CITY OF MORRO BAY

ZONING CODE UPDATE

Plan MORRO BAY

May 2018

Module 3: Use Regulations

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INTRODUCTION

This paper presents draft provisions for the regulation of uses in the Zoning Code, including use allowances by zoning district, standards for specific uses, and use classifications.

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

Division I – Introductory Provisions

Division II – District Regulations

Division III – Citywide Regulations

Division IV – Administration and Permits

Division V –Terms and Definitions

This paper includes portions of Division II – District Regulations, Division III – Citywide Regulations, and Division V – Terms and Definitions. Specifically, use regulations presented in this paper include:

- **Use Allowances by District.** Allowed uses are classified according to use groups and presented in tables intended to provide a quick and easy summary of development possibilities in a given district. Use tables specify the level of review required, list any limitations on permitted uses, and provide cross-references to other sections of the Code where additional regulations apply.
- **Standards for Specific Uses.** This section establishes standards and requirements applicable to particular uses that are allowed in some or all districts.
- **Use Classifications.** The use classifications include all use groups established by the Code and regulated in every zoning district by type (i.e., residential, commercial, industrial, etc.). Instead of employing comprehensive lists of every allowed use in a district, the proposed use classifications consolidate the items into a modern classification system which places land uses and activities into groups based on common function, product, or physical characteristics. The groups are designed to be broad enough to allow classification of new, unanticipated uses, to reduce confusion and the need to amend this section of the Code.

The goal of the proposed revisions to use regulations is to create a streamlined, user-friendly set of standards that clearly establishes permitted development in each district.

SUMMARY OF CHANGES

A brief summary of how the draft regulations presented in this paper differ from the current regulations is provided below. Additional notations on the differences between current and draft are included throughout the paper.

Use Allowances by District

Uses allowances by district are generally carried forward with refinements for consistency with the General Plan/Coastal Land Use Plan land use designations and State and federal law.

Standards for Specific Uses

Some sections of this chapter carry forward existing regulations for certain uses. Changes to existing regulations are limited to refinements for formatting and consistency with the new code. The uses for which specific use standards are carried forward include:

- Employee Housing,
- Single-Room Occupancy

Other sections of this chapter establish new regulations for uses that do not have specific use standards in the current code. Uses for which all new standards are proposed include the following:

- Automobile/Vehicle Sales and Service Establishments
- Drive Through Facilities
- Self Storage
- Recharging Stations
- Recycling Facilities
- Short Term Vacation Rentals
- Solar Energy Systems
- Telecommunication Facilities (new except standards related to Satellite Dish Antennas which are existing)
- Urban Agriculture

Finally, in some cases, specific use regulations in the current code are carried forward with revisions. These uses, along with the nature of the revisions, follow:

- **Accessory Dwelling Units** - updated consistent with State law that limits the ability of local jurisdictions to regulate certain aspects of accessory dwelling unit development, including setbacks for garage conversions and dwelling units constructed above a garage, utilities, parking, and instances where accessory dwelling units are constructed entirely within existing structure
- **Animal Keeping** - new provisions included for the keeping of bees
- **Day Care** - new limitations on the hours of operation and requirement for a pick-up and drop-off plan
- **Emergency Shelters** - in cases where current provisions use 'appropriate' as a threshold, quantifiable and measurable standards are proposed
- **Home Occupations** - provisions related to cottage food operations are incorporated, consistent with state law.
- **Nonpermanent Vendors** - regulations expand the current definition of nonpermanent vendors that limit them to those that sell flowers or balloons to include all nonpermanent vendors that sell or prepare and serve food or other consumer products. Standards and limitations are proposed for the location and operation of nonpermanent vendors
- **Outdoor Dining and Seating** - additional specificity added for clarity on hours of operation, location, noise, and litter removal and an increase in the amount of square footage allowed before additional parking is required. Areas less than 350 square feet are allowed as accessory to an eating and drinking establishment. Areas more than 350 square feet but less than 1,000 square feet require Minor Use Permit approval. Larger areas require Conditional Use Permit approval
- **Outdoor Display and Sales** - outdoor display of produce, up to 125 square feet, is proposed to be permitted rather than requiring Minor Use Permit approval. Up to 125 square feet of outdoor display area for produce and up to 600 square feet of outdoor area for live plant displays are permitted. A Conditional Use Permit is required for additional area or other products
- **Personal Services** - additional limits on hours of operation for all personal service establishments and location limitations for fortune, palm, and card readers
- **Temporary Uses** - specific allowances for garage and yard sales, non-profit fundraising, and short-term events in nonresidential districts and an allowance for additional temporary uses subject to Conditional Use Permit approval

Use Classifications

Use classifications have been comprehensively revised. Many uses in the existing code have been redefined or renamed to reflect standard terminology in contemporary land use law and practice. Many uses in the existing code lack definitions. A definition is included for each use classification.

Use Allowances by District

Chapter 17.04 Agriculture District

Note: Use regulations of the existing AG District are carried forward, formatted and revised for consistency with the structure of the new Code.

17.04.010 Purpose and Applicability

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

17.04.020 Land Use Regulations

Table TBD, Land Use Regulations-Agriculture District, sets the land use regulations for the Agriculture District. The regulations for the district are established by letter designation as follows:

> "P" designates permitted uses
>
> "M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter TBD, Use Permits
>
> "C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter TBD, Use Permits
>
> "(#)" numbers in parentheses refer to specific limitations listed at the end of the table
>
> "-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter TBD, Coastal Development Permits, may be required. See Chapter TBD, Coastal Zone (-CZ) Overlay District.

Land uses are defined in Chapter TBD, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column

refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE TBD: LAND USE REGULATIONS – AGRICULTURE DISTRICT

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*AG*	*Additional Regulations*
Residential Uses		
Residential Housing Types	See subclassifications below	
Single-Unit Dwelling, Detached	P	
Accessory Dwelling Unit	P	See Section TBD, Accessory Dwelling Unit
Employee Housing	See Section TBD, Employee Housing	
Family Day Care	See subclassifications below	
Small	P	
Large	P	Must be located 300 feet from any other Large Family Day Care
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same Zoning District.	
Transitional Housing		
Commercial Uses		
Agriculture	P	
Transportation, Communication, and Utility Uses		
Telecommunication Facilities	See Chapter TBD, Telecommunication Facilities	
Other Uses		
Accessory Uses and Structures	See Section TBD, Accessory Structures, and Section TBD, Accessory Uses	
Animal Keeping	See Section TBD, Animal Keeping	
Home Occupations	See Section TBD, Home Occupations	
Nonconforming Use	See Chapter TBD, Nonconforming Uses, Structures, and Lots	
Recharging Station	See Section TBD, Recharging Stations	
Solar Energy Systems	See Section TBD, Solar Energy Systems	
Temporary Uses, including Temporary Produce Stands	See Section TBD, Temporary Uses	

Chapter 17.05 Residential Districts

Note: The names of existing zoning districts are changed as follows:
R-A: Residential Low Density (RL)
R-1: Residential Single Unit (RS)
R-2: Residential Medium Density (RM)
R-3, R-4: Residential High Density (RH)

Use allowances have been refined consistent with the General Plan/Coastal Land Use Plan land use designations and State and federal law.

17.05.010 Purpose and Applicability

The purposes of the Residential Districts are to:

A. Provide for a full range of housing types consistent with the General Plan/Local Coastal Plan;

B. Preserve, protect, and enhance the character of the City's different residential neighborhoods and the quality of life of City residents.

C. Ensure adequate light, air, privacy, and open space for each dwelling.

D. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.

E. Provide sites for public and semi-public land uses such as parks, schools, day care, and other uses that will serve City residents and will complement surrounding residential development.

Additional purposes of each Residential District:

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

Residential Single-Unit (RS). The RS District is intended to provide areas for detached and attached single-unit housing at densities of one unit per lot. Overall densities for these areas are up to seven or 10 units per net acre. In addition, this District provides for uses such as schools

and parks that may be appropriate in a low- or moderate-density residential environment. This District implements the Moderate Density Residential General Plan/Local Coastal Plan Land Use Designation.

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

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

17.05.020 Land Use Regulations

Table TBD, Land Use Regulations-Residential Districts, sets the land use regulations for Residential Districts. The regulations for each district are established by letter designation as follows:

> "P" designates permitted uses
>
> "M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter TBD, Use Permits
>
> "C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter TBD, Use Permits
>
> "(#)" numbers in parentheses refer to specific limitations listed at the end of the table
>
> "-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter TBD, Coastal Development Permits, may be required. See Chapter TBD, Coastal Zone (-CZ) Overlay District.

Land uses are defined in Chapter TBD, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE TBD: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*RL (R-A)*	*RS (R-1)*	*RM (R-2)*	*RH (R-3, R-4)*	*Additional Regulations*
	Previous district name in ()				
Residential Uses					
Residential Housing Types	See subclassifications below				
Single-Unit Dwelling, Detached	P	P	P	M(1)	See §TBD.B, Residential Development
Single-Unit Dwelling, Attached	-	P	P	P	See §TBD.B, Residential Development
Two-Unit Dwelling	-	-	P	P	See §TBD.B, Residential Development
Multi-Unit Residential	-	-	P	P	See §TBD.B, Residential Development
Accessory Dwelling Unit	P	P	P	P	See §TBD.B, Accessory Dwelling Units
Employee Housing	See Section TBD, Employee Housing				
Family Day Care	See subclassifications below				
Small	P	P	P	P	
Large	P	P	P	P	Must be located 300 feet from any other Large Family Day Care
Group Residential	-	-	C	C	
Mobilehome Park	-	-	C(2)	C(2)	
Residential Care Facilities	See subclassifications below				
Small	P	P	P	P	
Large	-	-	M	M	
Residential Facility, Assisted Living	-	-	M	M	
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same Zoning District.				
Transitional Housing					

TABLE TBD: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*RL (R-A)*	*RS (R-1)*	*RM (R-2)*	*RH (R-3, R-4)*	*Additional Regulations*
	Previous district name in ()				
Public/Semi Public Uses					
Day Care Centers	-	-	C	C	See §TBD, Day Care
Park and Recreation Facilities	M	M	M	M	
Parking Lots and Structures	-	-	-	C	
Schools	C	C	C	C	
Social Service Facilities	-	-	M	M	
Commercial Uses					
Agriculture	P	-	-	-	See §TBD, Animal Keeping for livestock density limits
Farmer's Markets	C	C	C	C	See §TBD, Farmer's Markets
Lodging	See subclassification below				
Hotels and Motels	-	-	-	C	
Short-term Vacation Rental	P	P	P	P	See §TBD, Short-term Vacation Rentals
Offices	-	-	-	C	
Transportation, Communication, and Utility Uses					
Public Works and Utilities	C	C	C	C	
Telecommunication Facilities	See Chapter TBD, Telecommunication Facilities				
Urban Agriculture Uses					
Community Garden	P	P	P	P	See §TBD, Urban Agriculture
Market Garden, less than one acre	P	P	P	P	See §TBD, Urban Agriculture
Market Garden, one acre or more	M	C	C	C	See §TBD, Urban Agriculture
Private Garden	P	P	P	P	See §TBD, Urban Agriculture
Other Uses					
Accessory Uses and Structures	See Section TBD, Accessory Structures, and Section TBD, Accessory Uses				

TABLE TBD: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*RL (R-A)*	*RS (R-1)*	*RM (R-2)*	*RH (R-3, R-4)*	*Additional Regulations*
	Previous district name in ()				
Animal Keeping	See Section TBD, Animal Keeping				
Home Occupations	See Section TBD, Home Occupations				
Nonconforming Use	See Chapter TBD, Nonconforming Uses, Structures, and Lots				
Recharging Station	See Section TBD, Recharging Stations				
Solar Energy Systems	See Section TBD, Solar Energy Systems				
Temporary Use	See Section TBD, Temporary Uses				

Specific Limitations:

1. Allowed only where site characteristics, such as size or topography, preclude multi-unit development.
2. Limited to sites with a minimum of three acres.

Chapter 17.06 Commercial and Mixed Use Districts

Note: The names of existing zoning districts are changed as follows:
MCR: Neighborhood Commercial (NC)
C-1: Community Commercial (CC)
C-2: District Commercial (DC)
C-VS: Visitor Serving Commercial (VSC)

Use allowances have been refined consistent with the General Plan/Coastal Land Use Plan land use designations and State and federal law.

17.06.010 Purpose and Applicability

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

A. Provide for the orderly, well-planned, and balanced development of commercial and mixed-use districts;

B. Designate adequate land for a full range of local- and regional-serving retail and commercial services consistent with the General Plan/Local Coastal Plan to maintain and strengthen the city's economic resources;

C. Provide appropriately located areas for a range of commercial uses that provide for a variety of good and services for residents, employees, and visitors;

D. Provide opportunities for a mix of complementary uses that may combine residential and nonresidential uses or combine a variety of nonresidential uses on the same site; and

E. Promote pedestrian-oriented, mixed-use commercial centers at appropriate locations.

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

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

Community Commercial (CC). This District is intended to create, maintain and enhance walkable community commercial areas that provide a mix of community-oriented uses including retail stores, restaurants, professional and medical offices, and personal services. Residential uses are allowed above and behind commercial uses and as stand-alone development in certain areas. This District implements the Community Commercial and the Mixed Use General Plan/Local Coastal Plan Land Use Designation.

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

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

17.06.020 Land Use Regulations

Table TBD, Land Use Regulations-Commercial and Mixed Use Districts, sets the land use regulations for Commercial and Mixed Use "P" designates permitted uses

> "M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter TBD, Use Permits
>
> "C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter TBD, Use Permits
>
> "(#)" numbers in parentheses refer to specific limitations listed at the end of the table
>
> "-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter TBD, Coastal Development Permits, may be required. See Chapter TBD, Coastal Zone (-CZ) Overlay District.

Land uses are defined in Chapter TBD, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE TBD: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*NC (MCR)*	*CC (C-1)*	*DC (C-2)*	*VSC (C-VS)*	*Additional Regulations*
	Previous district name in ()				
Residential Uses					
Residential Housing Types	See subclassifications below				
Single-Unit Dwelling, Detached	M(1)	-	-	-	
Single-Unit Dwelling, Attached	M(1)	C(2)	-	C(4)	
Two-Unit Dwelling	M(1)	-	-	-	
Multi-Unit Residential	M(1)	C(2)	-	C(4)	
Family Day Care	See subclassifications below				
Small	P	P	-	P	
Large	P	P	-	P	Must be located 300 feet from any other Large Family Day Care
Group Residential	-	C(2)	-	-	
Residential Care Facilities	See subclassifications below				
Small	P	P	-	-	
Residential Facility, Assisted Living	M	M(3)	-	-	
Single Room Occupancy	M	P(2)	-	-	See §TBD, Single Room Occupancy
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same Zoning District.				
Transitional Housing					
Public/Semi Public Uses					
Campgrounds and Recreational Vehicle Parks	-	-	C	C	
Community Assembly	M	P	P	M	
Cultural Institutions	-	P	P	P	
Day Care Centers	M	M	M	-	See §TBD, Day Care
Emergency Shelter	-	P	-	-	See §TBD, Emergency Shelters
Government Offices	P	P	P	-	
Harbor, Port, and Marina Facilities	-	-	-	C	

TABLE TBD: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*NC (MCR)*	*CC (C-1)*	*DC (C-2)*	*VSC (C-VS)*	*Additional Regulations*
	Previous district name in ()				
Hospitals and Clinics	See subclassifications below				
Hospitals	-	-	C	-	
Clinics	M	C(3)	P	-	
Skilled Nursing Facilities	-	C(3)	-	-	
Instructional Services	-	P	P	P	
Park and Recreation Facilities	-	P	P	P	
Parking Lots and Structures	-	P	P	P	
Public Safety Facilities	M	P	P	M	
Social Service Facilities	M	M	M	-	
Commercial Uses					
Animal Care, Sales, and Services	See subclassifications below				
Animal Daycare	M	-	M	-	
Grooming and Pet Stores	-	-	P	-	
Veterinary Services	P	-	P	-	
Artist Studio	P	P	P	P	
Automobile/Vehicle Sales and Services	See subclassifications below				
Automobile/Vehicle Rentals	-	-	P	-	See §TBD, Automobile/Vehicle Sales and Services
Automobile/Vehicle Sales and Leasing	-	-	P	-	See §TBD, Automobile/Vehicle Sales and Services
Automobile/Vehicle Repair, Major	C	-	P	-	See §TBD, Automobile/Vehicle Sales and Services
Automobile/Vehicle Service and Repair, Minor	M	-	P	-	See §TBD, Automobile/Vehicle Sales and Services
Large Vehicle and Equipment Sales, Service, and Rental	-	-	P	-	See §TBD, Automobile/Vehicle Sales and Services

TABLE TBD: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*NC (MCR)*	*CC (C-1)*	*DC (C-2)*	*VSC (C-VS)*	*Additional Regulations*
	Previous district name in ()				
Service Stations	C	-	C	-	See §TBD, Automobile/Vehicle Sales and Services
Washing	C	-	P	-	See §TBD, Automobile/Vehicle Sales and Services
Banks and Financial Institutions	P	P	P	P	
Business Services	P	P	P	-	
Commercial Entertainment and Recreation	See subclassifications below				
Cinema/Theaters	M	P	M	P	
Indoor Sports and Recreation	P	P	P	P	
Outdoor Entertainment	-	-	-	M	
Outdoor Recreation	-	-	-	P	
Drive-through Facility	C	-	-	-	See §TBD, Drive Through Facilities
Eating and Drinking Establishments	See subclassifications below				
Bars/Night Clubs/Lounges	C	C	C	C	
Food and Beverage Tasting	P	P	P	P	
Restaurant	P	P	P	P	
Farmer's Markets	P	P	P	P	See §TBD, Farmer's Markets
Food Preparation	P	P	P	P	
Funeral Parlors and Interment Services	C	-	C	-	
Lodging	See subclassifications below				
Hotels and Motels	P	P	-	P	
Short-term Vacation Rental	P	P	-	P	See §TBD, Short-term Vacation Rentals
Maintenance and Repair Services	P	P	P	-	
Nonpermanent Vending	See Chapter TBD, Nonpermanent Vending				
Nurseries and Garden Centers	P	P	P	P	

TABLE TBD: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*NC (MCR)*	*CC (C-1)*	*DC (C-2)*	*VSC (C-VS)*	*Additional Regulations*
	Previous district name in ()				
Offices	See subclassifications below				
Business and Professional	P	P	P	-	
Medical and Dental	P	P(3)	P	-	
Personal Services	See subclassifications below				
Fortune, Palm, and Card Reader	P	P	-	-	See §TBD, Personal Services
General Personal Services	P	P	P	P	See §TBD, Personal Services
Tattoo or Body Modification Parlor	P	P	P	-	See §TBD, Personal Services
Retail Sales	See subclassifications below				
Building Materials Sales and Services	P	P	P	-	
Food and Beverage Sales	P	P	P	P	
General Retail	P	P	P	P	
Industrial Uses					
Custom Manufacturing	P	P	P	-	
Food and Beverage Manufacturing	See subclassifications below				
Limited/Small Scale	P	P	P	-	
Recycling Facilities	See subclassifications below				
Reverse Vending Machines	M	-	P	-	See §TBD, Recycling Facilities
Recycling Collection Facilities	C	-	C	-	See §TBD, Recycling Facilities
Warehousing and Storage	See subclassifications below				
Self Storage	C	-	C	-	See §TBD, Self Storage
Transportation, Communication, and Utility Uses					
Light Fleet-Based Services	-	-	P	-	
Public Works and Utilities	P	P	P	-	
Telecommunication Facilities	See Chapter TBD, Telecommunication Facilities				

TABLE TBD: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*NC (MCR)*	*CC (C-1)*	*DC (C-2)*	*VSC (C-VS)*	*Additional Regulations*
	Previous district name in ()				
Transportation Passenger Terminals	P	P	P	P	
Urban Agriculture Uses					
Community Garden	P	P	-	-	See §TBD, Urban Agriculture
Market Garden, less than one acre	P	-	-	-	See §TBD, Urban Agriculture
Market Garden, one acre or more	M	-	-	-	See §TBD, Urban Agriculture
Private Garden	P	P	-	-	See §TBD, Urban Agriculture
Other Uses					
Accessory Uses and Structures	See Section TBD, Accessory Structures, and Section TBD, Accessory Uses				
Nonconforming Use	See Chapter TBD, Nonconforming Uses, Structures, and Lots				
Recharging Station	See Section TBD, Recharging Stations				
Solar Energy Systems	See Section TBD, Solar Energy Systems				
Temporary Use	See Section TBD, Temporary Uses				

Specific Limitations:

1. Must be located above and behind commercial uses except within the Mixed-Use Residential Overlay. Within the Mixed-Use Residential Overlay, residential uses in any configuration, including as stand-alone residential development, is allowed subject to Minor Use Permit approval.

2. Must be located above or behind non-residential uses.

3. Not allowed along Morro Bay Boulevard.

4. Allowed with Conditional Use Permit approval in the Mixed-Use Residential Overlay when provided as part of a visitor-serving, mixed-use development.

Chapter 17.07 Industrial Districts

Provisions of the existing M-1 (IG) and M-2 (ICD) Districts are carried forward, formatted and revised for consistency with the structure of the new Code. Use allowances have been refined consistent with the General Plan/Coastal Land Use Plan land use designations and State and federal law.

17.07.010 Purpose and Applicability

The purposes of the Industrial Districts are to:

A. Designate adequate land for businesses, professional offices, and industrial growth consistent with the General Plan/Local Coastal Plan to maintain and strengthen the City's economic resources;

B. Provide a range of employment opportunities to meet the needs of current and future residents;

C. Provide areas for a wide range of manufacturing, industrial processing, and service commercial uses and protect areas where such uses now exist; and

D. Preserve appropriately sited land for uses which must be located near the coast to function.

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

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

17.07.020 Land Use Regulations

Table TBD, Land Use Regulations-Industrial Districts, sets the land use regulations for Industrial Districts. The regulations for each district are established by letter designation as follows:

"P" designates permitted uses

"M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter TBD, Use Permits

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter TBD, Use Permits

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table

"-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter TBD, Coastal Development Permits, may be required. See Chapter TBD, Coastal Zone (-CZ) Overlay District.

Land uses are defined in Chapter TBD, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE TBD: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*IG (M-1)*	*ICD (M-2)*	*Additional Regulations*
	Previous district name in ()		
Residential Uses			
Residential Housing Types	Permitted if existing. New units not allowed.		
Caretaker Unit	P	-	
Public/Semi Public Uses			
Colleges and Trade Schools	P	-	
Government Offices	P	P(1)	
Harbor, Port, and Marina Facilities	-	P	
Instructional Services	P	-	
Park and Recreation Facilities	M	-	
Commercial Uses			
Animal Care, Sales, and Services	See subclassifications below		
Animal Daycare	P	-	

TABLE TBD: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*IG (M-1)*	*ICD (M-2)*	*Additional Regulations*
	Previous district name in ()		
Animal Shelter and Boarding	P	-	
Veterinary Services	P	-	
Agriculture	-	P(1)	
Automobile/Vehicle Sales and Services	See subclassifications below		
Automobile/Vehicle Rentals	P	-	See §TBD, Automobile/Vehicle Sales and Services
Automobile/Vehicle Sales and Leasing	P	-	See §TBD, Automobile/Vehicle Sales and Services
Automobile/Vehicle Repair, Major	P	-	See §TBD, Automobile/Vehicle Sales and Services
Automobile/Vehicle Service and Repair, Minor	P	-	See §TBD, Automobile/Vehicle Sales and Services
Large Vehicle and Equipment Sales, Service, and Rental	P	P(1)	See §TBD, Automobile/Vehicle Sales and Services
Service Stations	P	-	See §TBD, Automobile/Vehicle Sales and Services
Towing and Impound	P	-	See §TBD, Automobile/Vehicle Sales and Services
Washing	P	C(1)	See §TBD, Automobile/Vehicle Sales and Services
Business Services	P	-	
Food Preparation	P	-	
Maintenance and Repair Services	P	C(1)	
Nonpermanent Vending	See Chapter TBD, Nonpermanent Vending		
Offices	See subclassifications below		
Business and Professional	P	P(1)	
Retail Sales	See subclassifications below		
Food and Beverage Sales	P	-	
General Retail	P	P(1)	
Industrial Uses			
Construction and Material Yards	P	-	
Custom Manufacturing	P	-	

TABLE TBD: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*IG (M-1)*	*ICD (M-2)*	*Additional Regulations*
	Previous district name in ()		
Food and Beverage Manufacturing	See subclassifications below		
Limited/Small Scale	P	-	
General/Large Scale	M	-	
General Industrial	M	M(1)	
Light Industrial	P	P(1)	
Oil and Gas Explorations and Development Offshore	-	C	See §TBD, Off-shore Oil Development
Recycling Facilities	See subclassifications below		
Recycling Collection Facilities	P	-	See §TBD, Recycling Facilities
Recycling Processing Facilities	C	-	See §TBD, Recycling Facilities
Research and Development	P	C(1)	
Salvage and Wrecking	C	C(1)	
Warehousing and Storage	See subclassifications below		
Indoor Warehousing and Storage	P	P(1)	
Outdoor Storage	C	C(1)	
Self Storage	C	-	See §TBD, Self Storage
Wholesaling and Distribution	P	P(1)	
Transportation, Communication, and Utility Uses			
Docks, Piers, and other Coastal-Related Infrastructure	-	P	
Light Fleet-Based Services	P	-	
Public Works and Utilities	P	P	
Telecommunication Facilities	See Chapter TBD, Telecommunication Facilities		
Transportation Passenger Terminals	P	-	
Other Uses			
Accessory Uses and Structures	See Section TBD, Accessory Structures, and Section TBD, Accessory Uses		

TABLE TBD: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*IG (M-1)*	*ICD (M-2)*	*Additional Regulations*
	Previous district name in ()		
Nonconforming Use	See Chapter TBD, Nonconforming Uses, Structures, and Lots		
Recharging Station	See Section TBD, Recharging Stations		
Solar Energy Systems	See Section TBD, Solar Energy Systems		
Temporary Use	See Section TBD, Temporary Uses		

Specific Limitations:

1. Limited to coastal-dependent and coastal-related uses. Development priority shall be given to coastal-dependent uses.

Chapter 17.08 Public and Semi-Public Districts

Note: The names of existing zoning districts are changed as follows:
SCH: Public Facility (PF)
GC: Park and Recreation (PR)
OA: Open Space (OS)

Use allowances have been refined consistent with the General Plan/Coastal Land Use Plan land use designations and State and federal law.

17.08.010 Purpose and Applicability

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

A. Provide land for development of public, quasi-public, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses.

B. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, and other similar and related supporting uses.

C. Provide opportunities for outdoor recreation, and meet the recreational needs of Morro Bay residents.

D. Reserve areas for passive recreation and habitat protection.

Additional purposes of each Public and Semi-Public District:

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

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

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

17.08.020 Land Use Regulations

Table TBD, Land Use Regulations-Public and Semi-Public Districts, sets the land use regulations for Public and Semi-Public Districts. The regulations for each district are established by letter designation as follows:

"P" designates permitted uses

"M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter TBD, Use Permits

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter TBD, Use Permits

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table

"-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter TBD, Coastal Development Permits, may be required. See Chapter TBD, Coastal Zone (-CZ) Overlay District.

Land uses are defined in Chapter TBD, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE TBD: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*PF (SCH)*	*PR (GC)*	*OS (OA)*	*Additional Regulations*
	Previous district name in ()			
Public/Semi Public Uses				
Campgrounds and Recreational Vehicle Parks	-	C	-	
Cemetery	P	-	-	
Colleges and Trade Schools	P	-	-	
Community Assembly	P	P	-	

TABLE TBD: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*PF (SCH)*	*PR (GC)*	*OS (OA)*	*Additional Regulations*
	Previous district name in ()			
Cultural Institutions	P	P	-	
Day Care Centers	P	-	-	See §TBD, Day Care
Emergency Shelter	P	-	-	See §TBD, Emergency Shelters
Government Offices	P	-	-	
Harbor, Port, and Marina Facilities	C	-	-	
Hospitals and Clinics	See subclassifications below			
Hospitals	C	-	-	
Clinics	P	-	-	
Skilled Nursing Facilities	C	-	-	
Instructional Services	P	-	-	
Park and Recreation Facilities	P	P	P(1)	
Public Safety Facilities	P	-	-	
Schools	P	-	-	
Social Service Facilities	P	-	-	
Commercial Uses				
Animal Care, Sales, and Services	See subclassifications below			
Animal Shelter and Boarding	C(2)	-	-	
Commercial Entertainment and Recreation	See subclassifications below			
Indoor Sports and Recreation	P	P	-	
Outdoor Entertainment	C	C	-	
Outdoor Recreation	P	P	-	
Eating and Drinking Establishments	See subclassifications below			
Restaurant	-	C	-	
Farmer's Markets	P	P	-	See §TBD, Farmer's Markets
Nonpermanent Vending	See Chapter TBD, Nonpermanent Vending			

TABLE TBD: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*PF (SCH)*	*PR (GC)*	*OS (OA)*	*Additional Regulations*
	Previous district name in ()			
Retail Sales	See subclassifications below			
Food and Beverage Sales	P(3)	P(3)	-	
General Retail	P(3)	P(3)	-	
Industrial Uses				
Recycling Facilities	See subclassifications below			
Reverse Vending Machines	C	-	-	See §TBD, Recycling Facilities
Recycling Collection Facilities	C	-	-	See §TBD, Recycling Facilities
Recycling Processing Facilities	C	-	-	See §TBD, Recycling Facilities
Transportation, Communication, and Utility Uses				
Public Works and Utilities	P	-	-	
Telecommunication Facilities	See Chapter TBD, Telecommunication Facilities			
Transportation Passenger Terminals	P	-	-	
Urban Agriculture Uses				
Community Garden	P	P	-	See §TBD, Urban Agriculture
Market Garden, less than one acre	P	P	-	See §TBD, Urban Agriculture
Market Garden, one acre or more	M	M	-	See §TBD, Urban Agriculture
Other Uses				
Accessory Uses and Structures	See Section TBD, Accessory Structures, and Section TBD, Accessory Uses			
Nonconforming Use	See Chapter TBD, Nonconforming Uses, Structures, and Lots			
Recharging Station	See Section TBD, Recharging Stations			
Solar Energy Systems	See Section TBD, Solar Energy Systems			
Temporary Use	See Section TBD, Temporary Uses			

TABLE TBD: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed

Note: A Coastal Development Permit may be required, See Chapter TBD, Coastal Zone (-CZ) Overlay District

Land Use Classification	*PF (SCH)*	*PR (GC)*	*OS (OA)*	*Additional Regulations*
	Previous district name in ()			

Specific Limitations:

1. Limited to trails, wildlife preserves and open space uses that maintain the site in its natural state. No building, structure or improvements shall be constructed in these areas, except for those required for public access, public restrooms, informational signage, trash containers, parking facilities, and facilities needed for protecting environmental resources and general upkeep and maintenance of the property.

2. Limited to government or non-profit animal shelter located a minimum of 100 feet from a residential use or district.

3. Limited to gift shops and cafes associated with a Public/Semi Public use.

Chapter 17.09 Waterfront and Harbor Area Districts

Note: Use regulations of the existing CF, H, and WF districts are carried forward. There are no substantive changes to the use regulations for these districts.

17.09.010 Purpose and Applicability

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

A. Ensure that waterfront development is attractive and pedestrian-friendly through greater pedestrian-oriented development, street furniture, and a more efficient solution to traffic circulation and automobile parking. Achieve an architectural character for the Embarcadero area that is in keeping with a working fishing community.

B. Preserve the attraction of the City as a tourist destination with visitor-serving facilities, shopping and amusement areas, recreational amenities, and public parks and beaches, but still retain the City's small-town "fishing port" character.

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

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

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

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

17.09.020 Land Use Regulations

A. **CF District.**

1. ***Expressly Prohibited Uses.*** The City shall not grant any permit, authorization or other approval of any State-owned tidelands subject to city lease between Beach Street and Target Rock, unless such development or use is primarily for the purpose of serving or facilitating licensed commercial fishing activities or noncommercial recreational fishing activities, or if clearly incidental thereto. For purposes of illustration, and not by way of limitation, no approval shall be granted

for any new passenger-for-hire boats or supporting facilities, or for any new restaurant, cafe, gift shop, or other retail establishment servicing the general public and any existing such uses shall hereafter be considered nonconforming and shall not be expanded or enlarged.

2. ***Permitted Uses.*** The following uses are permitted in the CF District.

   a. Fishing nature observation and access to water uses in accordance with the provisions of the Title 15, Harbor and Ocean Regulations, of the Morro Bay Municipal Code.

   b. Existing uses may remain and be redeveloped in the same use provided the use is not expanded or enlarged and parking is provided pursuant to Chapter TBD, Parking and Loading.

3. ***Conditionally Permitted Uses.*** The following uses may be permitted in the CF District subject to Conditional Use Permit approval.

   a. Licensed commercial fishing and noncommercial recreational fishing facilities, and support facilities.

   b. Support use, structures, connections, and appurtenances to water uses including wharves, docks, piers, slips, quays, launches, fuel docks, hoists, and other facilities necessary or convenient for the promotion and accommodation of commerce and navigation.

   c. Parks, public open spaces, beach, bike lanes, benches, boardwalks, kiosks, fences and other facilities necessary or convenient for the promotion and accommodation of public access to the waterfront.

   d. Government buildings and land based support facilities, including but not limited to connections and appurtenances to docks and piers, which are necessary and convenient for the safety and maintenance of waterways.

   e. Cooling water intake facilities, if found to be consistent with Section 17.09.020.A.1, Expressly Prohibited Uses.

B. **H District.**

1. ***Permitted Uses.*** The following uses are permitted in the H District.

   a. Commercial and recreational boating and fishing;

   b. Swimming;

   c. Scuba diving and wind surfing in areas designated by the City Council pursuant to Title 15, Harbor and Ocean Regulations, of the Morro Bay Municipal Code;

   d. Bird and animal observation;

e. Viewshed; and

f. Moorage in inclement weather.

2. ***Conditionally Permitted Uses.*** The following uses may be permitted in the H District subject to Conditional Use Permit approval if the Planning Commission determines they will not impede navigation, nor adversely affect the current tidal flushing of the harbor, or increase shoaling, or otherwise substantially alter the natural shoreline processes and/or existing land forms, unless there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

a. *Mariculture*;

b. *Houseboat or Vessel Habitation.* Houseboat or vessel habitation as regulated by Title 15, Harbor and Ocean Regulations, of the Morro Bay Municipal Code and subject to the provision of adequate parking as determined by the Planning Commission;

c. *Promotion and Accommodation of Commerce and Navigation.* Wharfs, docks, piers, slips, quays, launches, moorings, fuel docks, hoists, observation decks and other facilities necessary or convenient for the promotion and accommodation of commerce and navigation;

d. *Recreational Boating and Commercial Fishing.* Recreational boating and commercial fishing facilities subject to the following:

i. New recreational boating and passenger for hire facilities shall only be located in the bay south of Beach Street and not be located North of Beach Street.

ii. Only new licensed commercial fishing facilities may be located in the bay north of Beach Street.

iii. Existing recreational boating and passengers-for-hire facilities located north of Beach Street may be modified but not expanded.

iv. Prior to allowing new noncommercial recreational boating facilities, the planning commission shall consider the present and future demand for such facilities and for other coastal dependent uses, to ensure that new recreational boating facilities will not preclude reasonable expansion of commercial fishing facilities and other coastal dependent uses.

e. *Preservation of the Morro Bay Wetland Estuarine System.* Diking, dredging and filling where the planning commission finds such activities are consistent (both on an individual and cumulative project basis) with the

preservation of the Morro Bay wetland estuarine system, and limited to the following:

i. New or expanded port, and coastal-dependent industrial facilities, including commercial fishing facilities.

ii. Maintaining existing, or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

iii. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

iv. Mineral extraction, including sand for restoring beaches.

v. Restoration purposes and off-site biological improvement area for mitigation offset purposes.

vi. Nature study, aquaculture or similar resource-dependent activities.

C. **WF District.**

1. ***Existing Residential Uses.*** The number of residential uses existing in the WF District at the time of adoption of the Ordinance codified in this Chapter shall be permitted to remain.

2. ***Development Priority.*** Development priority shall be given to coastal-dependent uses which are consistent with traffic, circulation and parking constraints as determined by the City.

3. ***Conditionally Permitted Uses.*** The following uses may be permitted in the WF District subject to Conditional Use Permit approval.

a. Visitor-serving commercial and recreational uses, including but not limited to those allowed in the VSC District, but excluding parking structures and overnight recreational vehicle camping.

b. Retail and wholesale seafood markets and seafood processing.

c. Dockage and support facilities for licensed commercial fishing and recreational (including sport fishing), boats subject to the following additional conditions: Prior to allowing support structures and uses for new recreational boating facilities, the planning commission shall consider the present and future demand for such facilities and for other coastal-development uses, to ensure that new recreational boating facilities will not prelude reasonable expansion of commercial fishing facilities and other coastal dependent uses.

d. Support uses, structures, connections, and appurtenances to water uses including wharves, docks, pier, slips, quay, launches, fuel docks, hoists, and other facilities necessary or convenient for the promotions and accommodation of commerce and navigation.

e. Parks, observation decks and platforms, patios, boardwalks, benches, kiosks, kiosks and other facilities necessary or convenient for the promotion and accommodation of public access to the waterfront.

Standards for Specific Uses

Chapter 17.10 Standards for Specific Uses

Note: This chapter establishes standards and requirements applicable to particular uses regardless of which district they are located within. Substantive changes to existing provisions are noted.

17.10.010 Purpose

The purpose of this Chapter is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed by Division II, District Regulations, within individual or multiple districts, and for activities that require special standards to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

17.10.020 Applicability

Each land use and activity covered by this Chapter shall comply with the requirements of the section applicable to the specific use or activity, in addition to any applicable standard this Zoning Code requires in the district where the use or activity is proposed and all other applicable provisions of this Code.

A. The uses that are subject to the standards in this Chapter shall be located only where allowed by base or overlay district use regulations or by a specific plan.

B. The uses that are subject to the standards in this Chapter are allowed only when authorized by the planning permit required by district regulations except where this Chapter establishes a different planning permit requirement for a specific use.

17.10.030 Accessory Uses

An accessory use shall be ancillary to a primary use and shall be allowed only in conjunction with a primary use or building to which it relates under the same regulations as the main use in any district. These regulations are found in the use regulation tables in Division II, District Regulations, and may be subject to specific standards found in this Chapter or within each district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Chapter TBD, General Site Regulations.

17.10.040 Accessory Dwelling Units

Note: Regulations for Accessory Dwelling Units have been updated consistent with State law that limits the ability of local jurisdictions to regulate certain aspects of accessory dwelling unit development, including setbacks for garage conversions and dwelling units constructed above a garage, utilities, parking, and instances where accessory dwelling units are constructed entirely within existing structure.

Accessory dwelling units shall comply with all provisions of the base, overlay, or specific plan district, except as modified by this Section.

A. **Residential Density.** An accessory dwelling unit is a residential use that is consistent with the existing general plan and zoning designations for lots within the residential district. Any accessory dwelling unit constructed pursuant to this Section shall not be considered as a dwelling unit in density calculations.

B. **Primary Dwelling Unit Required.** The lot shall contain an existing detached single-unit dwelling at the time an application for an accessory dwelling unit is submitted, or the application for the accessory dwelling unit may be made in conjunction with the development of the primary dwelling.

C. **Number of Units.** No more than one accessory dwelling unit shall be permitted on any one lot.

D. **Floor Area.**

1. ***Detached Accessory Dwelling Units.*** The total floor area, including an attached garage, of an accessory dwelling unit that is detached from the primary dwelling unit shall not exceed 900 square feet or 50 percent of the living area of the primary dwelling, whichever is less; except that a maximum of 1,200 square feet may be allowed with Conditional Use Permit approval.

2. ***Attached Accessory Dwelling Units.*** The total floor area of an accessory dwelling unit that is attached to the primary dwelling unit shall not exceed 30 percent of the living area of the primary dwelling unit.

E. **Setbacks.** Accessory dwelling units shall comply with the setback standards applicable to other structures within the district in which the lot is located except as provided below.

1. ***Garage Conversions.*** No setback shall be required for an existing, legally permitted, garage that is converted to an accessory dwelling unit. However, no addition may be constructed to the converted garage that increases the encroachment into the setback.

2. ***Accessory Dwelling Unit Constructed Above a Garage.*** If an accessory dwelling unit is constructed above a garage, a setback of no more than five feet from the interior lot lines shall be required for the accessory dwelling unit.

F. **Design and Materials.** The exterior design and materials of the accessory dwelling unit shall be visually compatible with the primary dwelling in regard to the roof, building walls, doors, windows, horizontal/vertical expression, and architectural detail.

G. **Utilities.** Accessory dwelling units shall be metered separately from the primary dwelling for gas, electricity, communications, water, and sewer services except for accessory dwelling units constructed entirely within existing structures pursuant to Subsection TBD, Special Provisions for Accessory Dwelling Units Constructed Entirely Within Existing Structures.

H. **Conversion of Enclosed Parking.** If enclosed parking for the primary dwelling, is converted or demolished in conjunction with the construction of an accessory dwelling unit, it shall be replaced elsewhere on the property. The replacement spaces may be covered, uncovered, in a tandem configuration, or in a mechanical lift and shall conform to parking standards pursuant to Section TBD, Parking and Loading, except that uncovered parking may be allowed in a required setback with Minor Use Permit approval.

I. **Required Parking.** Automobile parking is not required for an accessory dwelling unit. Required parking for the primary dwelling shall be provided pursuant to Chapter TBD, Parking and Loading.

J. **Special Provisions for Accessory Dwelling Units Constructed Entirely Within Existing Structures.** Notwithstanding any other provision of this Section, the City shall ministerially approve an application for a building permit to create an accessory dwelling unit and shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge if all of the following requirements are satisfied:

1. The lot is located within a Residential District on a lot that otherwise would not qualify for more than one dwelling unit,

2. The construction will result in no more than one primary residence and one accessory dwelling unit on the lot,

3. The proposed accessory dwelling unit will be contained entirely within the permitted floor area of the existing primary residence or an existing accessory structure on the same lot as the primary residence,

4. The proposed accessory dwelling unit will have exterior access that is independent from the existing primary residence, and

5. The interior setbacks of all structures on the lot are sufficient for fire safety.

For purposes of this Subsection, in order to be considered an existing primary residence or an existing accessory structure, the structure must be a legally permitted structure that conforms to current zoning or is legal nonconforming as to current zoning. Accessory dwelling units constructed pursuant to this Subsection shall not be required to provide fire sprinklers if they are not required for the primary residence.

K. **Occupancy Limitation.** The primary unit and accessory dwelling unit on a lot shall not be rented independently of each other when neither is occupied by the owner of the lot. Primary and accessory dwelling units may be rented under a single rental agreement if the owner is not occupying either unit. The terms of the single rental agreement shall not allow sub-lease of one unit. An owner is deemed to occupy a unit if they hold it off of the rental market for their own use. Accessory dwelling units shall not be used as short term rentals.

L. **Acceptance of Existing Accessory Dwelling Units.** Each accessory dwelling unit that existed on or before March 1, 2016, and that meets the requirements of the Uniform Housing Code, as determined by the Building Inspector, on a lot that includes the required number of parking spaces for both the primary dwelling and the accessory dwelling unit, is exempt from the unit size and design requirements of this Section; provided a timely Acceptance Certificate is issued pursuant to the provisions below.

1. ***Acceptance Certificate Required.*** To obtain an Acceptance Certificate, an owner of an existing accessory dwelling unit must file an application with the Community Development Department for acceptance of the unit on or before *[DATE]. (within two years of certification of this ordinance)*

2. ***Application and Procedure.*** An application for a certificate timely filed must include a site and floor plan, documentation of ownership, additional materials as required to establish the approximate date the accessory dwelling unit was built, and a fee, as established by City Council resolution. Upon receipt of the application, the Building Inspector will schedule an inspection.

    a. If the accessory dwelling unit meets basic health and safety standards as identified in the then current Uniform Housing Code, then an Acceptance Certificate will be issued and the accessory dwelling unit address will be entered into the City's database indicating the accessory dwelling unit is legal.

    b. If the required inspection determines the accessory dwelling unit does not meet health and safety standards identified in the then current Uniform Housing Code, and it is brought into compliance within a period of not more than 12 months after the date of inspection, then an Acceptance Certificate will be issued and the accessory dwelling unit address will be entered into the City's database indicating the accessory dwelling unit is legal.

c. If the required inspection determines the accessory dwelling unit does not meet health and safety standards identified in the then current Uniform Housing Code, and it is not brought into compliance within a period of not more than 12 months after the date of inspection, then that unit shall be deemed illegal and shall be demolished within six months of notice from the City.

3. Notwithstanding the foregoing application, inspection and certification process, no person shall rent or occupy an accessory dwelling unit that fails to meet the standards required by the Uniform Housing Code.

4. An accessory dwelling unit, which receives an Acceptance Certificate, but does not meet site development standards, will be considered a legal nonconforming unit.

17.10.050 Adult Entertainment Businesses

Placeholder. Existing Chapter 17.70, Adult Entertainment Businesses will be incorporated into the final Zoning Code.

17.10.060 Animal Keeping

Note: Existing provisions for the keeping of livestock and other animals are carried forward. New provisions are included for the keeping of bees.

The keeping of animals, including dogs, cats, poultry, rabbits, and other fowl, livestock, and pygmy livestock are subject to the provisions of Title 7, Animals, of the Morro Bay Municipal Code. In addition to the provisions contained in Title 7, Animals, of the Morro Bay Municipal Code, keeping of animals is subject to the following standards:

A. **Bees.**

1. ***Number of Hives.*** In all districts except the Agriculture District, maximum of two hives per parcel unless otherwise approved with a Minor Use Permit. No limit in the Agriculture District.

2. ***Hive Placement Requirements.***

a. Hives shall be located at least five feet from all property lines.

b. Hive entrances shall face away from or parallel to the nearest property line(s).

c. Hives must either be screened so that the bees must fly over a six-foot barrier, which may be vegetative, before leaving the property, or be placed at least eight feet above the adjacent ground level.

3. ***Hive Management Requirements.***

   a. Hives shall be continually managed to provide adequate living space for their resident bees to prevent swarming.

   b. Hives shall be requeened at least once every two years to prevent swarming.

   c. A water source for bees shall be provided at all times on the property where the bees are kept to discourage bee visitation at swimming pools, hose bibs and other water sources on adjacent public or private property.

   d. Hive maintenance materials or equipment must be stored in a sealed container or placed within a building or other bee-proof enclosure.

4. ***Nuisance.*** Bees or hives shall be considered a public nuisance and subject to Section TBD, Enforcement, when any of the following occurs:

   a. Colonies of bees exhibit defensive or objectionable behavior, or interfere with the normal use of neighboring properties.

   b. Colonies of bees swarm.

   c. Bees or hives do not conform to this Code.

   d. Hives become abandoned by resident bees or by the owner.

B. **Livestock.** The keeping of livestock is limited to lots one acre or larger in size in the RL or AG District.

1. ***Livestock Density in the RL District.*** The maximum allowed livestock density in the RL District is two cattle or horses or four sheep or goats per acre. Where there is a combination of cattle or horses and sheep or goats, one bovine animal or horse is the equivalent of two sheep or goats.

2. ***Livestock Density in the AG District.*** The maximum allowed livestock density in the Agriculture District is four cattle or horses or eight sheep or goats per acre. Where there is a combination of cattle or horses and sheep or goats, one bovine animal or horse is the equivalent of two sheep or goats. Additional density may be permitted on a temporary basis, not to exceed a period of 45 days.

3. ***Exception.*** One livestock may be kept for temporary education projects such as FFA, 4-H, and school projects, on a lot that does not otherwise permit the keeping of livestock.

17.10.070 Automobile/Vehicle Sales and Services

Note: This is a new section with standards applicable to automobile/vehicle sales and service establishments.

Automobile/Vehicle sales and service establishments shall be located, developed and operated in compliance with following standards.

A. **Landscaping and Screening.**

1. A masonry wall at least six feet in height shall be provided along all lot lines adjacent to a Residential District.
2. At least 10 percent of the site shall be landscaped. All landscaped areas shall be permanently maintained in compliance with Chapter TBD, Landscaping.
3. A landscaped planter with a minimum inside width of six feet and enclosed within a six-inch-high curb shall be provided along the front and street side property lines, except for vehicular circulation openings. A landscaping buffer with a minimum inside width of at least three feet shall be provided along all other property lines.
4. A 600-square-foot planter with a minimum dimension of 20 feet shall be provided at the corner of intersecting streets unless a building is located at the corner.
5. Additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent properties.

B. **Standards for Specific Automobile/Vehicle Sales and Leasing Activities.** In addition to the other standards of this Section, the following provisions apply to identified automobile/vehicle sales and leasing activities.

1. ***Automobile/Vehicle Sales and Leasing.*** Automotive servicing or repair is permitted as an accessory use for automobile/vehicle sales and leasing establishments that offer maintenance and servicing of the type of vehicles sold on site.
2. ***Automobile/Vehicle Service and Repair, Major and Minor.*** Major and minor automobile/vehicle service and repair uses, as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards.
   a. *Noise.* All body and fender work or similar noise-generating activity shall be conducted within an enclosed masonry or similar building with sound-attenuating construction to absorb noise. Air compressors and other service equipment shall be located inside a building.

b. *Work Areas.* All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

c. *Vehicle Storage.* Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened in compliance with Section TBD.N, Screening. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City.

d. *Litter.* The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building.

3. ***Automobile/Vehicle Washing.*** Automobile/vehicle washing facilities are subject to the following standards.

a. *Washing Facilities.* No building or structure shall be located within 30 feet of any public street or within 20 feet of any interior property line of a Residential District. Vehicle lanes for car wash openings shall be screened from public streets to a height of 40 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials.

b. *Hours of Operation.* Automobile/vehicle washing facilities are limited to 7:00 a.m. to 10:00 p.m., seven days a week. When abutting a Residential District, the hours of operation shall be between 8:00 a.m. to 8:00 p.m., seven days a week.

4. ***Service Stations.*** Service stations and any other commercial use that includes fuel pumps for retail sales of gasoline are subject to the following standards.

a. *Pump Islands.* Pump islands shall be located a minimum of 20 feet from any property line to the nearest edge of the pump island. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance.

b. *Work Areas.* All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing various fluids, and mechanical inspection and adjustments not involving any disassembly.

c. *Abandonment.* Any service station shall in the case of abandonment or non-operation of the primary use be dismantled and the site cleared within 12 months subsequent to the close of the last business day.

C. **Required Findings.** The decision-making authority shall only approve a Use Permit for an automobile/vehicle sales and service facility if it finds that:

1. The project is designed so that form and scale are harmonious and consistent with the character of the specific site, the adjacent uses and structures, and the surrounding neighborhood.
2. The site design, including the location and number of driveways, will promote safe and efficient on-site and off-site traffic circulation.
3. Service bay openings are designed to minimize the visual intrusion on surrounding streets and properties.
4. Lighting is designed to be low-profile, indirect or diffused and to avoid adverse impacts on surrounding uses.
5. The washing facility will not have an adverse impact on water supply and quality.

D. **Conditions of Approval.** Conditions of approval may include limitations on operational characteristics of the use; restrictions on outdoor storage and display, location of pump islands, canopies and service bay openings; and/or requirements for buffering, screening, lighting, planting areas, or other site elements, in order to avoid adverse impacts on adjacent lots or the surrounding area.

17.10.080 Day Care

Note: New limitations on the hours of operation and requirement for a pick-up and drop-off plan are incorporated.

Day care centers shall be located, developed and operated in compliance with the following standards:

A. **License.** The operator shall secure and maintain a license from the State of California Department of Social Services.

B. **Outdoor Space.** A minimum of 75 square feet of outdoor space for each child who is not an infant shall be provided unless waived by the Director provided the applicant can demonstrate that there is a public park, school or other public open areas in close proximity.

1. The outdoor space shall be either owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the other property owners.
2. The outdoor space shall not be located in any required front or street side setback.

3. The outdoor space shall be screened with a periphery wall, constructed of wood or masonry, or landscaping screen and shall achieve 75 percent opacity. Chain metal fencing or barbed wire is prohibited.

C. **Hours of Operation.** Hours of operation shall only be within the hours of 6:00 a.m. and 8:00 p.m., Monday through Friday. Additional hours may be allowed subject to approval of a Minor Use Permit.

D. **Pick-up and Drop-off Plan.** A plan and schedule for the pick-up and drop-off of children or clients shall be submitted for approval by the Director. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion and conflict points on travel aisles and public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:

1. A scheduled time for pick-up and drop-off with allowances for emergencies; and
2. Prohibitions of double-parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.

17.10.090 Drive Through Facilities

Note: This is a new section with standards applicable to drive-through facilities.

Drive-in or drive-through facilities shall be located, developed and operated in compliance with the following standards:

A. **Circulation Plan.** A pedestrian and vehicular circulation plan shall be submitted for approval by the review authority. Such plan shall indicate how drive-through, pedestrian, and vehicular circulation will be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas and provide for pedestrian safety. The plan shall also indicate how vehicles will circulate to and through the drive-through or use drive-up facilities in manner that will not impede traffic flow on any public right-of-way.

B. **Drive Aisles.** Drive-through aisles shall be inwardly focused within the site and located away from adjoining streets and adjoining properties, wherever feasible. Drive aisles shall be developed in accordance with the following except where modified by the review authority.

1. A minimum 15-foot interior radius at curves and a minimum 12-foot width is required.
2. Each drive-in and drive-through entrance and exit shall be at least 100 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the nearest curb cut on an adjacent property.

3. Each entrance to an aisle and the direction of flow shall be clearly designated by signs and/or pavement markings or raised curbs outside of the public right-of-way.

C. **Landscaping.** Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a minimum height of 20 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.

D. **Pedestrian Walkways.** Pedestrian walkways shall not intersect drive-through aisles, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

17.10.100 Emergency Shelters

Note: Existing provisions for emergency shelters are carried forward. In cases where current provisions use 'appropriate' as a threshold, quantifiable and measurable standards are proposed.

Emergency shelters shall be located, developed, and operated in compliance with the following standards:

A. **Applicability.** It is the purpose of this Section to facilitate and encourage the provision of emergency shelter for homeless persons and households by allowing permanent year-round emergency shelters without a Conditional Use Permit or other discretionary action in the Community Commercial (CC) District, subject only to the same development standards that apply to the other permitted uses in this District and standards of this Code unique to emergency shelters, as authorized by Government Code Section 65583(a)(4).

B. **Location.** To avoid overconcentration of emergency shelter facilities, emergency shelters shall be located a minimum of 300 feet from any other emergency shelter, in accordance with Government Code Section 65583(a)(4)(A)(v).

C. **Capacity**. The maximum number of beds or persons to be served nightly by an emergency shelter shall be 35.

D. **Length of Stay.** The maximum length of stay by a homeless person in an emergency shelter shall be six months.

E. **Waiting Areas.** A minimum of 10 square feet per bed or 100 square feet, whichever is greater, of waiting area shall be provided within the premises for clients and prospective clients to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.

F. **Lighting.** Exterior lighting shall be provided for the entire outdoor and parking area of the property.

G. **Management.** On-site management shall be provided. The operator of the shelter shall submit a management and security plan for approval by the Director. The Plan shall address operational requirements pursuant to this Section and issues identified by the Director, including emergencies, transportation, client supervision, security, client services, staffing, good neighbor issues.

H. **Security.** Security shall be provided during the hours that the emergency shelter is in operation.

I. **Limitations.** No individual or household shall be denied emergency shelter because of an inability to pay.

17.10.110 Employee Housing

Note: Existing standards applicable to employee housing, consistent with state law, are carried forward.

A. **Six or Fewer Employees.** Employee housing providing accommodations for six or fewer employees shall be deemed to be a single-unit structure with a residential land use, and shall be treated the same as a single unit dwelling of the same type in the same zoning district.

B. **Districts Where Agriculture Uses Are Allowed.** The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located, and may consist of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household on land zoned for agricultural uses. Such employee housing shall be considered to be an activity that in no way differs from an agricultural use.

17.10.120 Farmer's Markets

Note: This is a new section with standards applicable to farmer's markets located on private property.

Farmer's markets shall be located, developed, and operated in compliance with the following standards:

A. **Management Plan.** A management plan shall be prepared and provided to the Director. The management plan shall include the following:

1. Identification of a market manager or managers, who shall be present during all hours of operation.

2. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.

B. **Hours of Operation.** Market activities may be conducted between the hours of 7:00 a.m. and 10:00 p.m. with specific hours and duration to be approved by the City. Set-up of market operations cannot begin more than two hours prior to the operational hours of the market and take-down shall be completed within two hours of the close of the market.

C. **Waste Disposal.** Adequate composting, recycling, and trash containers shall be provided during hours of operation, and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

17.10.130 Home Occupations

Note: Current standards applicable to home occupations are carried forward. Provisions related to cottage food operations are incorporated, consistent with state law.

Home occupations shall be located, developed, and operated in compliance with the following standards:

A. **Applicability.** This Section applies to home occupations in any residential unit in the City regardless of the zoning designation. It does not apply to family day care, which is regulated separately.

B. **General Standards.** All home occupations shall be located and operated consistent with the following standards:

1. ***Residential Appearance.*** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted except signs in conformance with Section TBD, Signs.

2. ***Location.*** All home occupation activities shall be conducted entirely within the residential unit, within a garage that is attached to the residential unit, or an enclosed accessory building. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces for parking.

3. ***Employees.*** A maximum of one employee or independent contractors other than residents of the dwelling shall be permitted to work at the location of a home occupation except as otherwise allowed for cottage food operations.

4. ***On-Site Client Contact.***

   a. *Number.* The number of customers or clients shall be limited to one at any time except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring) which may have up to three students at one time.

   b. *Hours.* Hours for clients shall be limited to 8:00 a.m. to 8:00 p.m. weekdays and 10:00 a.m. to 5:00 p.m. on weekends and holidays.

5. ***Direct Sales Prohibition.*** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication or except as otherwise allowed for cottage food operations.

6. ***Hazardous Materials.*** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.

7. ***Nuisances.*** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a single-unit detached residence.

8. ***Traffic and Parking Generation.*** Home occupations shall not generate a volume of pedestrian, automobile, or truck traffic that is inconsistent with the normal level of traffic in the vicinity or on the street on which the dwelling is located or which creates the need for additional parking spaces, or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit.

9. ***Commercial Vehicles.*** No vehicle larger than a three-quarter ton truck may be used in connection with a home occupation.

C. **Cottage Food Operations.** A cottage food operation is allowed as a home occupation and an accessory use to any legally established residential unit subject to the following standards:

1. ***Registration.*** Cottage food operations shall be registered as “Class A” or “Class B” cottage food operations and shall meet the respective health and safety standards set forth in Section 114365 et seq. of the California Health and Safety Code.

2. ***Sales.*** Sales directly from a cottage food operation are limited to the sale of cottage food products. A cottage food operation shall not have more than $50,000 in gross annual sales in each calendar year.

3. ***Operator and Employee Allowed.*** Only the cottage food operator and members of his or her household living in the unit, as well as one full-time equivalent cottage food employee, may participate in a cottage food operation.

4. ***Equipment.*** Cottage food operations may employ kitchen equipment as needed to produce products for which the operation has received registration, provided that equipment would not change the residential character of the unit, result in safety hazards, or create smoke or steam noticeable at the lot line of an adjoining residential property. Venting of kitchen equipment shall not be directed toward neighboring residential uses.

D. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations.

1. Vehicle sales and services;
2. Animal care, sales, and services;
3. Eating and drinking establishments;
4. Hotels and motels;
5. Hospitals and clinics;
6. Personal services; and
7. Retail sales.

17.10.140 Nonpermanent Vendors

Note: The provisions of this section apply to nonpermanent vendors on private property. Current provisions limit nonpermanent vendors to those that sell flowers and balloons unless authorized by the Planning Commission. The proposed regulations expand this definition to include all nonpermanent vendors that sell or prepare and serve food or other consumer products. Standards and limitations are proposed for the location and operation of nonpermanent vendors. Modifications to the standards of this section may be allowed through the Modification process.

Nonpermanent vendors are allowed in compliance with the following standards:

A. **Location.** Nonpermanent vendors are limited to nonresidential districts.

B. **Number.** Maximum one nonpermanent vendor per day per lot unless authorized through a Modification pursuant to Chapter TBD, Modifications.

C. **Duration.** Maximum six hours per day per lot. No lot may have a nonpermanent vendor onsite for more than 90 days total in any 12-month period.

D. **Parking Surface.** The vehicle shall only be stopped or parked on surface paved with concrete, asphalt, or other surface approved by the Director.

E. **Required Parking.** No parking spaces are required for a nonpermanent vendor that meets all of the standards under this Section.

F. **Displaced Parking.** Nonpermanent vendors may displace up to three required nonresidential parking spaces for a maximum of six hours per day per parking lot, provided that no more than 25 percent of the total number of parking spaces on site are displaced. Required parking spaces for an existing nonresidential use may be displaced if the existing nonresidential use is not open during the event.

G. **Location.** Vehicles shall not be left unattended at any time, or be left onsite when inactive, or stored overnight.

H. **Obstructions.** Location and operation including customers, seating, and equipment, shall not obstruct the right-of-way, sight distances, or otherwise create hazards for vehicle or pedestrian traffic. The location shall comply with applicable accessibility requirements and the Americans with Disabilities Act.

I. **Nuisances.** Nonpermanent vendors shall be responsible for keeping the area clean of any litter or debris and shall provide trash receptacles for customer use on site. No vendor shall ring bells, play chimes, play an amplified musical system, or make any other notice to attract attention to its business while operating within City limits. The use of prohibited or unpermitted signs for nonpermanent vendors is not allowed.

J. **Modifications.** Modifications to the standards of this Section may be approved pursuant to Chapter TBD, Modifications.

17.10.150 Off-shore Oil Development

Placeholder. Existing Section 17.30.060 applicable to off-shore oil development will be incorporated into the final Zoning Code.

17.10.160 Outdoor Dining and Seating

Note: Existing provisions for outdoor dining and seating are carried forward with additional specificity added for clarity on hours of operation, location, noise, and litter removal. To encourage the provision of outdoor eating areas, current standards requiring additional parking for outdoor eating areas greater than 125 square feet is revised to require additional parking for outdoor eating areas greater than 350 square feet. Outdoor dining areas up to 350 square feet are allowed as accessory to a legally established eating and drinking establishment. Outdoor dining areas more than 350 square feet but less than 1,000 square feet in size are allowed with Minor Use Permit approval, and larger areas require Conditional Use Permit approval.

Outdoor dining and seating areas shall be located, developed, and operated in compliance with the following standards:

A. **Applicability.** The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public right-of-way is subject to an encroachment permit issued by the Public Works Department.

B. **Accessory Use.** Outdoor dining and seating shall be conducted as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot.

C. **Use Permit Required.** Outdoor dining and seating area occupying 350 square feet or less area is allowed as an accessory use to a legally established eating and drinking establishment that is located on the same lot or an adjacent lot. Outdoor dining and seating area occupying more than 350 square feet require use permit approval as follows:

   1. More than 350 square feet and less than 1,000 square feet: Minor Use Permit required.

   2. More than 1,000 square feet: Conditional Use Permit required.

D. **Hours of Operation.** Hours of operation shall be limited to the hours of operation of the associated eating and drinking establishment.

E. **Parking.** Where an outdoor dining and seating area occupies less than 350 square feet, additional parking spaces for the associated eating and drinking establishment are not required. Parking shall be provided according to the required ratio in Chapter TBD, Parking and Loading, for any outdoor dining and seating area exceeding 350 square feet.

F. **Location.** Outdoor dining and seating areas may be located in required setback areas but shall not encroach into pedestrian pathways or required parking areas. Outdoor dining and seating areas may be allowed to encroach into a public right-of-way with an approved encroachment permit issued by the Public Works Director.

G. **Noise.** Amplified sound (e.g., music, television, etc.) shall not be audible beyond the lot line.

H. **Litter Removal.** Outdoor dining and seating areas shall remain clear of litter at all times.

17.10.170 Outdoor Display and Sales

Note: Existing provisions for outdoor display and sales are carried forward. Outdoor display of produce, up to 125 square feet, is proposed to be permitted rather than requiring Minor Use Permit approval. Up to 125 square feet of outdoor display area for produce and up to 600 square feet of outdoor area for live plant displays are permitted. A Conditional Use Permit is required for additional area or other products.

Outdoor display and sales shall be located, developed, and operated in compliance with the following standards:

A. **Temporary Outdoor Display and Sales.** The temporary outdoor display and sale of merchandise shall comply with Section TBD, Temporary Uses, and Chapter TBD, Temporary Use Permits.

B. **Produce and Nursery Displays.** The outdoor display of fresh produce or of live plants associated with an existing Retail Sales establishment on the same site is allowed, and no additional parking is required, subject to the following standards.

1. The display area shall not exceed 125 square feet in size for produce displays or 600 square feet for live plant displays unless a larger area is authorized pursuant to Conditional Use Permit approval.

2. The display shall not disrupt the normal function of the site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.

3. All produce shall be removed or enclosed at the close of each business day.

C. **Permanent or Ongoing Outdoor Display and Sales.** The permanent or ongoing outdoor display of merchandise, except for vehicle sales and leasing requires Conditional Use Permit approval and shall comply with the following standards:

1. ***Relationship to Main Use.*** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.

2. ***Allowable Merchandise.*** Only merchandise sold at the business is permitted to be displayed outdoors.

3. ***Display Locations.*** The displayed merchandise shall occupy a fixed, specifically approved and defined location and shall not disrupt the normal function of the

site or its circulation and shall not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.

17.10.180 Personal Services

Note: Existing standards applicable to personal service establishments are carried forward with additional limits on hours of operation for all personal service establishments and location limitations for fortune, palm, and card readers.

Personal service establishments shall be located, developed, and operated in compliance with the following standards:

A. **Hours of Operation.** Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. unless otherwise specified in a Minor Use Permit.

B. **Fortune, Palm, and Card Reader.** Fortune, palm, and card reader establishments shall be located at a minimum of 100 feet from any other such establishment or sensitive use unless approved with a Minor Use Permit.

C. **Massage Establishments.** Massage establishments shall comply with the City of Morro Bay Municipal Code. Establishments, including sole proprietorships, which offer massage in exchange for compensation that do not comply with the City of Morro Bay Municipal Code are prohibited.

D. **Tattoo or Body Modification Parlor.** The following standards regulate the operation of facilities that perform tattooing and body modification to provide for the health, safety and welfare of the public and ensure compliance with California Health and Safety Code Section 119300 et seq.

   1. ***Location.*** Tattoo and body modification parlors shall be located a minimum of 100 feet from any other such establishment or sensitive use unless approved with a Minor Use Permit.

   2. ***Registration Required.*** Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the San Luis Obispo County Department of Health.

17.10.190 Self Storage

Note: This is a new section with standards applicable to self storage establishments.

Self Storage facilities shall be located, developed, and operated in compliance with the following standards:

A. **Business Activity.** All self storage facilities shall be limited to inactive items such as furniture and files. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.

B. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.

C. **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted at a conspicuous location within the front of each rental unit.

D. **Open Storage.** Open storage, outside an enclosed building, shall be limited to vehicles and trailers and screened from public view by building façades or solid fences.

E. **Exterior Wall Treatments and Design.** Exterior walls visible from a public street or Residential District shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural "caps," attractive posts, or similar measures. A gate(s) shall be decorative iron or similar material.

F. **Screening.** Where screening walls are required or proposed, they shall be constructed of decorative block, concrete panel, stucco, or similar material. The walls shall include architectural relief through variations in height, the use of architectural "caps," attractive posts, or similar measures. All gates shall be decorative iron or similar material.

G. **Fencing.** A six-foot-high security fence shall be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier.

17.10.200 Recharging Stations

Note: This is a new section allowing recharging stations in parking and loading areas.

Recharging stations may be provided in any area designed for the parking or loading of vehicles.

17.10.210 Recycling Facilities

Note: This is a new section with standards applicable to recycling facilities.

Recycling facilities shall be located, developed, and operated in compliance with the following standards:

A. **Reverse Vending Machines.**

1. ***Accessory Use.*** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary commercial or public/semi-public use on the same site.

2. ***Location.*** Machines shall be located within the same building as the permitted commercial or public/semi-public use or adjacent to the entrance of the commercial host use. Machines shall not be located within 50 feet of a Residential District or 1,000 feet of any business that sells alcohol. Machines shall not obstruct pedestrian or vehicular circulation.

3. ***Identification.*** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, the identity and phone number of the operator or responsible person to call if the machine is inoperative, and a notice stating that no material shall be left outside of the reverse vending machine.

4. ***Signs.*** The maximum sign area on a machine is four square feet, exclusive of operating instructions.

5. ***Lighting.*** Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.

6. ***Trash Receptacle.*** Machines shall provide a 40-gallon garbage can for nonrecyclable materials located adjacent to the reverse vending machine.

B. **Recycling Collection Facilities.**

1. ***Size.*** Recycling collection facilities shall not exceed a building site footprint of 350 square feet or include more than three parking spaces (not including space periodically needed for the removal or exchange of materials or containers).

2. ***Equipment.*** No power-driven processing equipment, except for reverse vending machines, may be used.

3. ***Location.*** Facilities shall not be located within 50 feet of a Residential District or within 1,000 feet of any business that sells alcohol.

4. ***Setback.*** Facilities shall be set back at least 10 feet from any street lot line and not obstruct pedestrian or vehicular circulation.

5. ***Containers.*** Containers shall be constructed of durable waterproof and rustproof material and secured from unauthorized removal of material. Capacity sufficient to accommodate materials collected in the collection schedule.

6. ***Identification.*** Containers shall be clearly marked to identify the type of accepted material, hours of operation, the identity and phone number of the operator or responsible person to call if the machine is inoperative, and a notice stating that no material shall be left outside.

7. ***Signs.*** The maximum sign area shall be 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The Director may authorize increases in the number, size and nature of additional signs for necessary directional or identification purposes but not for outdoor advertising.

8. ***Parking.*** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows available capacity during recycling facility operation.

9. ***Site Maintenance.*** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.

C. **Recycling Processing Facility.**

1. ***Location.*** Facilities shall not abut a Residential District.

2. ***Screening.*** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.

3. ***Outdoor Storage.*** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.

4. ***Identification.*** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

17.10.220 Short-term Vacation Rentals

Note: Draft short-term vacation rental regulations require a 200-foot separation between short-term vacation rentals in residential districts. Parking shall be provided on-site and short-term vacation rentals are prohibited on properties that do not meet current parking requirements. Further, the number of tenancies per month are limited to four and the number of tenants shall not exceed the number that can be accommodated by the on-site parking or two persons per bedroom plus two additional persons. Other regulations related to the licensing and permitting of short-term vacation rentals are located in Chapter 5.47, Short-term Vacation Rental Permit, and Chapter 5.04, General Provisions, of the Morro Bay Municipal Code.

Short-term vacation rentals shall be located, developed, and operated in compliance with Chapter 5.47, Short-term Vacation Rental Permit, and Chapter 5.04, General Provisions, of the Morro Bay Municipal Code and the following standards.

A. **Accessory Dwelling Unit Prohibition.** Short-term vacation rentals shall not be located within accessory dwelling units except as follows:

1. ***Exemption.*** Each legal conforming accessory dwelling unit for which the City has issued a valid business tax certificate prior to March 1, 2016, for use of that unit as a vacation rental, may continue to be used as a vacation rental, provided, that:

   a. The business tax certificate has remained valid continuously from that date, and Transient Occupancy Tax has been paid in each of each year of operation.

   b. Ownership of that accessory dwelling unit is not transferred in any way, by sale, foreclosure, inheritance or otherwise and

   c. The habitable area of that accessory dwelling unit is not enlarged in any way.

   If any or all of the conditions set forth in a, b, and c are not met, then the rental activity shall immediately cease and said accessory dwelling unit shall no longer be exempt from prohibition of use as a short-term vacation rental.

B. **Location.** In Residential Districts, short-term vacation rentals shall be located a minimum of 200 feet from any other short-term vacation rental.

C. **Parking.** The number of parking spaces required for the applicable Residential Housing Type pursuant to Table TBD, Required Number of Parking Spaces, shall be provided on-site.

   1. Short-term vacation rentals are prohibited on properties that do not provide the number of required parking spaces for the applicable Residential Housing Type pursuant to Table TBD, Required Number of Parking Spaces.

   2. Required parking shall be provided on-site. The allowance for off-site parking pursuant to Section TBD.B.1, Allowance for Off-Site Parking, shall not apply to short-term vacation rentals.

D. **Number of Tenancies.** In Residential Districts, short-term vacation rentals are limited to four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur.

E. **Number of Tenants.** The number of tenants shall not exceed the number that can be accommodated by the provided onsite parking, and shall not exceed two persons per bedroom plus two additional persons.

F. **No Transfer of Vacation Rental Upon Sale of Property.** A short-term vacation rental license shall not be transferred from a seller to a buyer of real property.

G. **Existing Nonconforming Vacation Rentals**. Any short-term vacation rentals that are licensed and operating upon the effective date of this ordinance may continue to operate

so long as the vacation rental license remains in effect and in use, and Transient Occupancy Tax is paid.

17.10.230 Single Room Occupancy

Note: Existing provisions applicable to single room occupancy (SRO) units are carried forward.

Single-room occupancy (SRO) units shall be located, developed, and operated in compliance with the following standards.

A. **Occupancy.** An SRO unit shall be occupied by a single person. Occupancy of SRO units may be restricted to seniors or be available to persons of all ages.

B. **Facilities.** Units in an SRO housing development shall consist of a single room and may have a private or shared bathroom. A shared common kitchen and activity area may also be provided.

C. **Management.** On-site management shall be provided.

17.10.240 Solar Energy Systems

Note: This is a new section with standards applicable to solar energy systems.

Solar energy systems shall be located, developed, and operated in compliance with the following standards:

A. **Height.**

1. ***Ground-Mounted Solar Energy Systems.*** The maximum height of a ground-mounted solar energy collector system is 25 feet or the maximum height allowed in the base or overlay district, whichever is less.

2. ***Roof-Mounted Solar Energy Systems.*** Solar energy systems may extend up to five feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the district in which it is located.

B. **Required Setback.** Solar energy systems less than six feet in height may be installed within a required side and rear setback, but no closer than three feet to any property line. All other solar energy systems shall meet the required setback of the base or overlay district.

C. **Required Permit.** Roof-mounted solar energy systems and ground-mounted solar energy systems located over a parking area are allowed in all districts and no use permit is required. Ground-mounted solar energy systems that are not located over a parking area are allowed in all districts subject to Minor Use Permit approval.

17.10.250 Telecommunication Facilities

Note: Regulations contained in the current Zoning Ordinance Section 17.48.340, Satellite Dish Antennas, are carried forward. All other standards in this section are new. Stealth facilities in which the antenna and the support equipment are hidden from view in a structure or concealed as an architectural feature, as well as non-stealth facilities require Conditional Use Permit approval.

A. **Applicability and Exemptions.** The requirements of this Section apply to all telecommunication facilities that transmit and/or receive electromagnetic signals, including but not limited to personal communications services (cellular and paging) and radio and television broadcast facilities. The requirements apply to telecommunication facilities that are the primary use of a property and those that are accessory facilities, except that the following accessory facilities are exempt:

1. Licensed amateur (ham) radio and citizen band operations.
2. Hand-held, mobile, marine, and portable radio transmitters and/or receivers.
3. Emergency services radio.
4. Radio and television mobile broadcast facilities.
5. Antennas and equipment cabinets or rooms completely located inside of permitted structures.
6. A single ground- or building-mounted receive-only radio or television antenna not exceeding the maximum height permitted by this Code, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

   a. *Residential Districts.*

      i. <u>Satellite Dish One Meter or Less.</u> A satellite dish that does not exceed one meter in diameter and is for the sole use of a resident occupying the same residential parcel is permitted anywhere on a lot in the Residential District so long as it is affixed to the interior side or rear of a structure, the rear half of the roof of the primary dwelling or garage, or is ground-mounted. Such an antenna may be mounted on a mast provided the overall height of the antenna and its supporting mast does not exceed a height of 12 feet above the roofline unless authorized with a Minor Use Permit.

         (1) The Director may, without public notice or hearing, grant a waiver from the above standards if application of the standards:

(a) Unreasonably delay or prevent use of a satellite antenna;

(b) Unreasonably increase the cost of the installation, maintenance or use of a satellite antenna; or

(c) Preclude a person from receiving or transmitting an acceptable quality signal from an antenna subject to the standards of this Section

ii. Satellite Dish Greater than One Meter. A satellite dish that is greater than one meter in diameter located in an R-3 or R-4 District if it:

(1) Is not visible from a street unless adequately screened by landscaping and/or materials that harmonize with the elements and characteristics of the property,

(2) Is not located in any front or street side yard,

(3) Does not exceed 14 feet in height, and

(4) Is set back from the property line a distance equal to the height of the antenna.

b. *Nonresidential Districts.*

i. Satellite Dish Two Meters or Less. A satellite dish that does not exceed two meters in diameter is permitted anywhere on a lot where a commercial or industrial use is allowed provided it is affixed to the interior side or rear of a structure or to the roof of a structure and is sited and screened to minimize visibility from a street. Such an antenna may be mounted on a mast provided the overall height of the antenna and its supporting mast does not exceed a height of 12 feet above the roofline unless authorized with a Minor Use Permit.

ii. Satellite Dish Greater than Two Meters. A satellite dish that is greater than two meters in diameter that is not located within a required front yard or street side yard and is screened from view from any public right-of-way and adjoining Residential District.

c. *Undergrounding Required.* All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.

7. Any antenna or wireless communications facility that is exempt from local regulation pursuant to the rules and regulations of the Federal Communications

Commission (FCC) or a permit issued by the California Public Utilities Commission (CPUC). The owner or operator of such facility shall provide the Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations prior to its installation.

8. Minor modifications to existing wireless facilities, including replacement in-kind or with smaller or less visible equipment, that meet the standards set forth in this Section and will have little or no change in the visual appearance of the facility.

B. **Permit Requirements.** At the sole discretion of the Director, technical information submitted as part of a project application may be referred to a technical professional retained by the City to provide independent peer review of information for consistency with the requirements of this Chapter. The applicant shall pay the reasonable actual cost and a reasonable administrative fee for hiring a technical professional to provide peer review.

1. ***Stealth Facilities.*** Stealth facilities in which the antenna and the support equipment are hidden from view in a structure or concealed as an architectural feature, are permitted in all districts subject to Conditional Use Permit approval.

2. ***Co-located Facilities.*** Permitted by right when proposed to be co-located on a facility that was subject to a discretionary permit issued on or after January 1, 2007 and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunication collocation facility in compliance with the California Environmental Quality Act and the collocation facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

3. ***Non-stealth Facilities.*** Permitted in all districts subject to Conditional Use Permit approval.

C. **Standards.** Telecommunication facilities shall be located, developed, and operated in compliance with all of the following standards and with applicable standards of the zoning district in which they are located.

1. ***Location and Siting.***

a. No new freestanding facility, including a tower, lattice tower, or monopole, shall be located within 1,000 feet of another freestanding facility, unless appropriate camouflage techniques have been used to minimize the visual impact of the facility to the extent feasible, and mounting on a building or co-location on an existing pole or tower is not feasible.

b. All wireless telecommunication facilities shall meet the building setback standards of the district which they are to be located.

c. When feasible, providers of personal wireless services shall co-locate facilities in order to reduce adverse visual impacts. The Director may require co-location or multiple-user wireless telecommunication facilities based on a determination that it is feasible and consistent with the purposes and requirements of this Section.

d. When determined to be feasible and consistent with the purposes and requirements of this Section, the Director shall require the applicant to make unused space available for future co-location of other telecommunication facilities, including space for different operators providing similar, competing services.

2. ***Support Structures.*** Support structures for telecommunication facilities may be any of the following:

a. An existing nonresidential building.

b. An existing structure other than a building, including, but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter and profile.

c. An alternative tower structure such as a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility. The term "functioning" as used herein means the light pole serves a useful and appropriate lighting function as well as a wireless communications function.

d. Existing publicly-owned and operated monopole or a lattice tower exceeding the maximum height limit.

e. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for co-location of at least one other similar communications provider.

f. A monopole mounted on a trailer or a portable foundation if the use is for a temporary communications facility.

3. ***Height Requirements.***

a. *Freestanding Antenna or Monopole.* A freestanding antenna or monopole shall not exceed the height limit of the district in which it is located.

b. *Building-Mounted Facilities.* Building-mounted telecommunication facilities shall not exceed a height of 12 feet above the height limit of the district or 12 feet above the existing height of a legally established building or structure, whichever is lower, measured from the top of the facility to the point of attachment to the building.

c. *Facilities Mounted on Structures.* Telecommunication facilities mounted on an existing structure shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 12 feet above the height of an electric utility pole.

d. *Facilities Mounted on Light Poles.* A functioning security light pole or functioning recreational light pole shall have a height consistent with existing poles in the surrounding area or height usually allowed for such light poles.

4. ***Design and Screening.*** Telecommunication facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible.

a. *Stealth Facilities.* State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application.

b. *Other Facility Types.* If a stealth facility is not feasible, the order of preference for facility type is, based on their potential aesthetic impact: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.

c. *Minimum Functional Height.* All free-standing antennas, monopoles, and lattice towers shall be designed to be the minimum functional height and width required to support the proposed antenna installation, unless it can be demonstrated that a higher antenna, monopole, or tower will facilitate co-location.

d. *Camouflage Design.* Telecommunication facilities that are mounted on buildings or structures shall be designed to match existing architectural features, incorporated in building design elements, camouflaged, or

otherwise screened to minimize their appearance in a manner that is compatible with the architectural design of the building or structure.

e. *Equipment Cabinets.* Equipment cabinets shall be located within the building upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall or landscaping, as approved by the City. Any wall shall be architecturally compatible with the building or immediate surrounding area.

f. *Landscaping.* Landscaping shall be provided for and maintained to screen any ground structures or equipment visible from a public right-of-way.

g. *Lighting.* Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.

h. *Advertising.* No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures.

5. ***Security Features.*** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.

a. *Fencing.* Security fencing, if any, shall not exceed the fence height limit of the base district. Fencing shall be effectively screened from view through the use of landscaping. No chain link fences shall be visible from public view.

b. *Maintenance.* The permittee shall be responsible for maintaining the site and facilities free from graffiti.

6. ***Radio Frequency Standards, Interference, and Noise.***

a. *Radio Frequency.* Telecommunication facilities shall comply with federal standards for radio frequency emissions and interference. Failure to meet federal standards may result in termination or modification of the permit.

b. *Interference.* Telecommunications facilities shall not interfere with public safety radio communications.

c. *Noise.* Telecommunication facilities and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of 40 decibels (dBa) measured at the property line of any adjacent residential property, and shall not generate

continuous noise in excess of 50 dBa during the hours of 7:00 a.m. to 10:00 p.m. and 40 dBa during the hours of 10:00 p.m. to 7:00 a.m. measured at the property line of any nonresidential adjacent property. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 a.m. and 5:00 p.m.

7. ***Co-location.*** The applicant and owner of any site on which a telecommunication facility is located shall cooperate and exercise good faith in co-locating telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

   a. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the City may require the applicant to obtain a third party technical study at applicant's expense. The City may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.

   b. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings, shall be shared by site users whenever possible.

   c. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet federal standards for emissions.

   d. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Section is grounds for denial of a permit request or revocation of an existing permit.

8. ***Fire Prevention.*** All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.

a. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.

b. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as non-flammable in the Building Code.

c. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.

d. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.

9. ***Surety Bond.*** As a condition of approval, an applicant for a building permit to erect or install a telecommunication facility shall be required to post a cash or surety bond in a form and amount acceptable to the City Attorney to cover removal costs of the facility in the event that its use is abandoned or the approval is otherwise terminated.

D. **Required Findings.**

1. ***General Findings.*** In approving a telecommunication facility, the decision-making authority shall make the following findings:

a. The proposed use conforms with the specific purposes of this Section and any special standards applicable to the proposed facility;

b. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location;

c. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site; and

d. The proposed facility will not be readily visible or it is not feasible to incorporate additional measures that would make the facility not readily visible.

2. ***Additional Findings for Facilities Not Co-Located.*** To approve a telecommunication facility that is not co-located with other existing or proposed facilities or a new ground-mounted antenna, monopole, or lattice tower the decision-making authority shall find that co-location or siting on an existing structure is not feasible because of technical, aesthetic, or legal consideration including that such siting:

a. Would have more significant adverse effects on views or other environmental considerations;

b. Is not permitted by the property-owner;

c. Would impair the quality of service to the existing facility; or

d. Would require existing facilities at the same location to go off-line for a significant period of time.

3. ***Additional Findings for Setback Reductions.*** To approve a reduction in setback, the decision-making authority shall make one or more of the following findings:

a. The facility will be co-located onto or clustered with an existing, legally established telecommunication facility; and/or

b. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

4. ***Additional Findings for Any Other Exception to Standards.*** The Planning Commission may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable federal or State law.

E. **Vacation and Removal of Facilities.** The service provider shall notify the Director of the intent to vacate a site at least 30 days prior to the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition.

17.10.260 Temporary Uses

Note: Current regulations and permit requirements for temporary uses are carried forward with specific allowances for garage and yard sales, non-profit fundraising, and short-term events in nonresidential districts. Temporary events that do not meet the standards for temporary uses that require a Temporary Use Permit may be allowed with Conditional Use Permit approval.

This Section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the site where they occur. The provisions of this Section shall not apply to temporary uses conducted or operated as part of an approved Farmer's Market or other event occurring under a special permit issued by the City of Morro Bay.

A. **Temporary Uses Not Requiring a Use Permit.** The following types of temporary uses may be conducted without a temporary use permit. Other permits, such as Building Permits, may be required.

1. ***Garage and Yard Sales.*** Sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.

    a. No more than two garage/yard sales shall be conducted on a site in any twelve-month period.

    b. No single sale event shall be conducted for longer than three consecutive days.

    c. The display of property for sale shall be located on the lot and not within the public right-of-way.

2. ***Non-Profit Fund Raising.*** Fund raising sales for up to three days per event is permitted on a site by a non-profit organization, not to be conducted more frequently than three times per year per site.

3. ***Temporary Construction Office Trailers.*** On-site temporary construction offices during the period of construction. Screening may be required by the Director.

B. **Temporary Uses Requiring a Temporary Use Permit.** Other temporary uses may be permitted pursuant to Chapter TBD, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.

1. ***Sales Offices and Model Homes.*** Model homes with sales offices and temporary information/sales offices in new residential developments are subject to the following requirements.

    a. *Time Limits.*

        i. Temporary Sales Office. A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of six months or completion of the first phase of the development, whichever occurs first. One six-month extension maybe approved by the Director.

        ii. Model Homes. Model homes may be established and operated for a term period of one year or until completion of the sale of the lots or units, whichever comes first. One-year extensions may be approved by the Director until the sale of all lots/residences is completed.

    b. *Location of Sales.* Real estate sales conducted from a temporary sales office are limited to sales of lots or units within the development.

c. *Return to Residential Use.* Prior to the sale of any of the model homes as a residence, any portion used for commercial purposes shall be converted to its intended residential purpose.

2. ***Temporary Produce Stands in the Agriculture District.*** Temporary seasonal stalls or stands not greater than 1,000 square feet in area for the sale of produce, hay or feed, 50 percent of which is grown on-site or on sites which are leased or owned by the same tenant/owner within the Agriculture District. Said use shall provide adequate access and parking.

3. ***Seasonal Sales.*** The annual sales of holiday related items such as Christmas trees, pumpkins and similar items may be permitted in accordance with the following standards:

   a. *Location.* Seasonal sales are limited to nonresidential districts.

   b. *Time Period.* Seasonal sales associated with holidays are allowed up to a month preceding and one week following the holiday. Christmas tree sales are allowed from Thanksgiving Day through December 31st.

   c. *Goods, Signs and Temporary Structures.* All items for sale, as well as signs and temporary structures, shall be removed within 10 days after the end of sales, and the appearance of the site shall be returned to its original state.

4. ***Temporary Refrigeration.*** Premises within nonresidential districts on or near the waterfront that are associated with the processing or wholesale sale of fish, may be used to place temporary refrigeration facilities, provided that:

   a. *Length of Use.* The temporary refrigeration facilities will be allowed only for a period not exceeding two weeks within any six months;

   b. *Use Conflicts.* The installation of the facilities is found by the Director not to conflict with the use of the premises or with the enjoyment of neighboring premises; and

   c. *Power Source.* The temporary refrigeration facilities shall be operated by a power source from the electric public utility.

5. ***Special Events and Sales.*** Other short term special events may be permitted in accordance with the following standards:

   a. *Location.* Events are limited to nonresidential districts.

   b. *Duration.* Events shall not exceed seven consecutive days or more than 10 cumulative days in a year.

   c. *Signs.* Outdoor uses may include the addition of one nonpermanent sign up to a maximum size of four square feet in area.

d. *Time Limit.* When located adjacent to a Residential District, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.

C. **Temporary Uses Requiring a Conditional Use Permit.** Other temporary events and special events, outdoor sales, and displays that do not meet the standards for temporary uses that require a Temporary Use Permit, may be allowed with the approval of a Conditional Use Permit.

17.10.270 Urban Agriculture

Note: This is a new section with standards applicable to urban agriculture uses.

Urban agriculture uses shall be located, developed, and operated in compliance with the following standards.

A. **Community and Market Gardens.**

1. ***Management.*** A manager shall be designated for each garden who shall serve as liaison between gardeners, property owner(s), and the City.
2. ***Hours of Operation.*** Gardens shall only be tended between dawn and dusk unless additional hours are approved pursuant to a Minor Use Permit.
3. ***Buildings and Structures.*** Accessory buildings, such as sheds, greenhouses, and hoophouses are allowed and shall comply with the property development standards of the district.
4. ***Equipment.*** Use of mechanized farm equipment is prohibited except as provided below or approved pursuant to a Minor Use Permit.
   a. Heavy equipment may be used initially to prepare the land for gardening.
   b. Landscaping equipment designed for household use is permitted.
5. ***Operational Plan.*** The applicant shall submit an operational plan that identifies roles and responsibilities, contact information, and operations.
6. ***Maintenance.***
   a. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.
   b. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.
7. ***Composting.***
   a. Compost and compost receptacles shall be located so as not to be visible from a public right-of-way.

b. Compost and compost receptacles shall be set back a minimum of 20 feet from residential buildings.

c. In Residential Districts, composting is limited to the materials generated on-site and shall be used on-site.

8. ***Utilities.*** The land shall be served by a water supply sufficient to support the cultivation practices used on the site.

9. ***Restrooms.*** If proposed, restrooms shall be connected to public utilities. Portable restrooms are not permitted.

B. **Private Gardens.**

1. ***Buildings and Structures.*** Accessory buildings, such as sheds, greenhouses, and hoophouses are allowed and shall comply with the property development standards of the district.

2. ***Equipment.*** Only household garden tools and equipment, applicators and products, may be used. This includes, but not limited to, soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc. Pull behind equipment is prohibited.

3. ***Composting.*** Composting is limited to the materials generated on-site and shall be used on-site.

C. **Urban Agriculture Stands.** Urban agriculture stands are permitted on the site of an urban agriculture use subject to the following regulations:

1. ***Maximum Size.*** Limited to 120 square feet unless a larger size is approved pursuant to a Minor Use Permit.

2. ***Removal.*** Urban agriculture stands shall be dismantled and removed during non-operating hours.

3. ***Sales.*** Product sales are limited to produce and value-added products grown and produced on-site.

4. ***Hours of Operation.*** Operating hours for an urban agriculture stand are limited to 8:00 a.m. to 7:00 p.m.

5. ***Days of Operation.*** In Residential Districts, urban agriculture stands may operate a maximum of three days per week.

Use Classifications

Note: Many uses in the existing code have been renamed to reflect standard terminology in contemporary land use. In circumstances where the City desires more fine-tuned regulation additional subcategories of standard uses have been included. These include types of retail sales such as convenience markets and building materials sales and services. Some entirely new categories of uses have been introduced to the classification system, including urban agriculture.

Chapter 17.40 Use Classifications

17.40.010 Residential Uses

Residential Housing Types

Single-Unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household with private yards on all sides. This classification includes individual manufactured housing units.

Single-Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except an accessory dwelling unit, where permitted), and is attached through common walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a “townhouse” or a “condominium”.

Two-Unit Dwelling. A residential building containing two dwelling units, both of which are located on a single parcel (also referred to as a “duplex”) The dwelling units are attached and may be located on separate floors or side-by-side.

Multi-Unit Residential. Three or more attached or detached dwelling units on a single lot. Types of multi-unit residential include townhomes, multiple detached residential units, and apartment buildings.

Accessory Dwelling Unit. An attached or detached unit that is ancillary to the primary unit and has a kitchen, sleeping, and bathroom facilities located on a lot with one single-unit dwelling, where one of the units is owner occupied.

Caretaker Unit. A dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by employees and their immediate families employed for the purpose of on-site

management, maintenance, or upkeep. Business guests/employees on temporary assignment are allowed to reside in the unit.

Employee Housing. Has the same meaning as “employee housing” as set forth in Health & Safety Code §17008 for farmworkers.

Family Day Care. A home which regularly provides care, protection and supervision of twelve or fewer children (or otherwise provided by the state, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away and include the following:

> ***Small.*** A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.
>
> ***Large.*** A facility that provides care for nine to 14 children, including children who reside at the home and are under the age of 10.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, and other types of organizational housing.

Mobilehome Park. A development designed and occupied by mobile homes including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Care Facilities. A facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This use classification includes those both for and not-for-profit institutions, but excludes Supportive Housing and Transitional Housing.

> ***Small***. A facility that is licensed by the state of California to provide care for six or fewer persons.
>
> ***Large***. A facility that is licensed by the state of California to provide care for more than six persons.

Residential Facility, Assisted Living. A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without

kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

Single Room Occupancy. A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, are rented to one or two-person households for a weekly or monthly period of time. This use classification includes extended stay hotels intended for long-term occupancy (more than 30 days) but excludes Hotels and Motels, and Residential Care Facilities.

Supportive Housing. Dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite 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, where possible, work in the community.

Transitional housing. Buildings configured as rental housing developments, but operated under program requirements that mandate the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

17.40.020 Public/Semi Public Uses

Campgrounds and Recreational Vehicle Parks. Any area of land where two or more recreational vehicles or camping spaces are rented, or held out for rent, for overnight stay in tents, tarpaulins, or other camping facilities or in recreational vehicles for 30 days or less.

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Colleges and Trade Schools. Institutions of higher education providing curricula of a general, religious, or professional nature, granting degrees and including junior colleges, business and computer schools, management training, technical and trade schools, however excluding personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings, including community centers, banquet rooms/centers, civic and private auditoriums, union halls, meeting halls, and other membership organizations. Included in this classification is the use of functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage.

Cultural Institutions. An institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular

basis. This classification includes performing arts centers for performances and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens, all of which are public or private. This does not include schools or institutions of higher education providing curricula of a general nature.

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. No person or patients are permitted to remain overnight. This category includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Medical assistance, counseling, and meals may be provided. No individual or household may be denied emergency shelter because of an inability to pay.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, along with the storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment (see Public Utilities).

Harbor, Port, and Marina Facilities. Facilities that provide a range of services related to the use of boats and other watercraft and commercial and recreational fishing. Services may include, but are not limited to, boating moorings; boat haul out; sales, storage, construction, repair, and maintenance of boats, boat parts, and other marine-related items; marine fueling stations and washing facilities; seafood processing, boat and watercraft charter operations; offices; bait and tackle shops; and hardware sales.

Hospital and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

> ***Hospitals***. A facility providing medical, psychiatric, or surgical services for sick or injured persons, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. The institutions are to be licensed by the state of California to provide surgical and medical services.
>
> ***Clinic***. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic

services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Skilled Nursing Facility. A State-licensed facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need requires the availability of skilled nursing care on an extended basis. The facility provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

Instructional Services. Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. This use classification also includes tutoring facilities offering academic instruction to individuals or groups.

Park and Recreation Facilities. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities.

Parking Lots and Structures. Surface lots and structures offering parking when such use is not incidental to another on-site activity.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

Schools. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Social Service Facilities. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Facility), clinics, and emergency shelters providing 24-hour care (see Emergency Shelter).

17.40.030 Commercial Uses

Adult Entertainment Businesses. *Placeholder. Definition of Adult Entertainment Businesses included in existing Chapter 17.70, Adult Entertainment Businesses, will be incorporated into the final Zoning Code.*

Animal Care, Sales, and Services. Retail sales and services related to the boarding, grooming, and care of household pets including:

> ***Animal Daycare.*** Facilities providing non-medical care on a less than 24-hour basis for four or more dogs, cats, or other household pets not owned by the business owner or operator.
>
> ***Animal Shelter and Boarding.*** Commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining, generally overnight or in excess of 24 hours, four or more dogs, cats, or other household pets not owned by the business owner or operator. Typical accessory uses include veterinary and grooming services for boarded animals, but exclude pet stores, grooming, and veterinary services for non-boarded animals.
>
> ***Grooming and Pet Stores***. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This use classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.
>
> ***Veterinary Services***. Veterinary services for small animals. This use classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

Agriculture. The raising of tree, vine, field, forage, and other plant crops, intended to provide food or fibers, as well as keeping, grazing, or feeding of animals for animal products, animal increase, or value increase and the harvesting, sorting, cleaning, packing and shipping of agricultural products produced on the premises preparatory to sale or shipment in their natural form including all activities or uses customarily incidental thereto, but not including retail sales, the commercial packing or processing of products not grown on the premises or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property. This classification does not include the following uses: hog raising, slaughter house, fertilizer works, commercial dairying, pasturage agriculture, commercial animal and poultry husbandry, or operations for the reduction of animal matter.

Artist Studio. Work space for an artist or artisan including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This use may include incidental retail

sales of items produced on the premises and does not include uses that are generally industrial in nature (See Custom Manufacturing).

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, personal watercraft, recreational vehicles, trucks, vans, trailers, scooters, and motorcycles including the following:

> ***Automobile/Vehicle Rentals***. Establishment providing for the rental of automobiles or vehicles.
>
> ***Automobile/Vehicle Sales and Leasing***. Sale or lease, retail or wholesale, of automobiles, light trucks, boats, personal watercraft, motorcycles, scooters, and recreational vehicles, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.
>
> ***Automobile/Vehicle Repair, Major***. Repair of automobiles, trucks, boats, personal watercraft, motorcycles, scooters, and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.
>
> ***Automobile/Vehicle Service and Repair, Minor***. The service and repair of automobiles, light trucks, boats, personal watercraft, motorcycles, scooters, and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.
>
> ***Large Vehicle and Equipment Sales, Service and Rental***. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities.
>
> ***Service Stations***. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. This classification includes “mini-marts” and/or conveniences stores that sell products, merchandise, or

services that are ancillary to the primary use related to the operation of motor vehicles where such sale is by means other than vending machines.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Banks and Financial Institutions. Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photofinishing, model building, taxi or delivery services with two or fewer fleet vehicles on-site.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public. These classifications may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Cinema/Theaters. Any facility for the indoor display of films, motion pictures, or dramatic, musical, or live performances.

Indoor Sports and Recreation. Establishments providing predominantly participant sports, indoor amusement and entertainment services conducted within an enclosed building, including coin-operated electronic amusement centers. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice and roller skating rinks, indoor racquetball courts, athletic clubs, and physical fitness centers.

Outdoor Entertainment. Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

Outdoor Recreation. Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, miniature golf courses, tennis clubs, outdoor batting cages, swimming pools, archery ranges, and riding stables.

Drive-Through Facility. A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the

occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and deposit/pick-up establishments, but does not include drive-in movies, service stations, or car-wash operations.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

> ***Bars/Night Clubs/Lounges***. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This use classification includes micro-breweries where alcoholic beverages are sold and consumed on site and any food service is subordinate to the sale of alcoholic beverages.
>
> ***Food and Beverage Tasting.*** Businesses serving samples of food or beverages; typically an ancillary use associated with a production facility such as wine or beer making, or retail sales.
>
> ***Restaurant***. Establishments where food and beverages may be consumed on the premises, taken out, or delivered. This use classification includes restaurants, cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This use classification excludes catering services that do not sell food or beverages for on-site consumption.

Farmer's Markets. Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

Food Preparation. Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, retail bakeries, and small-scale specialty food production.

Funeral Parlors and Interment Services. An establishment primarily engaged in the provision of services, involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Lodging. An establishment providing overnight accommodations to transient patrons for payment periods of 30 consecutive calendar days or less.

> ***Hotels and Motels***. An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general

public. This use classification includes motor lodges, motels, extended-stay hotels, and tourist courts.

Short-term Vacation Rental. The rental of any structure or any portion of any structure for occupancy for dwelling, lodging, or sleeping purposes for 30 consecutive calendar days or less in duration, including detached single-family residences, condominiums, duplexes, twinplexes, townhomes, and multiple-family dwellings.

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This use classification excludes maintenance and repair of motor vehicles (see Automotive/Vehicle Sales and Services) and personal apparel (see General Personal Services).

Nonpermanent Vendor. A moveable structure, stand, cart, truck, or trailer that is used to sell or prepare and serve food or other consumer products.

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

Offices. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics or independent research laboratory facilities (see Research and Development) and hospitals.

Business and Professional. Offices of firms, organizations, or agencies providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal, and tax preparation offices.

Medical and Dental. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

Personal Services.

Fortune, Palm, and Card Reader. An establishment providing any type of fortune telling, palm or card reading, psychic services, future telling, spirit communication, and/or any other related type of trade, donation, or compensation, retail or otherwise.

General Personal Services. An establishment providing non-medical services to individuals as a primary use, of personal convenience, as opposed to products that are sold to individual consumers, or from/by companies. Personal services include barber and beauty shops, massage establishments, shoe and luggage repair, fortune tellers, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes, and similar services.

Tattoo or Body Modification Parlor. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Retail Sales.

Building Materials Sales and Services. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area, or plant nurseries.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, liquor stores, and retail bakeries.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

17.40.040 Industrial Uses

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Custom Manufacturing. Any establishment primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle-making shops, woodworking, and custom jewelry manufacturers.

Food and Beverage Manufacturing. Establishments engaged in the production, processing, packaging or manufacturing of food or beverage products for off-site consumption.

> ***Limited/Small Scale***. A small-scale food and beverage products manufacturing and distribution establishment located in facilities less than 5,000 square feet per lot. The use may include wholesale or retail sales. It is characterized by local or regional products, specialty or artisanal foods, in facilities less than 5,000 square feet. Examples include small coffee roasters, micro-breweries, micro-distilleries, wine manufacturing, and wholesale bakeries.
>
> ***General/Large Scale***. A large-scale food and beverage manufacturing located in a facility over 5,000 square feet per lot.

Industrial. Establishments engaged in any of the following types of activities taking place within enclosed buildings: manufacturing finished parts or products primarily from previously prepared materials; providing industrial services; or conducting industrial or scientific research, including product testing. This classification includes micro-breweries and wineries where retail sales are clearly incidental and no alcoholic beverages are consumed on site.

Oil and Gas Explorations and Development Offshore. Any commercial or industrial facility, including but not limited to business or personnel office, oil or gas storage facilities, pipe, drilling materials, or equipment repair or storage facilities, or any other aid or support, which operates directly or indirectly in support of any offshore oil or gas exploration, development, drilling, pumping or production.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

> ***Reverse Vending Machine.*** An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling Collection Facility. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable or reusable materials but where the processing and sorting of such items is not conducted on-site.

Recycling Processing Facility. A facility that receives, sorts, stores and/or processes recyclable materials.

Research and Development. A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This use classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Warehousing and Storage. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

Indoor Warehousing and Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber. Also includes cold storage, freight moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor Storage. Storage of commercial goods in open lots.

Self Storage. Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials Sales and Services).

17.40.050 Transportation, Communication, and Utility Uses

Airports and Heliports. Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facility, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. Also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

Docks, Piers and other Coastal-Related Infrastructure. Facilities necessary or convenient for the promotion and accommodation of commerce and navigation, such as wharfs, docks, piers, slips, quays, launches, moorings, fuel docks, hoists and observation decks.

Freight/Trucking Terminals. Facilities for freight, courier, and postal services. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.

Public Works and Utilities. Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services, storage facilities for vehicles and equipment, their associated offices, and similar facilities of public agencies or public utilities.

Telecommunication Facilities. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

Transportation Passenger Terminals. Facilities for passenger transportation operations, including rail stations, bus terminals, and scenic and sightseeing facilities, but does not include terminals serving airports or heliports.

17.40.060 Urban Agriculture Uses

Community Garden. Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households.

Market Garden. The primary use of a site for cultivation of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs for sale or donation of its produce to the public.

Private Garden. A private food-producing garden that is accessory to the primary use of the site.