise other than the plants are kept within an enclosed structure or fully screened. Fertilizers of any type are stored and sold in package form only.

Section 20.600.170 "O" Definitions

Occupancy. Each separate use of property conducted on a lot or within a building or any portion thereof.

Octave Band. An octave band is defined as a frequency band whose upper band-edge frequency is twice the lower band frequency.

Office (land use). An establishment providing direct, "over-the-counter" services or business services to consumers or clients (e.g., insurance agencies, real estate offices, travel agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. Offices shall be categorized by the following programmatic categories:

1. Corporate, Administrative, Business. Offices for private commercial or nonprofit business.
2. Government. Any office building or space owned, operated or leased by a municipal entity for the purpose of conducting municipal business or operations.
3. Medical/Dental/Holistic. Offices for the conduct of medical practice out-patient services.

Office Park: A group of two (2) or more office buildings that are planned and developed together with unique identity and function relationships fostered through the use of coordinated design, site orientation, access and other unifying elements.

Off-Site. An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

Off-Street Loading Facility. A site or portion of a site reserved for the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

Off-Street Parking Facility. A site or portion of a site outside of a public ROW reserved for the parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

On-Site. An activity or accessory use that is related to a specific primary use, and is located on the same site as the primary use.

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Usable. Outdoor space that serves a recreational function or provides visual relief from the building mass, the minimum dimension of which shall be six (6) feet excluding required front yards not used for balconies or patios.

Operating Pressure. The pressure at which parts of an irrigation system are designed by the manufacturer to operate.

Outcall Service Activity. See section 20.405.070 (Definitions) for adult-related land use definitions.

Outdoor Dining (land use). Any outdoor space directly adjacent and accessory to a primary Restaurant land use for the purpose of outdoor food or beverage service and dining. Subject to provisions of chapter 20.400 (Specific Use Standards) and regulated by Zone.

Outdoor Recreation Facility (land use). Outdoor public or private recreational activities including cart/car racing course, driving range, golf course, mini-golf, outdoor swimming pool, sports complex, rock climbing, or similar outdoor activities.

Outdoor Storage (land use). On-site at grade or shelved space for the storage of business-related materials, products, and goods. All on-site storage shall be limited to those materials directly used or produced in relation to the functional on-site business activity; subject to all storage and screening requirements of the applicable Zone. This land use may be a primary land use or accessory land use in conjunction with another land use.

Overhead Sprinkler Irrigation Systems. Systems that deliver water through the air (e.g., spray heads and rotors).

Overspray. The water that is delivered beyond the target area, and in which can cause overland flow caused by irrigation events onto non-targeted areas such as pavements, walks, and structures.

Section 20.600.180 "P" Definitions

Parcel Delivery Service (land use). A facility providing indoor warehousing, sorting, and delivery (including on-site transportation vehicles) for commercial delivery of parcels and mail. Excludes U.S. Postal Service facilities.

Parking Facility (land use). A parking lot and/or structure. Types of parking facilities include the following.

1. Fully Subterranean Parking. A mechanically ventilated subterranean parking structure the top of which is at existing grade.
2. Parking at Grade. At grade, (carport, partially closed or enclosed) parking with or without a dwelling above.
3. Partially Subterranean Parking. A mechanically ventilated parking structure, the top of which does not exceed two (2) feet above existing grade measured at the center of the site along the street frontage.
4. Podium Parking. At grade parking that is fully enclosed with a common entrance that has dwellings over. Podium parking can be at grade or partially depressed by no more than two (2) feet below existing grade.
5. Surface Parking. Parking at grade with no dwelling above.
6. Tuck-under Parking. Tuck-under parking is unenclosed parking located below the unit where parking is accessed from an unenclosed driveway that may be at existing grade or below.

Parking; Fleets (land use). Parking at grade, covered or uncovered, for fleet vehicles (two (2) or more business-related vehicles); subject to all storage and screening requirements of the applicable Zone.

Parking Lot Sale (land use). The display and sales of products or services primarily outside a permanent structure, including vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats, motor homes and clothes, where parking is the principal use of the property.

Parking Space. A readily accessible area, within a structure or surface parking area, exclusive of aisles, driveways, ramps and columns, maintained exclusively for the parking of one (1) vehicle.

Parks, Open Space, Recreation (land use). Areas with improvements suitable for active and/or passive recreational facilities.

Patio Cover. A one-story, open-sided shade structure consisting of a roof and structural supports, attached to or detached from the primary dwelling which is used only for recreational, outdoor living purposes and not as a carport, garage, storage room or habitable room.

Pawn Shop. An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits, or conditional sales of personal property, or the purchase or sale of personal property.

Pedestrian Orientation. Any physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians including:

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;
2. Design amenities related to the street level (e.g., awnings, paseos, arcades);
3. Visibility into buildings at the street level;
4. A continuous sidewalk, with a minimum of intrusions into pedestrian ROW;
5. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
6. Signs oriented and scaled to the pedestrian rather than the motorist;
7. Landscaping (including pocket parks or outdoor patios); and
8. Street furniture.

Pedestrian-Oriented Uses (land use). A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian-oriented use provides spontaneous draw from the sidewalk and street due to visual interest, high customer turnover, and social interaction. Examples of these uses include:

- Bars
- Restaurants
- Markets
- Retail sales
- Commercial entertainment
- Commercial recreation, indoor
- Commercial uses
- Personal services

Permit. Any permit issued by the City for new buildings or rehabilitated landscape.

Pervious. Any surface or material that allows the passage of water through the material and into the underlying soil.

Personal Services (land use). Any place of business providing services and accessory retail sales of products related to the services provided, categorized by the following programmatic elements:

1. General. An establishment providing non-medical services to individuals as a primary use, including the following service types.
    - Barber shops
    - Beauty salons
    - Bridal salon/clothing rental
    - Ear piercing services as ancillary use
    - Hair salons
    - Home electronics and small appliance repair
    - Massage accessory use (see definition in this chapter)
    - Nail salons
    - Seamstress/tailors tanning salons
    - Permanent makeup services as an ancillary use to a beauty, hair, or nail salon. To qualify as an ancillary use, permanent makeup services cannot be provided in conjunction with any Tattoo and/or Body Art Facility. Said facilities are considered a Tattoo and/or Body Art Facility land use, subject to Section 20.400.200 (Tattoo and/or Body Art Facility)
    - Shoe repair shops
2. Fitness/Health Facility. Any place of business or membership club providing facilities devoted especially to health, beauty, and relaxation that deals with the cosmetic, therapeutic, and/or holistic treatments, where people visit for professionally administered personal care treatments, including health or physical fitness clubs. Massage accessory use(s) may be permitted. A medical spa shall be classified as a Medical Office land use.
3. Instructional. Any place of business that is intended for group or individual instruction including art, dance, gymnastics/gymnasium, indoor batting cages, martial arts of any form, mediation, modeling agencies, pilates, pottery, rock climbing, tutoring, volleyball club/organizations, yoga, weight control clinics. Massage shall not be regulated under this land use.

Places of Assembly (land use). Gathering places for public, private, commercial or nonprofit gatherings with permanent or moveable seating. Attached portions of civic center and public school buildings including non-fixed seating may also be considered community assembly spacethat may be rented to nonprofit civic or community organizations; no additional use permit shall be required for this rental use. The following use types shall all be considered within the "Places of Assembly" land use:

1. Auditorium. A building used or designed for audience attendance, including public assembly, meetings, lectures, dances, entertainment, and similar uses. This use does not apply to auditoriums within a school facility.
2. Place of Worship. A facility or establishment the principal purpose of which is religious worship. A primarily religious or nonprofit facility may include structures and activities including sanctuary space, religious education, ministry, clothing and food distribution

(kitchen facility), counseling, employment assistance, study or library space, referral services, and support groups, and assembly rooms. A place of worship shall be limited to one (1) single-family dwelling unit; any additional dwelling units or spaces require separate land use approvals and permits as applicable and permitted within the Zone. A place of worship does not include businesses operated by the religious group for support of religious activities or for charitable purposes. A place of worship falls within the "Community Assembly" land use and requires a conditional use permit.

Planned Residential Development (land use). A small lot configuration planning tool that can be used in conjunction with specific residential Zones to achieve increased common open space and a density of four (4) to eight (8) dwelling units per acre. See chapter 20.435 (Planned Residential Development).

Planning Commission. The City of San Marcos Planning Commission, referred to as the "Planning Commission."

Plant Factor (or Plant Water Use Factor) (landscaping). A factor when multiplied by ETo estimates the amount of water needed by plants. For purposes of Chapter 20.330 (Water Efficient Landscaping Standards), the plant factor of low water use plants ranges from zero (0) to 0.3, the plant factor of moderate water use plants ranges from 0.4 to 0.6, and the plant factor of high water use plants ranges from 0.7 to 1.0. Plant factors are derived from the Department of Water Resources 1999 publication "Water Use Classification of landscape Species".

Porch. An architectural feature of a building, structural or non-structural, that is roofed but otherwise unenclosed.

Precipitation Rate. The depth of water applied to a given area, usually measured in inches per hour.

Preexisting. In existence before the effective date of the ordinance enacting this Zoning Ordinance.

Primary Structure. A structure that houses the primary use on a property or lot. It shall not include accessory structures (e.g., garages, pool houses, or sheds).

Primary Use(s). The primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.

Private Residential Garage (land use). A permanently roofed structure with three enclosed sides and a garage door, that is used for automobile shelter and storage soley for the purposes of one (1) individual residential property.

Private Viewing Room. See section 20.405.070 (Definitions) for adult-related land use definitions.

Project. Any proposal for new or changed use, or for new construction, alteration or enlargement of any structure, that is subject to the provisions of this Zoning Ordinance.

Project Applicant (landscaping). The individual or entity submitting a Landscape Documentation Package required under Section 20.330.050 (Landscape Package Submittal Milestones) and 20.330.060 (Landscape Documentation Package Elements), to request a permit, plan check, or design review from the City. A project applicant may be the property owner or his/her designee.

Property Line/Lot Line. A recorded boundary of a lot, excluding the lines bounding any private easement Types of property lines are as follows.

1. Front Property Line (PL). The shortest line of a lot that is abutting a public ROW line. The property line of a double-frontage lot abutting an ROW shall be front lot lines. When the PL of a corner lot that is abutting ROW lot lines are of equal or substantially equal lengths, the front lot line shall be determined by the Director. In determining the front lot line, the Director shall take into consideration the character of the improvements in the neighborhood of the lot, the impact to abutting property owners from the establishment of either of the boundaries as a front PL, the character of the building proposed to be constructed and the distance that the building is set back from the lines of the two (2) streets that the lot abuts.
2. Interior Property Line. A property line not abutting a street shared in common with another adjacent lot. This applies to "side" and "rear" property line conditions.
3. Street Property Line. A property line abutting a public ROW or street.
4. Corner Property Line. A street lot line that is not a front property line.

Property Line, Adjacent. Any property line dividing one (1) Zone from a different Zone (i.e., the property line separating an L-M property and a C property). When a non-residentially zoned property is adjacent to a residentially zoned property (any R Zone), the "adjacent property line" regulations shall be applicable to the R Zone property separated from the applicable site by a ROW.

Public Buildings and Facilities (land use). Any building, facility, or development owned, operated, or leased by a government entity (city, state, or federal).

Public Hearing. A public meeting held by the City Council, Planning Commission, or other advisory body for the purposes of receiving testimony to be used in the consideration of the approval, conditional approval or denial of a discretionary application.

Public Maintenance Buildings and Facilities (land use). Any public building or facility operated for the ongoing upkeep of public land, facilities, or services.

Public Park/Open Space/Recreation (land use). A noncommercial park, playground, or other recreation facility, and/or open space officially designated as a public park or recreation facility. This use may include community centers.

Public Property. Any real property, without limitation, owned by the City or any governmental agency, any public ROW or easement, and any property subject to a public open space easement.

Public Utilities (land use). Any facility, equipment, or property used for the production, storage, or distribution of utilities or services as owned, operated, or leased by a public entity or public utility company.

Section 20.600.190 "Q" Definitions

None.

Section 20.600.200 "R" Definitions

Rain Sensor (or Rain Sensing Shutoff Device). A component that automatically suspends the irrigation event when it rains.

Reciprocal Driveway Access. A shared driveway configuration enabling adjacent properties of the same Zone designation to use the same driveway, may require recording of easements.

Record Drawing or As-Builts. A set of reproducible drawings that show significant changes in the work made during construction and that are usually based on drawings marked up in the field and other data furnished by the contractor.

Recreational Area. Areas dedicated to active play such as parks, sports field, and golf courses where turf provides a playing surface.

Recreational Vehicle. A motorhome, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.

Recreational Vehicles (RVs)/Park. Any parcel, area, or tract of land, or portion thereof improved for the parking, or offering for rent or lease, of two (2) or more recreational vehicles (RVs) for recreational or emergency occupancy.

Recreation Facilities/Park (land use within Residential Manufactured Home Park Zone). Any noncommercial park, recreation, open space, or other active or passive non-building space, within a Mobile/Manufactured Home Park, designed for recreational use by residents and guests.

Recycled Water (or Reclaimed Water, or Treated Sewage Effluent Water). Treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation. This water is not intended for human consumption.

Recycling Facilities (land use).

Collections Facility. Any establishment, including a place of business, center, or stand-alone container, for collection or processing recyclable materials from the public. A "Certified Recycling Facility" or "Certified Processor" is a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities shall be categorized by the following programmatic elements:

1. Small. A recycling center established as an accessory use to a principal use, for acceptance/donation, redemption, or purchase of recyclable not exceeding five hundred (500) square feet in size, devoted exclusively to the collection of recyclable materials from the public
2. Large. A recycling facility established either as an accessory use, five hundred (500) square feet or larger in size, or as a principal use, regardless of size, devoted exclusively to the collection of recyclable materials from the public.

Processing Facility (land use). An enclosed structure used for collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by means such as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

1. Light Processing. Occupies an area that is less than 45,000 square feet of gross collection, processing, and storage area and has up to an average of two (2) outbound truck shipments per day. Light Processing Facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a Certified Processing Facility. A Light Processing Facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
2. Heavy Processing. Any processing facility other than a Light Processing facility.
3. Reverse Vending. An automated mechanical device which occupies less than 50 square feet (and is an accessory use) that accepts one (1) or more types of recyclable beverage containers, including but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. The reverse vending machine may sort and process containers mechanically, provided the entire process is fully enclosed. A grouping of multiple reverse vending machines may be necessary/provided to meet the requirements of certification as a recycling facility.

Recyclable Material. Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture, or reconstitution for sale or reuse. Recyclable material does not include refuse or hazardous materials. Recyclable material may include clean (uncontaminated) used motor oil and oil filters collected and transported in accordance with Section 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

Referenced Evapotranspiration (ETo). A standard measurement of environmental parameters that affect the water use of plants. ETo is given in inches per day, month, or year as represented in section 20.330.070 (Water Efficient Landscape Worksheet) and is an estimate of the evapotranspiration of a large field of four (4) to seven (7) inches tall, cool season turf that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowance so that regional differences in climate can be accommodated.

Rehabilitated Landscapes. Any re-landscaping project that requires a permit, plan check, or design review and meets the requirements of section 20.330.020 (Applicability).

Renewable Energy Harvesting/Production (land use). The installation and use of any facility or utility for the generation of on-site energy that may include the transmission, and/or storage of such energy. Such facilities shall be subject to all state, federal, building and utility regulations in addition to the provisions of chapter 20.450 (Renewable Energy).

Research & Development (land use). Any business combining activities, laboratories, and facilities for research; and uses involving the production of experimental products that neither constitute nor cause a public health risk to employees and/or to surrounding properties and/or residents.

Research & Development, Fabrication and Light Manufacturing (land use). Any establishment, or space within a building, conducting the manufacture of experimental or prototype products in support of a Research & Development land use. Manufacture facilities shall be limited to products researched and/or designed on-site.

Residential Care Facility (land use). Any State licensed facility, place, or structure that is maintained and operated to provide non-medical residential care, day treatment, or foster agency services for adults, children, or adults and children as defined in Article 1 of Chapter 3 of the California Health and Safety code, Section 1500, et seq. This use includes the administration of limited medical assistance (e.g., dispensing of prescribed medications).

1. Large. A licensed Residential Care Facility providing services for seven (7) or more adults and/or children consistent with the definition above.

2. Small. A licensed Residential Care Facility providing services for six (6) or fewer adults and/or children consistent with the definition above.

Response Time (F,S,I) (Landscaping). The response time is a standardized exponential time weighting of the input signal according to fast (F), slow (S) or impulse (I) time response relationships. Time response can be described with a time constant. The time constants for fast, slow, and impulse responses are one (1) second, 0.125 second, and 0.35 millisecond, respectively.

Restaurant (land use). Any establishment operated for the primary purpose of providing food, beverages, or meals for compensation, which has suitable kitchen facilities for the preparation, storage and service of food. Any bar area, all applicable licenses required, shall be limited to five hundred (500) square feet or thirty percent (30%) of the dining area; bar areas exceeding these limits shall be classified as a bar.

1. Sit-Down. Any restaurant for the primary purpose of on-site service and consumption and/or serving meals in non-disposable containers. Accessory sale of food and nonalcoholic beverages for off-site consumption is permitted provided that all food and beverages sold for on-site consumption are served in non-disposable containers.
2. Take-Out. Any restaurant for the primary purpose of serving food and beverage in disposable containers (paper, plastic, or otherwise disposable/recyclable). This use includes restaurants providing three (3) or less tables for on-site consumption, and retail bakeries coffee, and beverage shops with or without seating.

Restroom /Sanitary Facilities (land use). A structure or facility located within a Mobile/Manufacture Home Park designed for toilet, shower, changing, and sanitary facilities for the use of park residents and guests.

Right-of-Way (ROW). An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

Rooming House (land use). A building containing three (3) or more bedrooms or other rooms used, designed, or intended to be used, rented, leased, let or hired to be occupied or which are occupied by five (5) or more individuals under five (5) or more separate oral or written leases, subleases or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term. A "Rooming Housing" does not require a property owner, or an agent, or a rental manager, to be in residence. A "Rooming House" may or may not have individual or group cooking facilities. A "Rooming House" may or may not provide free access to common living areas beyond the bedrooms or guest rooms. A "room" means any rented, leased, let or hired room, living space or other square footage within the building that is used or designed to provide sleeping accommodations for one (1) or more persons. A property permitted accessory dwelling unit, second unit, or "granny flat" shall not be considered a rooming house if used, designed, or intended to be used, rented, leased, let or hired, to be occupied or that is occupied by two (2) or fewer individuals under two (2) or fewer written leases, subleases or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to an arrangement for compensation for definite periods, by the month or greater term**Row Home.** A series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.

ROW. See "Street, or Public Right-of-Way."

Runoff. Water that is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

Section 20.600.210 "S" Definitions

Sales Stand (land use). An accessory structure designed and used for the express purpose of selling produce or horticulture grown on-site; the structure shall conform to all required setbacks of the applicable Zone.

Salvage Yard (Scrap Yard). A lot or parcel of land used for the collection, keeping, or abandonment of discarded or waste materials.

School (land use). Any public, charter or private educational facility for elementary, middle, junior high, and high schools serving kindergarten through twelfth (12th)-grade students, including denominational and sectarian, boarding schools, and military academies. Preschools and child daycare uses are included in "Child Daycare Center."

Second Dwelling Units (land use). A detached or attached residential dwelling unit that provides complete independent living facilities for one (1) or more persons on the same parcel as a legal single family residence. A second dwelling unit shall include permanent provisions that include living, sleeping, eating, cooking, and sanitation.

Second Hand Store (Used Goods). A profit or nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise.

Self Storage (land use). Facilities providing individual compartmentalized spaces or warehousing space for rent or lease to the general public for personal storage and characterized by low parking demand.

Senior/Age-Restricted Dwelling (Senior Housing) (land use). Dwelling unit(s) or a residential development for the restricted purpose of serving and housing adults over a specified age. This use may include supportive medical and non-medical services directly affiliated with the treatment of on-site patients.

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line easement, other structure or development feature. If a street dedication is required, then the setback requirement shall be measured from the revised property line after the dedication.

1. Front PL Setback. A setback extending across the full width of a lot between the front property line (or primary street property line) and the foremost point of any structure, parking area, or other development feature. Where specified this setback may be measured to the living portion of the building or the garage portion of the building.
2. Interior Side Setback. A setback extending across the full width of a lot between the interior side property line and the foremost point of any structure, parking area, or other development feature
3. Corner Side Setback. A setback extending across the full width of a lot between the corner side property line and the foremost point of any structure, parking area, or other development feature on the lot.
4. Exterior Setback. A setback extending across the full width of a lot between any property line and the foremost point of any structure, parking area, or other development feature on the lot.
4. Rear Setback. A setback extending across the full width of a lot between the rear property line and the foremost point of any structure, parking area, or other development feature.

Sexual Encounter Establishment. See section 20.405.070 (Definitions) for adult-related land use definitions.

Shopping Center: A commercial center composed of more than four (4) businesses, identified by one (1) name as being physically grouped, and sharing a common parking area.

Shrub. A woody perennial plant generally with multiple basal stems.

Sign. See section 20.320.120 (Definitions).

Single-Family Residential (land use). A type of residential development comprised of detached building used exclusively for occupancy by one (1) household (including necessary servants and employees of such household) and containing one (1) dwelling unit on a single lot. This land use may include mobile homes and factory-built housing, and may be attached or detached configurations. See definition of "Dwelling, Single Family" in section 20.600.060 for additional information.

Single Ownership. Holding record title, possession under a contract to purchase or possession under a lease, by a person, firm, corporation or partnership, individually, jointly, in common or in any other manner where the property is or will be under unitary or unified control.

Single-Room Occupancy (land use). A facility providing dwelling units where each unit has a minimum floor area of one hundred fifty (150) square feet and a maximum floor area of two hundred twenty (220) square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

Site. A lot or group of contiguous lots not divided by any alley, street, other ROW or City limit that is proposed for development in accord with the provisions of this Zoning Code, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Slope. The inclined ground surface of fill, excavation, or natural terrain, the inclination of which is expressed as a percentage. Slope percent is computed by dividing the vertical distance by the horizontal distance multiplied by one hundred (100).

Small Wind Energy System (land use). A devise, of less than one (1) kilowatt and eight (8) feet in diameter, that produces electricity from wind.

Soil Moisture Sensing Devise (or Soil Moisture Sensor). A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

Soil Texture. The classification of soil based on its percentage of sand, silt, and clay.

Sound Pressure Level (SPL). A ratio of one (1) sound pressure to a reference pressure (L_{ref}) of twenty (20) μPa. Because of the dynamic range of the human ear, the ratio is calculated logarithmically by twenty (20) log (L/L_{ref}).

Special Landscape Area (SLA). An area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water areas dedicated to active play as parks, sports fields, golf courses, and where turf provides playing surfaces.

Specific Plan. A plan as defined in Government Code Section 65450. Also see Chapter 20.535.

Specified Anatomical Area. See section 20.405.070 (Definitions) for adult-related land use definitions.

Specified Sexual Activities. See section 20.405.070 (Definitions) for adult-related land use definitions.

Sport Court (land use). Outdoor facility for the playing of sports activities, including basketball, bocce ball, handball, tennis, or volleyball. Sport courts may be full sized or configured in a reduced or combined manner. Area of sport courts provided on-site can be used toward the calculation of landscape and open space requirements.

Sprinkler Head. A device that sprays water through a nozzle.

Stable (land use).

1. Private. A corral or stable facility for the keeping of large animals subject to the regulations of the applicable Zone. Animal keeping in private stables shall be for the use of the individual land owner.
2. Public. A corral or stable facility for the keeping of large animals open to the public for the lease or rental of space or facilities including the boarding of large animals.

Stand-Alone. A building, use, or facility that is physically separated from or otherwise unconnected to other buildings, uses or facilities, and that is either: (i) located on a separate lot or parcel from other buildings, uses or facilities; or (ii) located on the same lot or parcel with other buildings, uses or facilities and has its own dedicated parking. A Stand-Alone building, use or facility has required parking that is computed and provided separately from other buildings, uses or facilities.

State Route 78 View Corridor. The area immediately adjacent to, by property line or adjacent to the access roads of State Route 78. The

Static Water Pressure. The pipeline or municipal water supply pressure when water is not flowing.

Station. For the purposes of chapter 20.330 (Water Efficient Landscape Standards), an area served by one (1) valve or by a set of valves that operate simultaneously.

Story. The portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above.

Street, or Public Right-of-Way. A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement, not including freeways, providing any access to and egress from the property abutting thereon.

Street Frontage. The distance along which a property line of a lot adjoins a public or private street.

Street, Side. A street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

Structure. Anything constructed or erected that requires a location on the ground, including a building or a swimming pool, or a fence or wall, but not including driveways or walkways.

Structural Alterations. Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized San Diego County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad ROWs. Subdivision includes the following, as defined in Civil Code Section 1315: a condominium project; a community apartment project; or the conversion of five (5) or more existing dwelling units to a stock cooperative.

Subdivision Map Act, or Map Act. Division 2, Title 7 of the California Government Code, commencing with section 66410 as presently constituted, and any amendments to those provisions.

Substantial (Major) Alteration. Any physical modification to a structure that involves a major portion of the structure or has a substantial visual impact on the structure or its surroundings. Substantial alterations normally include changes to building massing, cladding the exterior walls in a new material, and extensive replacement of windows and doors with a new or unoriginal design in a structure.

Supportive Housing (land use). A facility or use that provides housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. "Target Population" means persons, including persons with disabilities, and familie who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code, or who are "homeless youth," as that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code. Supportive housing that is provided in single-, two-, or multifamily dwelling units, group residential, residential care facilities, or rooming house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or rooming house uses under this code.

Swap Meet. Any indoor or outdoor place, location, or activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by a multitude of individual licensed vendors, usually in compartmentalized spaces; and where a fee may be charged to prospective buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise.

Swimming Pool/Sauna/ Hot Tub (land use). A water-filled enclosure with a depth of eighteen (18) inches or more, or an enclosure used for creating steam, for the purposesof swimming or recreation on a private residential lot.

Swing Joint. An irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

Section 20.600.220 "T" Definitions

Tandem Parking. A parking space configuration where two (2) or more parking spaces are lined up behind each other.

Tasting Room. An area devoted to the sampling and sales thereof of wine or beer produced on or off the premises and the sale of food is prohibited. On-site tasting facilities shall be limited to the sale/tasting of product produced on-site and shall not exceed fifty percent (50%) of the building area. Ancillary retail sales are permitted. Alcohol-related businesses are subject to all applicable state law (California Business and Professions Code Section 23000 et seq.) licensing requirements for the sale or provision of alcohol.

Tattoo and/or Body Art Facility (land use). Any facility that includes any of the following activities:

1. Body art facility. Any specified building, section of a building, or vehicle in which a practitioner performs body art, including reception areas, the procedure area, and the decontamination and sterilization area. "Body art facility" does not include a facility that only pierces the ear with a disposable, single-use, presterilized clasp and stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear. This use is subject to the standards and restrictions in section 20.400.200 (Tattoo and/or Body Art Facility).
2. Body art. The body piercing, tattooing, branding, or application of permanent cosmetics.
3. Body piercing. The creation of an opening in a human body for the purpose of inserting jewelry or other decoration. "Body piercing" includes the piercing of an ear, including the tragus, lip, tongue, nose, or eyebrow. Body piercing does not include the piercing of an ear, except for the tragus, with a disposable, single-use, presterilized stud and clasp or solid needle that is applied using a mechanical device to force the needle or stud through the ear.
4. Branding. The process in which a mark or marks are burned into human skin tissue with a hot iron or other instrument, with the intention of leaving a permanent scar.
5. Permanent cosmetics. The application of pigments in human skin tissue for the purpose of permanently changing the color or other appearance of the skin. This includes, but is not limited to, permanent eyeliner, eyebrow, or lip color. Permanent cosmetics, if done as an ancillary use within a beauty salon or spa, shall not be subject to the standards and restrictions in section 20.400.200 (Tattoo and/or Body Art Facility).
6. Tattooing. The insertion of pigment in human skin tissue by piercing with a needle.

Technical/Scientific/Medical Laboratories (land use). Any business or establishment engaged in laboratory work or research in support of a primary Research & Development land use. These uses shall be fully enclosed and adequately regulated/permitted/licensed for the type of activity

facilitated within the laboratory. Accessory laboratory uses shall not exceed forty percent (40%) of the building area; laboratory space greater than forty percent (40%) of the building area shall be subject to a CUP. Incidental related uses such as pharmacies (prescriptions only), biochemical, X-ray laboratories, medical offices, and clinics are permitted.

Temporary Uses. The specified uses may occur on a temporary or intermittent basis subject to the requirements of a Director's Permit, including fixed start and end dates specified in the permit.

Third-Octave Band. A third-octave band is defined as a frequency band whose upper bandedge frequency is 1.26 times the lower band frequency.

Turf. A groundcover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are common coolseason grasses. Bermuda grass, Kikuyugrass, Seashore Paspalum, St. Augustine grass, Zoysiagrass, and Buffalo grass are common warm-season grasses.

Transitional Housing (land use). Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing that is provided in single-, two-, or multifamily dwelling units, group residential, residential care facilities, or rooming house uses shall be permitted, conditionally permitted, or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or rooming house uses under this code.

Transmission Line. A power line bringing electricity to a receiving or distribution substation.

Transportation Dispatch (land use). Any establishment engaged in deploying specialized transportation options including ambulances, taxis, limousines, armored cars, tow trucks, and similar vehicles for specialized transportation. This does not include storage facilities for towed vehicles. Dispatch facilities are categorized by the following programmatic categories:

1. Dispatch Only. An office or location where vehicles are dispatched only; this does not include a vehicle or responder base, waiting areas, or vehicle storage that are prohibited.
2. Fleet Usage. A base, with or without dispatch operations, where vehicles and/or crew are based, wait for dispatch, or vehicles are stored; subject to all storage and screening requirements of the applicable Zone.

Section 20.600.230 "U" Definitions

Unenclosed. A covered area with one (1) or more sides open.

Used. Arranged, designed, constructed, altered, rented, leased, sold, occupied or intended to be occupied.

Section 20.600.240 "V" Definitions

Valve. A device used to control the flow of water in the irrigation system.

Visible. Likely to be noticed by a person of average height walking on a street or sidewalk two (2) years after installation of any planting screening material intended to screen a view.

Section 20.600.250 "W" Definitions

Warehousing, Indoor (land use). Facilities for indoor bulk storage and handling of product, materials, and goods of any kind occurring within an enclosed building; includes cold storage. May or may not include freight/delivery bays. Does not include self storage or mini-storage facilities offered for lease or rent to the public. Warehousing facilities primarily for wholesaling and distribution are regulated under "Wholesale, Processing and Distribution."

Water Conserving Plant. A plant species identified as using less water than plants in the same water use category; those having a low plant factor.

Water Tank (land use). A facility used for the storage of water to serve part of a private the public water infrastructure, or private water usage of a residential lot.

Water Treatment and Filtering Services (land use). A commercial or industrial facility utilized for the processing and biological treatment of water or wastewater enabling treatment for use, reuse, or consumption.

Water Feature. A design element where open water performs as an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools (where water is artificially supplied). The surface area of water features is included in the high-water use hydrozone of the landscape area. Constructed wetlands used for on-site treatment or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features, and therefore not subject to the water budget calculation.

Water Use Classification of Landscape Species (WUCOLS). Refers to the Department of Water Resources 1999 publication authorized by a U.C. Cooperative Extension employee, Larry Costello.

Watering Window. A time of day irrigation is allowed.

Window, Bay. An extension of a building wall that is habitable space that encroaches into a required yard and is a minimum of three (3) feet above finished grade. A bay window shall have a minimum of fifty percent (50%) fenestration.

Wholesale, Processing and Distribution (land use). Any establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to persons or companies. Includes storage, processing, packaging, and

shipping facilities for delivery, mail order and e-commerce retail establishments. This may include the following establishments:

1. Agents, merchandise or commodity brokers, and commission merchants
2. Assemblers, buyers and associations engaged in cooperative market or farm products
3. Merchant wholesalers
4. Stores primarily selling electrical, plumbing, heating or air conditioning supplies and equipment

Wholesale Production (land use). Any establishment engaged in the sale of commodities or goods to others for resale and not normally to the ultimate consumer. Sales normally employs warehouses, open enclosures, and office space for the assembly, storage, distribution and display of merchandise for large quantity sales to community or regional retailers, manufacturers, and agricultural, commercial, industrial, institutional and professional uses. Sales may include the rendering of services incidental to and supportive of the wholesale of merchandise.

Winery (land use). Any establishment engaging in the processing of grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Alcohol-related businesses are subject to all applicable state law (California Business and Professions Code Section 23000 et seq.) licensing requirements for the sale or provision of alcohol. As an associated use, see "Tasting Room" definition.

Worm Farm Bin. Vermiculture receptacles utilized for worm farming.

Section 20.600.260 "X" Definitions

Xeriscape. Creative landscape design for water conservation that include principles of planning and design that incorporate practical turf areas, appropriate plant selection, soil improvements, mulches, and efficient irrigation.

Section 20.600.270 "Y" Definitions

Yard. An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except as otherwise provided by this ordinance, on the lot on which a building is situated.

Yard, Front. The yard between a front lot line or lines and the line defined by the required front yard setback.

Yard, Rear. The yard between a rear lot line or lines and the line defined by a required rear yard setback.

Yard, Side. The yard between a side lot line or lines and the line defined by a required side yard setback, extending from the front to the rear yard.

Yard, Side, Exterior. A side yard abutting a street.

Yard, Side, Interior. A side yard other than an exterior side yard.

Section 20.600.280 "Z" Definitions

Zone. The Zone applied to a site by the Zoning Map, to which an overlay Zone may also be applied subject to overlay Zone location regulations.

1. Initial Zone. The existing developed Zone applicable to a Transitional Zone until such time as the designated Transitional Zone property is rezoned to the identified Future Zone.
2. Future Zone. Applicable to Transitional Zones; the Zone identified for future conversion/redevelopment subject to the standards and timing of the Transitional Zone. See chapter 20.235 (Transitional Zones).

Zoning Ordinance. The San Marcos Zoning Code, Title 20 of the City of San Marcos Municipal Code, referred to herein as "Zoning Ordinance."

Zoning Map. The map that graphically shows all Zone boundaries and classifications within the City, as contained within the Zoning Ordinance and adopted as an ordinance by the City.

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