

Do NOT REMOVE

LOG OF CHANGES APPLIED TO TITLE 17, ZONING

3/24/82 Ordinance No. 220
Alter pages 409-1; 409-2, 409-3

6/02/82 Ordinance No. 222
Alter Section 17.32.080

9/23/82 Ordinance No. 230
Alter Section 17.44.020 B.I. (c)

10/11/82 Ordinance No. 232
Alter Section 17.32.060

10/11/82 Ordinance No. 233
Alter Zoning Map (see Ordinance in Appendix)

11/22/82 Ordinance No. 236
Adding Chapter 17.20

11/22/82 Ordinance No. 237
Interim Urgency Zoning Ordinance
Added at beginning

Property Of
Community Development Dept.
City Of Morro Bay

Current as of
12/01/82

Superseded 1967-1971 Zoning Ord.
Old ord #65 #100

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY ADOPTING AN INTERIM URGENCY ZONING ORDINANCE, WHICH SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION

WHEREAS, the City of Morro Bay has completed a Coastal Land Use Plan and is preparing the contemplated zoning ordinances which will serve to implement said plan; and

WHEREAS, many areas of the City are at this time within zoning districts which allow uses that conflict with the Coastal Land Use Plan and with said contemplated zoning ordinances; and

WHEREAS, Section 65858 of the California Government Code authorizes cities to adopt interim urgency zoning ordinances in order to regulate land uses during the time period when new zoning ordinances are being prepared; and

WHEREAS, the City Council finds that an interim urgency ordinance is necessary until the contemplated zoning ordinances are adopted in order to protect the general welfare and the best interest of the community by allowing only such new development that conforms to the recently prepared Coastal Land Use Plan; and

WHEREAS, the potential conflicts between existing zoning ordinances and the Coastal Land Use Plan present a situation in which a consistent standard of review for new development is lacking and it is therefore necessary in order to protect the general welfare and the best interests of the community, that this interim urgency zoning ordinance take effect immediately upon its adoption as provided for in Public Resources Code Section 65858; and

WHEREAS, the City Council of the City of Morro Bay has held a duly noticed public hearing on the 22nd day of November, 1982, to consider such interim urgency ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Morro Bay, as follows:

That the City Council of the City of Morro Bay does hereby adopt an "Interim Urgency Zoning Ordinance" (Exhibit "A"), which is attached hereto and made part hereof by this reference, and which shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED, on the 22nd day of November, 1982, by the following vote:

AYES:

NOES:

ABSENT:

EUGENE SHELTON, Mayor

ATTEST:

PAUL BAXTER, City Clerk

Approved as to form:

Michael LeSage, City Attorney

INTERIM URGENCY ZONING ORDINANCE AND
ESTABLISHMENT ON AN INTERIM BASIS THE
"CZ", SPECIAL COASTAL ZONE, DISTRICT

Section 1.0 Purpose and Intent

The purpose of this ordinance is to eliminate conflicts between existing zoning districts and the contemplated zoning ordinances which are now being prepared to implement the City's Coastal Land Use Plan. This ordinance is intended to prohibit any use which may conflict with such contemplated ordinances and to allow uses found to be consistent with both the Coastal Land Use Plan and City General Plan Land Use Element, after a coastal development permit has been issued either by the California Coastal Commission or the City of Morro Bay as provided for in Public Resources Code Sections 30600.5 and 30624.

Section 2.0 Application, "CZ" Interim District Established

This ordinance shall apply to those parts of the City for which the existing zoning may conflict with the contemplated zoning ordinances being prepared to implement the Coastal Land Use Plan. Such parts of the City shall be designated in a "CZ", Special Coastal Zone, District on an interim basis until said contemplated zoning ordinances are adopted. The parts of the City so designated in the "CZ" Zone are depicted in the district map, Figure 1, attached hereto.

Section 3.0 Permitted Development

- A. General. Development in the CZ, Special Coastal Zone, District may be permitted subject to: (1) a Conditional Use Permit granted by the City pursuant to the provisions of Municipal Code Chapter 17.60, except as provided for in Section 3.0 (c) below, and (2) a coastal development permit issued either by the California Coastal Commission or by the City of Morro Bay as provided for in Public Resource Code Sections 30600.5 and 30624.
- B. Findings Required. No permit may be issued by the City unless the proposed development is found to be in conformance with the Coastal Land Use Plan and the Land Use Element of the Morro Bay General Plan. Any development found to be inconsistent with the Land Use Element or with the Coastal Land Use Plan or with the contemplated zoning ordinances being prepared to implement said plan shall be prohibited.
- C. Exceptions. Section 3.0 (A) above notwithstanding, a conditional use permit shall not be required for the following developments in the CZ, Special Coastal Zone, district:
- (1) Where the Planning Commission has approved a conditional use permit for the proposed project prior to the adoption on this ordinance, and the project as conditioned is in conformance with the findings required in Section 3.0(B) above, as determined by the Director of the Community Development Department; or
 - (2) Where the proposed development is a single family residence in an area designated on the Coastal Land Use Plan Map for "medium density residential" or any other lower density residential category and where the proposed residence meets the standards of corresponding residential zones as determined by the Director of the Community Development Department.

Section 4.0 Duration

The provisions of this ordinance shall have no further force and effect either (a) one year from date of adoption, or (b) at such time that the City's Local Coastal Program, including the implementing zoning ordinances, is certified by the California Coastal Commission and adopted by the City Council, whichever is sooner.

Title 17ZONINGChapters:

| | |
|--------------|---|
| <u>17.04</u> | <u>General Provisions</u> |
| <u>17.08</u> | <u>Interpretation</u> |
| <u>17.12</u> | <u>Definitions</u> |
| <u>17.16</u> | <u>Board of Zoning Adjustment</u> |
| <u>17.24</u> | <u>Districts Established</u> |
| <u>17.28</u> | <u>Zoning Map--Boundaries</u> |
| <u>17.32</u> | <u>Residential, Commercial, Manufacturing and Open Area Districts</u> |
| <u>17.36</u> | <u>P-D Zones</u> |
| <u>17.40</u> | <u>Special Treatment Combining Districts</u> |
| <u>17.44</u> | <u>Parking, Driveway and Loading Facilities</u> |
| <u>17.48</u> | <u>General Regulations, Conditions and Exceptions</u> |
| <u>17.49</u> | <u>Community Housing Project Regulations</u> |
| <u>17.52</u> | <u>Performance Standards</u> |
| <u>17.56</u> | <u>Nonconforming Uses</u> |
| <u>17.58</u> | <u>Property Maintenance Regulations</u> |
| <u>17.60</u> | <u>Use Permits--Variances--Permit Revocation</u> |
| <u>17.61</u> | <u>Enforcement</u> |
| <u>17.64</u> | <u>Amendments</u> |

Chapter 17.04GENERAL PROVISIONS*Sections:

| | |
|-----------|--------------|
| 17.04.010 | Adoption. |
| 17.04.020 | Purpose. |
| 17.04.030 | Short title. |

17.04.010 Adoption. This title is adopted by the city council, in conformity with regulations now embodied in Article I, Sections 65800-65803 inclusive, Article 2, Sections 65850-65861 inclusive and Article 3, Sections 65900-65906 of Chapter 4 entitled Zoning Regulations of Title 7 of the Government Code of the state as added by Statutes 1965 Chapter 1880. (Ord. 65 §2(part), 1967: prior code §5101.1).

* For statutory provisions regarding planning and zoning in general, see Gov. Code Title 7; for provisions regarding local planning, see Gov. Code §56100 et seq.

17.04.020 Purpose. The purpose of this title is to promote the growth of the city in an orderly manner and to promote the public health, safety, peace, comfort and general welfare of the city by establishing regulations pertaining to uses of land and uses, location, height, bulk, size and types of buildings and open spaces around buildings in certain districts; providing for the administration and enforcement of such regulations and prescribing penalties for violations thereof. (Ord. 65 §2(part), 1967: prior code §5101.2).

17.04.030 Short title. This title shall be known by the following short title: "The Morro Bay City Zoning Ordinance." (Ord. 65 §2(part), 1967: prior code §5101.3).

Chapter 17.08

INTERPRETATION

Sections:

- 17.08.010 Effect on other regulations.
- 17.08.020 Land use determination criteria.
- 17.08.030 Appeal--To planning commission.
- 17.08.040 Appeal--To city council.
- 17.08.050 Appeal--Commission report.
- 17.08.060 Appeal--Council decision.

17.08.010 Effect on other regulations. Except as specifically provided herein this title shall not be interpreted to repeal, abrogate, annul or in any way affect any existing provision of any law or ordinance or regulations or permits previously adopted or issued relating to the erection, construction, moving, alteration or enlargement or any building or improvement; provided however, in any instances where this title imposes greater restrictions upon the erection, construction, establishment, moving, alteration or improvement of buildings or the use of any building or structure than is imposed or required by an existing law, ordinance or regulation, the provisions of this title shall control. (Ord. 65 §2(part), 1967: prior code §5112.1).

17.08.020 Land use determination criteria. Whenever the planning commission of the city is called upon to determine whether or not the use of land or any structure in any district is similar in character to the particular uses allowed in a district, the commission shall consider the following factors as criteria for their determination:

A. Effect upon the public health, safety, and general welfare of the neighborhood involved and the city at large;

B. Effect upon traffic conditions;

C. Effect upon the orderly development of the area in question and the city at large in regard to the general planning of the whole community. (Ord. 65 §2(part), 1967: prior code §5112.2).

17.08.030 Appeal--To planning commission. The planning commission shall have the power to hear and decide appeals based on the enforcement or interpretation of the provisions of this title. (Ord. 65 §2(part), 1967: prior code §5112.3).

17.08.040 Appeal--To city council. In case the applicant is not satisfied with the action of the planning commission on his appeal, he may within ten days appeal in writing to the city council. (Ord. 65 §2(part), 1967: prior code §5112.4).

17.08.050 Appeal--Commission report. Notice shall be given to the planning commission of such appeal, and a report shall be submitted by the commission to the city council, setting forth the reasons for the action taken by the commission. Such report shall be submitted in writing or by representation at the hearing. (Ord. 65 §2(part), 1967: prior code §5112.5).

17.08.060 Appeal--Council decision. The city council shall render its decision within forty days after the closing of the public hearing thereon. (Ord. 65 §2(part), 1967: prior code §5112.6).

Chapter 17.12

DEFINITIONS

Sections:

- 17.12.010 Generally.
- 17.12.020 Administrative office.
- 17.12.030 Alley.
- 17.12.040 Apartment.
- 17.12.050 Apartment house.
- 17.12.060 Block.
- 17.12.070 Boardinghouse.
- 17.12.080 Building.
- 17.12.090 Building, accessory.
- 17.12.100 Building, main.
- 17.12.110 Building site.
- 17.12.120 Business, retail.
- 17.12.130 Business, wholesale.

Sections: (Continued)

17.12.140 Camp car.
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17.12.160 City.
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- 17.12.630 Trailer coach--Commercial coach.
- 17.12.640 Travel trailer park.
- 17.12.650 Travel trailer.
- 17.12.660 Use.
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- 17.12.690 Use, secondary.
- 17.12.700 Veterinary clinic.
- 17.12.710 Veterinary hospital.
- 17.12.720 Yard.
- 17.12.430 Yard, front.
- 17.12.740 Yard, rear.
- 17.12.750 Yard, side.

17.12.010 Generally. For the purposes of this title certain terms are defined in this chapter. Words used in the present tense include the future; words in the singular include the plural. The word "shall" is mandatory, and the word "may" is permissive. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.020 Administrative office. "Administrative office" means an office for the rendering of service or general administration, but excluding retail sales. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.030 Alley. "Alley" means a public or private way less than thirty feet in width which affords a secondary means of access to abutting property. (Ord. 65 §2(part), 1967 prior code §5102.1(part)).

17.12.040 Apartment. "Apartment" means a room or suite of rooms with a single kitchen which is occupied or which is intended or designed to be occupied by one family for living and sleeping purposes. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.050 Apartment house. "Apartment house" means any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in the building, and includes apartments. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.060 Block. "Block" means all property fronting upon one side of a street, between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, dead end street or city boundary. An intercepting street shall determine only the boundary of the block on the

side of a street which it intercepts. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.070 Boardinghouse. "Boardinghouse" means a dwelling other than a hotel, where lodging and/or meals for three or more persons is provided for compensation. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.080 Building. "Building" means any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal or chattel. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.090 Building, accessory. "Accessory building" means a subordinate building, including shelters or pools, the use of which is incidental to that of the main building on the same lot and/or building site. (Ord. 100 §1(1)(a), 1972: Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.100 Building, main. "Main building" means a building in which is conducted the principal use of the lot and/or building site on which it is situated. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.110 Building site. "Building site" means a lot, lots or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory building, together with such open spaces as are required by the terms of this title and having its principal frontage on a public or private street, road or highway. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.120 Business, retail. "Retail business" means any establishment for the retail sale of any article, substance, or commodity, but not including the warehousing or storage of lumber or other building materials, or the outdoor sale of used or secondhand goods or materials of any kind. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.130 Business, wholesale. "Wholesale business" means the wholesale handling of any article, substance or commodity, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.140 Camp car. "Camp car" is as defined in the California Health and Safety Code, Section 18002. (Ord. 77 §1(1), 1969: prior code §5102.1(part)).

17.12.150 Carport. "Carport" means accessible and usable covered space of not less than ten by twenty feet each for a storage of automobiles. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.160 City. "City" means the city of Morro Bay, a municipal corporation of the state of California. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.170 City council. "City council" means the city council of the city of Morro Bay, San Luis Obispo County, California. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.180 Combining district. "Combining district" means any district in which the general district regulations are combined with those special districts defined in Chapter 17.40 for the purpose of adding additional special regulations. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.190 Commission. "Commission" means the city planning commission of the city of Morro Bay, California. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.200 District. "District" means a portion of the city within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this title. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.210 Dwelling. "Dwelling" means a building or portion thereof designed and used exclusively for residential occupancy, including one family, two family and multiple family dwellings, but not including hotels, motels or boardinghouses. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.220 Dwelling groups. "Dwelling groups" means a group of two or more detached or semi-detached, one-family, two-family, or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, but not including motels, hotels and boardinghouses. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.230 Dwelling, multiple. "Multiple dwelling" means a building or portion thereof, used and designed as a residence for four or more families living independently of each other and doing their own cooking in said building, with not more than one kitchen per unit, including apartment houses, apartment hotels and flats, but not including motels, boardinghouses and hotels. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.240 Dwelling, single family. "Single family dwelling" means a building designed for, or used to house not more than one family, with a single kitchen, including all necessary employees of such family. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.250 Dwelling, three family or triplex. "Three family dwelling" or "triplex" means a building containing not more than three kitchens, designed and/or used to house not more than three families, living independently of each other, including all necessary employees of each such family. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.260 Dwelling, two family or duplex. "Two family dwelling" or "duplex" means a building containing not more than one kitchen per unit, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each such family. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.270 Family. "Family" means one or more persons related by blood or marriage occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, boardinghouse, fraternity, or sorority house; and in addition may include no more than two unrelated persons. (Ord. 77 §1(2), 1969: Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.280 Fence. "Fence" means any structural device forming a physical barrier by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar materials. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.290 Garage. "Garage" means accessible and usable covered space entirely enclosed and of not less than ten by twenty feet each for a storage of automobiles. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.300 Guesthouse. "Guesthouse" means detached living quarters of a permanent type of construction and without kitchens or cooking facilities, and where no compensation in any form is received or paid. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.310 Height of building. "Height of building" means the vertical distance from the average level of the highest and lowest point of that portion of the lot measured from natural grade covered by the building to the topmost point of the roof. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.320 Home occupation. "Home occupation" means an occupation carried on by the occupant, entirely within a building, as a use clearly secondary to the residence in connection with which there is no display, no stock in trade, nor commodities sold upon the premises, no person employed and which does not change the residential character thereof. (Ord. 100 §1(2)(a), 1972; Ord. 77 §1(3), 1969; Ord. 65 §2(part), 1967; prior code §5102.1(part)).

17.12.330 Hotel. For the definition of "hotel", see "motel", Section 17.12.460. (Ord. 65 §2(part), 1967; prior code §5102.1(part)).

17.12.340 Junkyard. "Junkyard" means more than one hundred square feet of the area of any lot or parcel of land used for the storage of junk, including but not limited to scrap metals, salvage or other scrap materials, or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage. A single vehicle without a current state license shall be considered a junkyard. See the ordinance governing junkyards. (Ord. 77 §1(4), 1969; Ord. 65 §2(part), 1965; prior code §5102.1(part)).

17.12.350 Lot. For the definition of "lot," see "building site," Section 17.12.110. (Ord. 65 §2(part), 1967; prior code §5102.1(part)).

17.12.360 Lot, corner. "Corner lot" means a lot the front of which and one or more sides, face a street or street and public way. (Ord. 65 §2(part), 1967; prior code §5102.1(part)).

17.12.370 Lot front. "Lot front" means the narrowest dimension of a lot fronting on a street. (Ord. 65 §2(part), 1967; prior code §5102.1(part)).

17.12.380 Lot, inside. "Inside lot" means a lot which is not a corner lot. (Ord. 65 §2(part), 1967; prior code §5102.1(part)).

17.12.390 Lot line. "Lot line" means a line separating the frontage from a street; the side from a street or adjoining property; the rear from an alley or street or adjoining property. (Ord. 65 §2(part), 1967; prior code §5102.1(part)).

17.12.400 Lot, key. "Key lot" means the first lot to the rear of a reversed corner lot and not separated therefrom by an alley. (Ord. 65 §2(part), 1967; prior code §5102.1(part)).

17.12.410 Lot side. "Lot side" means any lot boundary not a front or rear lot line. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.420 Lot, through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.430 Lot width. "Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth, at the required front setback line. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.440 Mobilehome. "Mobilehome" means a vehicle designed and equipped for human habitation, and for being drawn by a motor vehicle. (Ord. 100 §1(2)(b), 1972: Ord. 77 §1(5), 1969: Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.450 Mobilehome park. "Mobilehome park" means any area or tract of land where one or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies. (Ord. 100 §1(2)(c), 1972: Ord. 77 §1(6), 1969: Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.460 Motel or hotel. "Motel" or "hotel" means a single building or a group of detached or semidetached buildings containing guest rooms or apartments, with automobile storage space provided on the site for such rooms or apartments provided in connection therewith, which group is designed and used for the accommodation of transient travelers for not in excess of thirty days. (Ord. 100 §1(2)(d), 1972: Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.470 Parking space. "Parking space" means an accessible and usable space on the building site, or adjacent lot, at least eight and one-half feet by twenty feet for the parking of one automobile. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.480 Person. "Person" includes any individual, city, county or city and county; partnership, corporation, cooperative, association, trust or any other legal entities, including the state of California and the federal government. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.490 Professional office. "Professional office" means an office for the conduct of any one of the following uses only: Accountants, architects, attorneys, chiropractors,

optometrists, chiropracists, engineers, surveyors, drafting service, designers, dentists, physicians and surgeons. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.500 Recreation trailer park. "Recreation trailer park" means any area or tract of land, within an area zoned for recreational use where one or more lots are rented or leased or held out for rent, or lease to owners or users of recreational vehicles or tents and which is occupied for temporary purposes. (Ord. 100 §1(2)(e), 1972: Ord. 77 §1(7), 1969: prior code §5102.1(part)).

17.12.510 Rest home. "Rest home" means any premises licensed under the provisions of the Welfare and Institutions Code of the state, ambulatory patients only. (Ord. 100 §1(2)(f), 1972: Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.520 Rooming house. For the definition of "rooming house," see boardinghouse, Section 17.12.070. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.530 Sanitarium. "Sanitarium" means a health station or retreat or other place where patients are housed, and where treatment is given, but excluding mental institutions or institutions for treatment or persons addicted to the use of drugs. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.540 Secondary residence. "Secondary residence" means an incidental use limited to one single family dwelling on the second floor or on the rear half of the same parcel upon which is located a permitted business or industrial use. (Ord. 100 §1(1)(c), 1972: prior code §5102.1(part)).

17.12.550 Service station. "Service station" means an occupancy where petroleum products and fuel are offered for retail sale to the public primarily for the operation of motor vehicles. A service station shall provide the following services: The sale and installation of tires, batteries, automotive accessories and sundries; the lubrication, testing, adjustment, and replacement of minor parts and accessories; and the repair of tires.

"Service station" does not include steam cleaning and mechanical car washing, tire recapping, engine, differential and transmission rebuilding, repair or replacement; body and chassis reconditioning, repair or repainting; tow service as defined by the California Motor Vehicle Code; and rental, sale or storage of trailers, hand tools, power tools, and nonautomotive merchandise or equipment. (Ord. 100 §1(2)(g), 1972: Ord. 77 §1(8), 1969: Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.560 Setback line. "Setback line" means a line established by this title to govern the placement of buildings or structures with respect to lot lines, streets or alleys. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.570 Side and front of corner lot. For the purpose of this title the narrowest frontage of a corner lot facing the street is the front, and the longest frontage facing the intersecting street is the side, irrespective of the direction in which the dwelling faces. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.580 Signs. "Signs" means any display or structure as defined in Chapter 14.64 of this code. (Ord. 77 §1 (9), 1969: Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.590 Street. "Street" means a public thoroughfare accepted by the city which affords principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in Section 17.12.030. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.600 Street line. "Street line" means the boundary between a street right-of-way and property. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.610 Structural alterations. "Structural alterations" means any change in the supporting members of a structure, such as bearing walls, columns, beams, or girders. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.620 Structure. "Structure" means anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on the ground, including swimming pools, excluding driveways, patios or parking spaces. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.630 Trailer coach--Commercial coach. "Commercial coach" means a vehicle, with or without motive power, designed and equipped for human occupancy for industrial, professional or commercial purposes, and includes a trailer coach. (Ord. 100 §1(2)(h), 1972: Ord. 77 §1(10), 1969: prior code §5102.1(part)).

17.12.640 Travel trailer park. "Travel trailer park" means any area or tract of land or a separate designated section within a mobilehome park when one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles used for travel or recreational purposes. (Ord. 100 §1(2)(i), 1972: Ord. 77 §1(11), 1969: prior code §5102.1(part)).

17.12.650 Travel trailer. "Travel trailer" means a vehicle other than a motor vehicle which is designed or used for human habitation and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code. (Ord. 100 §1(2)(j), 1972: Ord. 77 §1(12), 1969: Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.660 Use. "Use" means the purpose for which land or a building is designed, arranged or intended or for which either land or building is or may be occupied or maintained. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.670 Use, accessory. "Accessory use" means a use accessory to any permitted use and customarily a part thereof, which use is clearly incidental and necessary to the permitted use and which does not change the character thereof. (Ord. 100 §1(1)(b), 1972: Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.680 Use, nonconforming. "Nonconforming use" means a use that does not conform to the regulations for the district in which it is situated. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.690 Use, secondary. "Secondary use," except as otherwise defined in this title, means any use incidental to a permitted use and customarily a part thereof. (Ord. 100 §1(1)(d), 1972: prior code §5102.1(part)).

17.12.700 Veterinary clinic. "Veterinary clinic" means any premises used for the treatment or grooming of animals, but not including boarding or hospitalization. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.710 Veterinary hospital. "Veterinary hospital" means any premises used for the treatment, care, boarding or grooming of animals, with all such operations to be conducted within a building unless otherwise specified in the use permit. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.720 Yard. "Yard" means an open space on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in Chapter 17.48. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.730 Yard, front. "Front yard" means a yard extending across the front of the lot between the side lot lines and measured from the front line of the lot to the nearest line of the building; provided however, that if any plan line has been

established for the street upon which the lot faces, the front yard measurement shall be taken from such plan line to the nearest line of the building. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.740 Yard, rear. "Rear yard" means a yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the main building. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

17.12.750 Yard, side. "Side yard" means a yard between the side line of the lot and the nearest line of the building and extending from the front yard of the lot to the rear yard. (Ord. 65 §2(part), 1967: prior code §5102.1(part)).

Chapter 17.16

BOARD OF ZONING ADJUSTMENT

Sections:

- 17.16.010 Created.
- 17.16.020 Membership.
- 17.16.030 Membership before appointment.
- 17.16.040 Term of office.
- 17.16.050 Vacancy.
- 17.16.060 Duties.
- 17.16.070 General rules and procedures.
- 17.16.080 Quorum.
- 17.16.090 Ex-officio members--Absence of member.

17.16.010 Created. The planning commission may create a board of zoning adjustment for the city, hereinafter referred to in this title as the "Board." (Ord. 65 §2(part), 1967: prior code §5109.1).

17.16.020 Membership. The board shall consist of three members appointed from the membership of the city planning commission by resolution of the commission. (Ord. 65 §2(part), 1967: prior code §5109.2).

17.16.030 Membership before appointment. Prior to the adoption of the resolution appointing the first members of the board, the city planning commission as a whole shall constitute such board, with all the powers and duties thereof. (Ord. 65 §2(part), 1967: prior code §5109.3).

17.16.040 Term of office. The term of office of the members of the board shall be one year, provided that the first

members appointed shall serve as follows: One for six months, one for one year, and one for eighteen months. (Ord. 65 §2 (part), 1967: prior code §5109.4).

17.16.050 Vacancy. The city planning commission shall fill any permanent vacancy of said board for the unexpired term. (Ord. 65 §2(part), 1967: prior code §5109.5).

17.16.060 Duties. The board shall hear and decide the following matters:

A. Applications for variances;
 B. Applications for use permits;
 C. Appeals from administrative acts, where it is alleged by the appellant that there is error in any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this title.

1. In deciding said appeals, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appeal from, and may make such order, requirement, decision or determination as should be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken.

2. Appeals to the board of adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the administrative official. Such appeal shall be taken within ten days following said decision by filing with the officer from whom the appeal is taken, and with the board of adjustment, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

3. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed except by a restraining order which may be granted by the board of adjustment or by a court of record on application, and notice to the officer from whom the appeal is taken and due cause shown. (Ord. 65 §2(part), 1967: prior code §5109.6).

17.16.070 General rules and procedures. The general rules and prodedures necessary or convenient for the conduct of its business shall be as are not in conflict with the said general rules adopted for that purpose by the planning commission. (Ord. 65 §2(part), 1967: prior code §5109.7).

17.16.080 Quorum. The majority in number of the total voting membership of the board shall constitute a legal quorum. The concurrence of at least a majority of the members present shall be necessary for action on any matter. (Ord. 65 §2(part), 1967: prior code §5109.8).

17.16.090 Ex officio members--Absence of member. All members of the city planning commission are constituted as ex officio members of the board.

In event any member of the board is unable to attend a meeting of the board, the chairman of the commission may designate any other member of the commission to serve in his stead and with full voting rights at such meeting. (Ord. 65 §2(part), 1967: prior code §5109.9).

EXHIBIT "A"

The following new Chapter 17.20 is hereby added to Title 17 of the Morro Bay Municipal Code.

Chapter 17.20
COASTAL DEVELOPMENT PERMITS AND PROCEDURES

17.20.010 Intent. Adoption by the City of Morro Bay of its Certified Coastal Land Use Plan (LUP) necessitates procedures for issuance of coastal development permits pursuant to Public Resources Code Sections 30512 and 30600.5.

It is the intent of this Chapter to place special controls on development within that portion of the City of Morro Bay located within the coastal zone sufficient to ensure the integrity of said LUP during the interim period between certification of the LUP and adoption of the implementing zoning ordinances.

17.20.020 Conflicting Ordinances Superseded. The controls imposed by this Chapter shall supersede any conflicting local ordinances or procedures affecting development in the coastal zone.

17.20.030 Coastal Development Permits Required. All development within the coastal zone shall require a coastal development permit issued in accordance with this Chapter.

17.20.040. Definitions. The following definitions shall be used for purposes of interpreting this Chapter.

(a) California Coastal Commission Original Permit Jurisdiction shall mean:

(1) Developments between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

(2) Developments located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Any development which constitutes a major public works project as defined by California Administrative Code 13012 and exceeding \$50,000 in estimated cost of construction.

(4) Any major energy facility as defined by Public Resources Code Section 30107 and exceeding \$50,000 in estimated cost of construction.

(5) Any development proposed by any State Agency.

(b) Development is defined pursuant to Public Resources Code Section 30106 and shall mean: on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged materials or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting, of major vegetation other than for agricultural purposes (and) kelp harvesting.

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

(c) Director shall mean the Director of the Community Development Department or his/her representative.

(d) Emergency shall mean a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

17.20.050 Applicability of Procedures:

Regulations set forth in this article shall apply to development within the coastal zone, except projects within the Coastal Commission's Original Permit Jurisdiction for which application must be made directly with the California Coastal Commission subsequent to obtaining other applicable city permits as required by the Morro Bay Municipal Code.

17.20.060 Duration:

The provisions of this Chapter shall have no further force and effect at such time as the City's Local Coastal Program, including the implementing zoning ordinances, is certified by the Coastal Commission and adopted by the City Council.

17.20.070 Applications and Submittal Procedures:

A. Applications - applications for a permit pursuant to the provisions of this Chapter shall be submitted to the Director on a form prepared by him. Such applications shall include the following materials:

(1) A detailed description of the proposed development comprised of maps, plans, and any other information deemed necessary by the Director.

(2) Evidence of legal interest on the part of the applicant in the property which is proposed to be developed.

(3) All other appropriate permit applications and related information otherwise required for the proposed development pursuant to the provisions of this Title.

(4) A fee set by resolution of the City Council.

B. Filing - within thirty (30) days following receipt of an application for coastal development permit, the Director shall determine in writing whether the application is acceptable for filing.

In the event that the Director determines the application to be incomplete, he/she shall specify for the applicant the information necessary to complete the application.

No application shall be deemed acceptable for filing until all information required by the Director has been submitted and approved by him/her.

C. Concurrent Processing. Any other licenses, permits or entitlements in addition to a coastal development permit as required by the Morro Bay Municipal Code may be processed concurrently with the coastal development permit application.

D. Determination of Coastal Commission Original Permit Jurisdiction. The Director shall determine whether the project is within the Original Permit Jurisdiction of the Coastal Commission prior to acceptance of the application for filing.

In the case of dispute over such determinations, the Director shall forward the matter to the Executive Director of the Coastal Commission for a final written determination. The coastal development permit application shall not be accepted for filing by the City until the determination of the Executive Director is received and only if he/she determines that the project is not within the Commission's Original Jurisdiction.

17.20.080 Public Notice Requirements:

A. Posting - Within ten (10) calendar days after an application for coastal development permit is accepted for filing, the applicant for such permit shall post, in a conspicuous place on the site and at the Morro Bay Branch of the public library, notice on a form provided by the Director indicating that such application has been submitted, and including the file number and a general description of the proposed project. Failure on the part of the applicant to post or maintain said notice throughout the permit process shall constitute grounds for suspension of the permit process by the City.

B. Notice by Mail -

1. At least seven (7) days prior to the first public hearing on a development proposal, the Director shall notify by first class mail, the following persons of the pending application for coastal development permit:

(a) each applicant and agent;

(b) all persons who have requested to be on the mailing list for the proposed development or for coastal permit decisions within the City of Morro Bay and who have provided a stamped, self-addressed envelope for such purpose; and

(c) the owners of property and/or residents within 300 feet of the proposed development.

2. Such notice shall contain the following information:

(a) a statement that the development is within the coastal zone;

(b) the date of filing of the application and the name of the applicant and/or agent.

(c) the file number;

(d) a description of the proposed development and its location;

(e) the date, time and place at which the application will be heard by the Planning Commission;

(f) a brief description of the general procedure concerning the conduct of hearing and local actions;

(g) the system for appeals of City action to the Coastal Commission.

C. Published Notice - At least ten (10) days prior to the first public hearing on a development proposal, notice of the pending coastal development permit application shall be published in a newspaper having general circulation within the City. Such notice shall contain information required in sections 17.20.080 B.2. (a) through (e) above.

17.20.090 Public Hearings/Planning Commission Action

Within 49 days after accepting a Coastal Development Permit application for filing, or after the submittal of all environmental documentation required pursuant to the California Environmental Quality Act, including any Initial Study or Environmental Impact Report, the Planning Commission shall hold a public hearing on the proposed development. The Planning Commission may approve, conditionally approve, or deny any application submitted pursuant to the provisions of this Chapter.

In order to approve any Coastal Development Permit, the findings of the Commission shall be that the approved or conditionally approved project is consistent with the applicable provisions of the certified Coastal Land Use Plan and does not conflict with implementing ordinances that are being prepared to carry out the policies of the certified Coastal Land Use Plan.

In the event that the City Council is the City body having sole approval authority over a proposed development license, permit or entitlement for which a coastal development permit is being concurrently processed, the City Council shall take the action otherwise required of the Planning Commission under this Chapter, including related notice and permit procedures.

17.20.100 Appeals.

A. Appeals of Planning Commission Action. Any person, including the applicant, may appeal, in writing, the decision of the Planning Commission on a coastal development permit application to the City Council within (10) days of the Commission's action. Such appeals shall be filed with the City Clerk on a prescribed form.

B. Council Action on Appeal. Upon receipt of an appeal filed pursuant to Section 17.20.100 (A) above, the City Clerk shall set the matter for public hearing before the City Council, such hearing shall be held within forty (40) days following such receipt, notice thereof to be given in accordance with Section 17.20.080 herein. Notice shall also be given to the Planning Commission which shall submit a report to the City Council setting forth the reasons for the action taken by the Commission. Such report shall be submitted in writing or by representation at the hearing. The City Council shall render its decision not more than forty (40) days after the close of the hearing.

C. Notice of Final City Action. Within five (5) working days of final City action on an application for any coastal development, notice of the City action shall be sent by first class mail to the Executive Director of Coastal Commission and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the City. Such notice shall include conditions of approval and written findings and the procedures for appeal of the City action to the Coastal Commission.

D. Appeals to the Coastal Commission

1. Any final action taken by the City on a coastal development permit application may be appealed to the Coastal Commission by any person, the Executive Director or any two (2) members of the Coastal Commission within twenty (20) working days of receipt of notice of final City action on the permit by the Executive Director and pursuant to Public Resources Code Section 30602. The twenty (20) working day appeal period shall be established from the date of receipt of notice of final City action that contains sufficient information on which to base an informed appeal including project description, conditions of approved, written findings and procedures for appeal. An action shall be deemed final when all rights of appeal have been exhausted. Except as provided in subsection (2) below, exhaustion of all local appeals must occur before an application may be appealed to the Coastal Commission.

2. An appellant may request that the application for a coastal development permit be heard directly by the Coastal Commission prior to exhaustion of local appeals only if any one of the following occurs:

a. Where the Executive Director has determined that an appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this chapter.

b. Where the project is appealed by two (2) members of the Coastal Commission or the Executive Director of the Coastal Commission.

c. Where the City Council refuses to hear the appeal.

17.20.110 Failure to Act: Notice of Failure to Act: Appeals

A. Failure to Act - Should the City fail to act on a coastal development permit application within the time limits specified by Government Code Section 65950-65957.1 or fail to hold a public hearing within the time limits prescribed by this Chapter, the applicant shall notify the Director and the Executive Director of the Coastal

Commission in writing of his or her claim that the development has been approved by operation of law. Said notice shall specify the application which is claimed to have been approved.

B. Notice - The City Council shall determine whether time limits referenced in subsection (A) above have expired. The Director shall, within seven (7) days of such a determination, notify, by first class mail, the applicant and any person receiving notice pursuant to 17.20.080 (B) and, by registered mail, the Executive Director of the Coastal Commission.

C. Appeals - Appeals of projects which are determined to have been approved by operation of law by the City Council or by court action may be pursued in the manner set forth in Section 17.20.100.

17.20.120 Effective Date of Coastal Permit.

A final decision on an application for a coastal development permit shall become effective after the twenty (20) working day appeal period to the Coastal Commission has expired unless either of the following occur:

- (a) An appeal is filed; or
- (b) The notice of final City action does not meet the requirements set forth in Section 17.20.100 (C).

17.20.130 Review of Recorded Documents

All coastal development permits subject to conditions that require the recordation of deed restrictions, easements, offers to dedicate or agreements imposing restrictions on real property shall be subject to the following procedures.

A. Transmittal of Legal Documents. Prior to issuance of a coastal permit by the City, the Director shall forward, by registered mail, a copy of the permit conditions and findings of approval and copies of the legal documents necessary to find the development consistent with the Coastal Land Use Plan to the Executive Director of the Coastal Commission. Such legal documents shall be subject to the review and approval by the Executive Director regarding the legal adequacy and consistency with the requirements of potential accepting agencies.

B. Review Period. The Executive Director of the Coastal Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the Director of recommended revisions, if any.

C. Permit Issuance. The City may issue the coastal development permit upon expiration of the fifteen (15)

working day period if notification of inadequacy has not been received by the Department of Community Development within that time period.

D. Deficiencies. If the Executive Director of the Coastal Commission has recommended revisions to the applicant, the coastal development permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director.

17.20.140 Amendments to Permits

Application for amendments to coastal development permits issued by the City shall be made to the Planning Commission.

A. Unacceptable Applications. An application for an amendment shall be rejected if, in the opinion of the Director, the proposed amendment would lessen or avoid the intended effect of a partially approved or conditioned permit, unless the applicant presents newly discovered material information, which he could not, with reasonable diligence have discovered and produced before the permit was granted.

B. Approval of Amendments. The Planning Commission or City Council on appeal shall, consistent with the provisions of this Chapter, determine whether the proposed development, with the proposed amendment, is consistent with the requirements of the certified Land Use Plan and whether the proposed amendment conflicts with contemplated ordinances that are being prepared to carry out the policies of the certified Land Use Plan. The decision shall be accompanied by written findings.

17.20.150 Expiration of Coastal Permits

A coastal development permit shall expire on the latest expiration date applicable to any other permit or approval required for the project, including any extension granted for other permits or approvals. Should the project require no City permits or approvals other than a coastal development permit, the coastal development permit shall expire one year from its date of approval if the project has not been commenced during that time.

17.20.160 Administrative Permits

A. Uses Requiring an Administrative Coastal Development Permit.

The Director may process as an administrative permit any coastal development permit application which conforms to the criteria set forth in Public Resources Code, Section 30624, and specifically for the following uses:

- (1) improvements to an existing structure;
- (2) any single-family dwelling;
- (3) development of four (4) dwelling units or less that does not require demolition;
- (4) any other developments not in excess of one hundred thousand dollars (\$100,000) other than any subdivision of land; and
- (5) any development specifically authorized as the principal permitted use in accordance with the certified Land Use Plan.

B. Notice of Administrative Permits.

Within five (5) days of the filing of the application, notice of the submission of a coastal development permit application shall be posted at the site of the proposed development in a conspicuous place and at the Morro Bay Branch of the public library by the applicant using a form provided by the Director. Failure on the part of the applicant to post and maintain said notice throughout the permit process shall constitute grounds for suspension of the permit process by the City.

Notice shall also be sent by first class mail to the Executive Director of the Coastal Commission and to all persons who have requested to be on the mailing list for that development project.

C. Contents of Notice. The notice form required pursuant to subsection (B) above, shall include the following information:

- (1) a statement that the development is within the coastal zone;
- (2) the date of filing of the application and the name of the applicant;
- (3) the case number assigned to the application;
- (4) a description of the proposed development and its location;
- (5) a brief description of the general procedure concerning permit approvals and appeals.

D. Action by the Director. The Director may deny, approve, or conditionally approve applications for administrative coastal development permits on the same grounds as contained in Section 17.20.090.

Permits issued for such developments shall be governed by the standards used in approving coastal development permits pursuant to Public Resources Code, Section 30600.5 and this Chapter.

E. Approval After Comment Period. The Director may not approve or conditionally approve administrative coastal development permits sooner than ten (10) days after notice of the filing of the permit application has been sent pursuant to this section, in order to allow reasonable time to accept and consider comments on the application.

F. Time Limit for Action. The Director shall act on administrative coastal development permits within thirty (30) days of acceptance of the application for filing, except for developments for which other City licenses, permits or entitlements are required by the Morro Bay Municipal Code. In cases where other licenses, permits or entitlements are required, the Director shall act on the administrative coastal development permit within thirty (30) days of the granting of all such other licenses, permits or entitlements.

G. Effective Date of Administrative Permit.

1) An administrative permit shall not be effective until the Planning Commission has had an opportunity to review the matter at its first scheduled meeting after the permit has been issued by the Director.

2) Any administrative permit issued by the Director shall be placed on the agenda of the Planning Commission at the Commission's first scheduled meeting after the permit is issued. The Director shall prepare a report in writing to the Planning Commission on the permits. Such reports shall be available to the public.

3) If two Planning Commissioners so request, the issuance of the administrative permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a non-administrative coastal development permit application governed by Public Resources Code Section 30600.5 and this Chapter.

H. Appeal of the Director's Action. Any person, including the applicant, may appeal the decision of the Director to the Planning Commission within ten (10) days of the Director's decision. Further appeals to the City Council and to the Coastal Commission may also be pursued in accordance with Sections 17.20.100 through 17.20.120 inclusive.

I. Amendments to Administrative Permits.

(1) Amendments to administrative permits may be approved by the Director upon the same criteria and subject to the same reporting requirements and procedures, including public notice and appeals, as provided for issuance of administrative permits in sections 17.20.160 (A) through (F) inclusive.

(2) If any amendment would, in the opinion of the Director, change the nature of the project so it no longer meets the criteria established for treating the application as an administrative permit pursuant to Section 17.20.160 (A), then the application shall thereafter be treated in the manner prescribed by this Chapter dealing with amendments to permits other than administrative permits.

17.20.170 Emergency Permits.

A. Applications

(1) Applications in case of emergency shall be made by letter to the Director, or in person or by telephone, if time does not allow.

(2) The following information should be included in the request:

a. Nature of the emergency;

b. Cause of the emergency, insofar as this can be established;

c. Location of the emergency;

d. The remedial, protective, or preventive work required to deal with the emergency; and

e. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.

B. Verification of Emergency - The Director shall verify the facts including the existence and the nature of the emergency, insofar as time allows.

C. Criteria for Granting Permit

(1) The Director shall provide public notice of the emergency work, with the extent and type of notice determined on the basis of the nature of emergency.

(2) The Director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Director finds that:

a. An emergency exists that requires action more quickly than permitted by the procedures for administrative permits and the work can and will be completed within thirty (30) days unless otherwise specified by the terms of the permit.

b. Public comment on the proposed emergency action has been reviewed, if time allows; and

c. The work proposed would be consistent with the requirements of the certified Land Use Plan.

D. Report to City Council and to the Coastal Commission

(1) The Director shall report, in writing, to the Coastal Commission and to the City Council, at its first scheduled meeting after the emergency permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing.

(2) The report of the Director shall be informational only; the decision to issue an emergency permit is solely at the discretion of the Director, subject to the provisions of this Chapter.

E. Exception. When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this Chapter may be waived upon notification of the Executive Director of the Coastal Commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).

17.20.180 Amendments to Text

Amendments to the text of this Chapter by the City shall be made in the manner set forth in the Morro Bay Municipal Code and the California Government Code, as applicable. Following City action on the amendment, the matter shall be forwarded by registered mail to the Executive Director of the Coastal Commission for final action. Such action shall be transmitted to the Director

within (15) working days following receipt of the request by the Executive Director of the Coastal Commission.

17.20.190 Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

Chapter 17.24

DISTRICTS ESTABLISHED

Sections:

- 17.24.010 Generally.
- 17.24.020 Suburban residential (R-A) district.
- 17.24.030 Single family residential (R-1) district--
Duplex residential (R-2) district--Multiple
family residential (R-3) district-- Multiple
residential-professional (R-4) district.
- 17.24.040 Neighborhood commercial (C-1-N) district.
- 17.24.050 Central business (C-1) district.
- 17.24.060 General commercial (C-2) district.
- 17.24.070 Highway commercial (C-H) district.
- 17.24.080 Light manufacturing (M-1) district--Heavy
manufacturing (M-2) district.
- 17.24.090 Planned unit development (P-D) district.
- 17.24.100 Open area (O-A) district.
- 17.24.110 Combining parking (-P) district.
- 17.24.120 Combining lot size (S) district.

17.24.010 Generally. There are hereby established the several districts into which the city is divided and which are designated as follows in this chapter. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.020 Suburban residential (R-A) district. The purpose of the suburban residential district or "R-A" district is as follows:

This district is intended to permit farming prior to development for residential uses; to provide an area for people to have parcels of land larger than residential lots, where livestock, poultry and small animals may be raised in limited number for home use, or for pleasure, until urban development

requires reclassification. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.030 Single family residential (R-1) district-- Duplex residential (R-2) district--Multiple family residential (R-3) district--Multiple residential-professional (R-4) district. The purpose of the single family residential district or "R-1" district, the duplex residential district or "R-2" district, the multiple family residential district or "R-3" district and the multiple residential-professional district or "R-4" district is as follows:

To stabilize and maintain the residential character of the various districts and to ensure the maintenance of the maximum amenities for family living commensurate with the densities of population specified. To ensure that these districts will be free of traffic and other uses causing congestion, noise, confusion and interference in the pattern of family living. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.040 Neighborhood commercial (C-1-N) district. The purpose of the neighborhood commercial district or "C-1-N" district is as follows:

To provide centers for convenient shopping in the residential neighborhoods planned and controlled to the extent that any such center will perform a vital service to the neighborhood in which it is located and become an integral part thereof. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.050 Central business (C-1) district. The purpose of the central business district is as follows:

To designate and promote the orderly development of the business district as a central retail shopping facility for the primary market area. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.060 General commercial (C-2) district. The purpose of the general commercial district or "C-2" district is as follows:

To provide a district for the heavier types of commercial and semi-industrial uses which do not specialize in pedestrian traffic and are more appropriately located away from the central business district. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.070 Highway commercial (C-H) district. The purpose of the highway commercial district or "C-H" district is as follows:

To provide a district offering service for tourists and freeway traffic, not including any type of retail sales and only those uses which offer services to the traveling public and provide for the aesthetic development and landscaping improvement that will enhance the beauty of the entrances into the city. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.080 Light manufacturing (M-1) district--Heavy manufacturing (M-2) district. The purpose of the light manufacturing district or "M-1" district and the heavy manufacturing district or "M-2" district is as follows:

To provide a district exclusively for sound industrial development wherein manufacturing and other industries can locate and operate away from the restricting influences of nonindustrial uses, while maintaining an environment free from offensive or objectionable noise, dust, odor or other nuisances, all well designed and properly landscaped. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.090 Planned unit development (P-D) district. Purpose: Where a special design proposal for a large scale development makes it desirable to apply regulations more flexible than those contained elsewhere in this title, a planned unit development, or P-D district may be established. The purpose of such district is to grant diversification of the location of structures or other site elements while insuring adequate standards relating to public health, safety, welfare, comfort and convenience. P-D districts may be established in any area suitable for, and of sufficient size, to contain a planned development, but in no case less than three acres. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.100 Open area (O-A) district. The purpose of the open area district or "O-A" district is as follows:

To provide for the maintenance of areas in a permanent natural state and the preservation of scenic values and the utilization of natural features and resources of the area and bay for the benefit of the public.

To provide for the control of public and private development to ensure the related recreational, commercial and industrial uses are compatible with and enhance the development of the particular area or resource. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.110 Combining parking (-P) district. The purpose of the combining parking district or "-P" district is as follows:

To provide for attractive supporting parking facilities oriented to but not necessarily with adjacent commercial districts. (Ord. 65 §2(part), 1967: prior code §5103.1(part)).

17.24.120 Combining lot size (S) district. The purpose of the combining lot size district or "S" district is as follows:

To provide for the variation of building sites below the norm due to historic subdivision practices in the city; to provide for the creation of larger sites as dictated by the topography and physical features or specified by ordinances; and to encourage special site treatment in particular areas of the city. (Ord. 100 §2, 1972: Ord. 65 §2(part), 1967: prior code §5103.1(part)).

Chapter 17.28

ZONING MAP--BOUNDARIES

Sections:

- 17.28.010 Zoning map.
- 17.28.020 Boundary determination when map insufficient.
- 17.28.030 Boundary changes.
- 17.28.040 Lands not designated deemed R-A districts.

17.28.010 Zoning map. The boundaries of the districts designated and established in this title are as shown on that certain map entitled "ZONING MAP OF THE CITY OF MORRO BAY," incorporated herein and made a part of this title by reference as though herein fully set forth and which map is on file in the office of the city clerk and to which reference is hereby made for full particulars as to the location of the areas shown within the districts. The districts shown are declared to be subject to the regulations pertaining to such designated districts set forth in this title.

No person shall use any land, building, or structure, nor shall any building or structure be erected, constructed, enlarged, altered, moved or used in any district shown on said zoning map, except in accordance with the regulations established by this title. (Ord. 65 §2(part), 1967: prior code §5103.2).

17.28.020 Boundary determination when map insufficient. Where the exact boundaries of a district cannot be readily or exactly ascertained by reference to the zoning map of the city the boundary shall be deemed to be along the nearest street

or lot line, as the case may be. If a district boundary line divides or splits a lot, the lot shall be deemed to be included within the district which is the more restrictive. The provisions of this section do not apply to acreage. (Ord. 65 §2(part), 1967: prior code §5103.3).

17.28.030 Boundary changes. Changes in the boundaries of districts shall be made by ordinance in the manner provided in Chapter 17.64, said ordinance describing the area to be changed either by lot and block number, or by metes and bounds. After adoption of any ordinance changing any boundaries of any district, the planning department shall revise the aforementioned map to show the changes made in district boundaries and show the number and date of the adoption of the ordinance making such change. (Ord. 65 §2(part), 1967: prior code §5103.4).

17.28.040 Lands not designated deeded R-A districts. All lands now or hereafter included within the city boundaries, which are not designated on the aforementioned zoning map as being included in any district, are and shall be designated as R-A or single family residential districts. (Ord. 77 §2. 1969: Ord. 65 §2(part), 1967: prior code §5103.5).

Chapter 17.32

RESIDENTIAL, COMMERCIAL, MANUFACTURING AND OPEN AREA DISTRICTS

Sections:

17.32.010 Compliance required.

17.32.010 Compliance required. Except as provided in this title, no structure shall be erected, reconstructed, enlarged, altered or moved; nor shall any building or land be used except as specifically provided in this title and allowed in the districts in which such structure and land are located. (Ord. 65 §2(part), 1967: prior code §5104.1).

Chapter 17.36

P-D ZONESSections:

- 17.36.010 Application of regulations.
- 17.36.020 Uses permitted.
- 17.36.030 Initiation of zoning district.
- 17.36.040 General plan.
- 17.36.050 Specific plans.
- 17.36.060 Effect.
- 17.36.070 Subdivision.
- 17.36.080 Reversion.

17.36.010 Application of regulations. The regulations in this chapter shall apply in the P-D, planned development zone, unless otherwise provided in this title. (Ord. 65 §2 (part), 1967: prior code §5104.3).

17.36.020 Uses permitted. In the P-D zone the following uses may be permitted subject to obtaining a use permit:

A. Any use which generally conforms to the land use element of the general plan of the city;

B. Any use previously established in a P-D zone by use permit under this title may be replaced by a similar use without obtaining a use permit; if the planning department cannot readily determine that a proposed use is similar in nature, the matter shall be referred to the planning commission for a determination; such determination of similar use shall be by resolution; if the planning commission finds that the proposed use is not similar in nature, a use permit shall be required;

C. 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 is clearly incidental thereto. For purposes of illustration only, 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 establishments serving the general public, and any existing such uses shall hereafter be considered nonconforming and shall not be expanded or enlarged. (Ord. 207, 1981; Ord. 65 §2(part), 1967: prior code §5104.3.1).

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17.36.030 Initiation of zoning district. Initiation of a change of zoning district to planned unit development, or P-D district, shall be made in accordance with the provisions of Chapter 17.60. A general plan and specific plan shall be required of the developer and approved as required herein, before any development shall take place in any area designated as a P-D district. The designation following P-D shall indicate the primary use approved for the property as set forth in Section 17.36.050. (Ord. 65 §2(part), 1967: prior code §5104.3.2).

17.36.040 General plan. The general plan shall be intended as a broad plan designed to indicate the concept of the development without details. Said general plan shall, by means of charts, maps and text material, include the following:

- A. The site proposed for planned unit development, including boundary designations and perimeter of the site;
- B. The location and dimensions of any existing property lines within the site;
- C. The name of the owner or owners and developers of the site;
- D. The width, location and names of surrounding and adjoining streets and proposed street alignments within the site, and connections to existing streets;
- E. The use of adjoining properties; any buildings within fifteen feet of the property line shall be precisely located;
- F. The existing and proposed changes in topography of the site including the location of drainage channels or water-courses and the direction of drainage flow;
- G. The locations and capacities of existing utilities in the vicinity of the site, and tentative extensions to the site;
- H. The location of any structures and existing trees in excess of three inches in diameter upon the site designated for retention or removal, and tentative locations for future structures including the height of structures noted on the map; approximate time table and priorities of any phased development;
- I. The approximate areas proposed for various categories of land use, setting out in general terms the uses proposed and a tabular summary of estimates of population and projected use densities and building intensities including the number of bedrooms, parking layout, etc.;
- J. Sketches showing architectural concepts of the proposed building, including the exterior materials or proposed buildings, other structures, fencing and signing;
- K. Preliminary designations of areas for proposed open space, recreation, parking and other public buildings and uses, accompanied by a narrative description of the proposed on-site improvements; a general description of on-site improvements in plan form; overall proposed open space, landscape materials and their initial planting size, recreation area, parking, service and other public area used in common on the property; a description of intended improvements to the open area of the property;
- L. Any area designated P-D zone that has received approval for particular uses in the past or future shall have an additional designation which indicates the primary use approved for the property; for example, if land in a P-D zone is approved for commercial as the primary use, the zone designation shall be P-D-(C). If for residential use, P-D-(R). If for industrial use, P-D-(M). Any change in primary use will be subject to approval of the planning commission and council.

The planning commission and city council may require such other information as deemed necessary, which may include but not be limited to, economic analyses, thoroughfare plans, public services and facilities plans and utilities services plans. (Ord. 107 §1, 1972; Ord. 65 §2(part), 1967: prior code §5104.3.3).

17.36.050 Specific plans. Upon approval of the general plan by the city council, after receipt of recommendations thereon from the planning commission, specific plans in conformity with the general plan may be presented for approval. Specific plans shall be presented, considered and approved in the same manner prescribed in Chapter 17.60, for use permits, except as in this chapter and Chapters 17.32 and 17.40 otherwise provided. Said plans may be presented for all or any reasonable part of the P-D area, and shall include any or all the following items where applicable:

A. The total development plan showing the dimensions and locations of proposed structures, buildings, streets, parking, yards, playgrounds, school sites, open spaces and other public or private facilities, along with the proposed uses. Said development plan shall be in general conformity with, or in excess of, the minimum requirements set forth in other sections of this title with respect to land uses corresponding to the land uses proposed. Such plans shall include a detailed statement of all uses proposed to be established, indicate the areas to be occupied by each use and the resultant population densities and building intensities. A landscaping plan showing plant materials, size of plants at the time of planting, method of maintenance; a site development plan showing the location of all buildings, uses of the property, improvements intended, elevations of all buildings, structures, fences, signs, exterior lighting; a grading plan shall be submitted to and approved by the planning commission.

All conditions imposed by the planning commission with the approval of the general plan shall be incorporated in the final plans. Tabulation to be made a part of the specific plan.

B. Detailed engineering site plans including proposed finished grades and drainage facilities proposed.

C. Create other improvements or permit the use of techniques which will produce a more desirable and livable community than can be obtained by strict compliance with said minimum requirements. (Ord. 107 §2, 1972; Ord. 65 §2(part), 1967: prior code §5104.3.4).

17.36.060 Effect. No construction or grading shall be done until both of the plans have been adopted as outlined in this chapter; provided, however, that minor grading which is necessary for the enjoyment or safety of the existing use of any land in a P-D district shall be allowed subject only to city ordinances pertaining to grading. (Ord. 65 §2(part), 1967: prior code §5104.3.5).

17.36.070 Subdivision. Where from the nature of the size, location, shape or topography of the parcel of land or where from the nature of the improvements or development shown

on the general or specific plan or any combination of these factors, it appears to the planning commission or the city council that a future division of ownership or subdivision of said parcel would be required for orderly development, the planning commission or the city council may require the filing of tentative and/or final subdivision maps, as provided in Title 16, subdivisions, and the performing of any other acts required in such regulation. Where any requirement of Title 16, subdivisions, requires any specific act of the landowner or subdivider, the approval of any general or specific plan shall not become effective until compliance has been made with Title 16. (Ord. 65 §2(part), 1967: prior code §5104.3.6).

17.36.080 Reversion. Any use permit granted in accordance with the terms of the planned unit development districts (P-D zone) without further action would render plans on file null and void if not used within one year from date of approval thereof, or within any longer period of time if so designated by the planning commission. In the event the applicant intends, and the planning commission approves, phased development starting with any portion of the plans approved, said plans would remain in effect so long as not more than one year period of time lapses between the end of one phase and the beginning of the next phase.

Any land hereinafter classified "P-D" after the adoption of the ordinance codified herein, which classification was based upon a planned unit development submitted at the time of rezoning, said plan shall be placed on file in the planning department and remain in effect for a period of two years within which time the construction of the development shall commence. If, after two years from the date of the zone change, the development has not yet started, the P-D district shall revert to its former classification. (Ord. 77 §9, 1969: Ord. 65 §2(part), 1967: prior code §5104.3.7).

Chapter 17.40

SPECIAL TREATMENT COMBINING DISTRICTS

Sections:

- 17.40.010 Application of regulations.
- 17.40.020 Scope.
- 17.40.030 Standards.
- 17.40.040 Procedure.
- 17.40.050 Appeal to city council.

17.40.010 Application of regulations. In any primary district which is combined with "S" special treatment combining district, this chapter shall apply in addition to those uses and regulations specified for such district; provided however, in the event of a conflict with the regulations applicable, the provisions of this chapter shall govern. (Ord. 65 §2(part), 1967: prior code §5104.4(part)).

17.40.020 Scope. The regulations in the combining lot size or "-S" district are designed to provide maximum utilization and special treatment of land where the land or regulations pertaining to property are proposed to be used or established for a specific use in any of the following situations, among others:

- A. The reservation of major parcels for specific uses in a newly created subdivision;
- B. The rezoning of land as a result of a specific proposal related to the preservation of neighborhood character or the maximum reasonable utilization of property;
- C. The preservation of uniform architectural, structural, or physical characteristics. (Ord. 65 §2(part), 1967: prior code §5104.4.1).

17.40.030 Standards. In order that buildings, structures, signs, yard areas and landscaping will be developed in an orderly and uniform manner and will be in harmony with other structures and improvements in the area and not of obnoxious, undesirable or unsightly appearance, the following subclassifications of the S district shall apply within the district:

- A. Special Building Site and Yard Width Requirements:

-S.1 District.

Minimum building site required, twenty-four hundred square feet.

Minimum lot width required at property line, forty feet.

Minimum front yard required, ten feet.

Minimum side yard required, three feet.

Minimum rear yard required, five feet.

Minimum off-street parking required, one garage or carport per unit.

Maximum lot coverage permitted, fifty percent.

-S.2 District.

Minimum building site required, four thousand square feet.

Minimum lot width required at property line, forty feet.

Minimum front yard required, fifteen feet.

Minimum side yard required; ten percent of the width of the lot, to a maximum of five feet.

Minimum rear yard, five feet.

Maximum lot coverage permitted, fifty percent.
 Less than three thousand five hundred square feet lot area,
 one car garage permitted.

-S.3 District.

Minimum building site required, ten thousand square feet.
 Minimum lot width required at property line, eighty feet.
 Minimum front yard required, twenty-five feet.
 Minimum side yard required, as specified in the district with
 which the "-S.3" district is combined.

-S.4 District.

Minimum building site required, twenty thousand square feet.
 Minimum lot width required at property line, one hundred feet.
 Minimum front yard required, twenty-five feet.
 Minimum side yard required, as specified in the district with
 which the -S.4 district is combined.

-S.5 District.

Minimum building site required, one acre.
 Minimum lot width required at property line, one hundred fifty
 feet.
 Minimum front yard required, thirty feet.
 Minimum side yard required, as specified in the district with
 which the -S.5 district is combined.

B. Uses Added or Deleted from the Primary District:

-S.6 District.

Any uses permitted or permitted subject to first securing a
 use permit may be added to or deleted from the district when
 specified in the adopting resolution.

C. Alternate Height, Bulk, and Area of Building Require-
 ments:

-S.7 District.

Plans and data illustrating the height, bulk and area of all
 existing and proposed buildings shall be submitted to the
 planning commission for review and approval, on forms
 authorized by the commission.

D. Architectural, Landscaping, Lighting and Other Special
 Requirements:

-S.8 District.

Complete architectural, landscaping, lighting, and signing
 program shall be submitted to the planning commission for
 approval, on forms authorized by the commission.

E. Combination of Special Treatment Requirements:

-S.9 District.

A combination of any of the above listed special treatment requirements may be established in the adopting resolution.

F. Mobilehome and Conventional Home Placement and Related Standards.

- "M" Suffix District.

Where designated as a suffix to the principal single-family zone use and standards, or where assigned to a special treatment combining district, the placement of mobilehomes and conventional homes on permanent foundations (pursuant to Section 65852.3 of the State Government Code) shall be permitted as the main dwelling structure in addition to conventional site-built and factory built housing, under the following conditions and standards:

1. The mobilehome shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq).

2. All other city zoning requirements shall be complied with.

3. City installation/construction requirements as administered by the community development department--building division, shall be complied with.

4. The building official shall certify that all main dwelling structures meet the following architectural standards:

- a. Eave overhangs of at least eighteen inches;
- b. Minimum three-inch roof pitch;
- c. Exterior wall materials of wood, stone, masonry, stucco, or other similar material (excluding metal or plastic products);
- d. Roof materials of wood, asphalt, rock, clay, concrete or other similar material (excluding metal where used for the main dwelling; exclusion does not apply to patio covers or similar roof surfaces). (Ord. 208 §1, 1981; Ord. 195 §1, 1981; Ord. 100 §11, 1972; Ord. 65 §2(part), 1967; prior code §5104.4.2).

17.40.040 Procedure. Depending on the primary zone in effect, plans, drawings, illustrations and other material necessary to support the proposal for improvement and identify the development in relation to the requirements shall be submitted to the planning and community development director, who shall review these plans and forward his recommendation to the planning commission for action. The planning commission shall thereafter approve, conditionally approve or disapprove said plans. Approval of the planning commission shall

thereafter constitute authority for the issuance of a permit. (Ord. 195 §2, 1981: Ord. 65 §2(part), 1967: prior code §5104.4.3).

17.40.050 Appeal to city council. In case the applicant is not satisfied with the action of the planning commission he may, within thirty days after such action, appeal in writing to the city council. The council shall hold a hearing on the appeal and shall render its decision thereon. No building permit shall be issued unless plans filed as required have first been approved by the designated authority. (Ord. 65 §2 (part), 1967: prior code §5104.4.4).

Chapter 17.44

PARKING, DRIVEWAY AND LOADING FACILITIES*

Sections:

- 17.44.010 Purpose and intent.
- 17.44.020 Parking facilities.
- 17.44.030 Driveways and drive approaches.
- 17.44.040 Loading facilities.
- 17.44.050 Exceptions.

* Prior history: prior code §§5105.1--5105.8; Ords. 65, 77, 100 and 136.

17.44.010 Purpose and intent. The purpose and intent of these parking, driveway and loading regulations are as follows:

- A. To minimize street congestion and traffic hazards;
 - B. To provide safe and convenient access to land uses.
- (Ord. 178 (part), 1980).

17.44.020 Parking facilities. A. Off-street Parking--
General Requirements.

1. Facilities Required. For every structure erected or enlarged, and for all land devoted to a new use, and for any structure or land changed to a more intensive use that would require the provision of more parking spaces over what already exists, there shall be provided off-street parking spaces in accordance with the requirements and standards of this chapter. A change, expansion, or intensification of land use which would increase the number of parking spaces required as provided in this title shall be based only upon the number of spaces required for the change or expansion.

2. Requirements for Uses Not Listed. The director shall determine the parking requirement based on the parking required for the most similar use of equivalent intensity.

3. Mixed Uses Sites. Where more than one use is located on a site or within a master-planned development with common parking areas, the parking requirement shall be determined by adding the requirements for the individual uses.

4. Mixed Function Buildings. Where a building occupied by a single use contains several functions, the parking requirement is to be determined as that required for the principal use based on the total area of all internal functions.

5. Joint Use Parking Facilities. The director may authorize the joint use of parking spaces where there is no conflict in the operating hours of the concerned uses or where the total number of spaces is not less than the sum of the individual parking requirements of the joint users, provided that the concerned parties submit an adequate executed agreement governing the joint parking.

6. Off-site Parking Facilities. Off-street parking requirements may be met partially or wholly upon a site other than the site on which the use the structure to be served by the parking is located, provided that said site is within six hundred feet of the use to be served and that an adequate indenture is recorded designating the off-street parking facility and the use or structure to be served, providing legal description of the sites, and certifying that the parking facility shall not be used for any other purpose.

Upon submission of satisfactory evidence that other off-street parking facilities that meet the requirements of this chapter have been provided, or that the use requiring off-site parking has ceased, been removed, or altered so as to

no longer require the off-site parking facility, the planning commission shall remove the restriction.

7. Bicycle Facilities. Each use for which ten or more parking spaces are required shall provide facilities where bicycles may be locked, at the rate of one bicycle space for each five vehicle parking spaces. The location of such facilities shall be convenient to cyclists and shall be in an open location away from traffic flow near the front of the parking lot.

B. Off-street Parking--Requirements by Use. When determining the parking requirements for land uses, the following standards shall be used:

1. Residential Uses.

a. Boardinghouses, Fraternities, Sororities. One space for each one and one-half occupants or one and one-half spaces for each bedroom, whichever is greater,

b. Mobile Homes. One space for each unit, to be located with the unit, plus one-half spaces for each unit, which may be located in common or guest parking areas,

*see next page ** c. Single-family Dwellings. The spaces for each dwelling, at least one of which shall be covered and enclosed,

d. Multifamily Apartments. For studio apartments, one space per unit; for units with one or more bedrooms, one and one-half spaces for the first bedroom plus one-half space for each additional bedroom, plus one space for each five units in developments of five or more units for guest parking. All spaces except for those reserved for guest parking shall be covered, and one space per unit shall be covered and enclosed,

e. Community Housing Projects. For studio units, one space per unit. For units with one or more bedrooms, one and one-half spaces for the first bedroom plus one-half space for each additional bedroom, plus one space for each five units in development with more than five units for guest parking. All spaces except those reserved for guest parking shall be covered and enclosed;

f. Elderly Housing. Housing designed for the elderly, wherein individual units are specifically designed to be inhabited by residents at least one of whom must be aged sixty-two or older, may provide less parking than required above, but in no case fewer than one-half spaces for each dwelling unit,

g. Motels, Hotels. One space for each room or group of rooms intended to be occupied as a suite, plus one space for each ten rooms, plus two spaces for each resident manager's quarters;

2. Public/Institutional Uses.

a. Elementary and Junior High Schools. Two spaces for each classroom plus one space for each three hundred square feet of office, assembly, or common facility gross floor area,

EXHIBIT "A"

Amend Municipal Code Section 17.44.020 B.1. (c), to read as follows:

- C. Single-family Dwellings. Two covered spaces for each dwelling, at least one of which shall be covered and enclosed. Except that existing dwellings, where two spaces have not been previously required by this title, may be altered or expanded with only one covered and enclosed space. Alterations or expansions of an individual dwelling shall not cumulatively exceed twenty-five percent of the original floor area, nor more than twenty-five percent of the reasonable value of the structure at the time of initial alterations, without the provision of two parking spaces as required above.

b. Secondary Schools. Four spaces for each classroom plus one space for each three hundred square feet of office, assembly, or common facility gross floor area,

c. Adult, Business and Trade Schools. One space for each fifty square feet of classroom floor area,

d. Nursery Schools or Day Care Facilities. One space for each two hundred square feet gross floor area,

e. Hospitals. One space for each bed,

f. Rest Homes, Convalescent Hospitals. One space for each three beds,

g. Animal Hospitals, Veterinary Clinics, Small Animal Boarding. One space for each three hundred square feet of gross floor area plus one space for each one thousand five hundred square feet of kennel area,

h. Mortuaries, Funeral Homes. One space for each four permanently located seats or one space for each forty square feet of floor area in the assembly room(s), whichever is greater,

i. Churches, Lodges, Clubs. One space for each four permanently located seats or one space for each forty square feet of floor area in the assembly room(s), whichever is greater. For classroom requirements, see "Schools";

j. Libraries. One space per five hundred square feet of gross floor area,

k. Conference Facilities. One space for each fifty square feet in the assembly room(s);

3. Commercial Recreation Uses.

a. Assembly Halls, Auditoriums, Theaters, Stadiums. One space for each four permanently located seats or one space for each forty square feet of unfixed seating space. For booth or bench seating, each two feet of length or fraction thereof shall count as one seat,

b. Bowling Alleys. Two spaces for each lane plus one space for each two hundred square feet of floor area devoted to spectator or other customer use,

c. Billiards. One space for each one hundred square feet of gross floor area,

d. Golf Courses. Five spaces per hole plus that required for clubhouse uses,

e. Golf Driving Ranges. Two spaces per tee,

f. Games, Amusements, Outdoor Game Areas. One space for each one hundred square feet of gross floor area,

g. Gymnasiums. One space for each two hundred square feet of exercise space, plus one space for each one hundred square feet of floor area devoted to spectator or other customer use,

h. Handball, Racquetball, Tennis. Two spaces per court, plus one space for each three hundred square feet of shower, locker, or changing area,

i. Skating Rinks, Dancehalls. One space for each

three hundred square feet of skating surface or dance floor plus one space for each one hundred square feet of floor area devoted to spectator or other customer use,

j. Skateboard Parks. One space per five hundred square feet of use area,

k. Swimming Pool. One space per one hundred square feet of pool area, plus one space per three hundred square feet of deck area,

l. Marinas. One space for each thirty-five lineal feet of boat tie down area or two spaces for each thirty-five lineal feet of boat tie down area to be used by liveboard boats,

m. Studios--Art, Music, Dance, Photography. One space for each two hundred square feet of gross floor area;

4. Retail Commercial Uses.

a. General (such as Food, Clothing, Books, Hardware, Automotive Accessories). One space for each two hundred square feet of gross floor area,

b. Restaurants, Cafes, Bars. One space for each four permanently located seats or one space for each sixty square feet of floor area to be occupied by customers, whichever is greater, plus one space for each thirty square feet of dance floor. For booth or bench seating, each two feet of length or fraction thereof shall count as one seat,

c. Furniture and Appliances. One space for each five hundred square feet of gross floor area,

d. Outdoor Sales such as Lumberyard, Plant Nurseries, Sales of Building Materials, Mobile Homes, Farm Implements and Automobiles. One space for each two thousand square feet of outdoor or warehouse storage area plus one space for each three hundred square feet of indoor sales or accessory office area, plus one space for each five hundred square feet of enclosed processing or milling area;

5. Service Commercial Uses.

a. Service Commercial such as Auto Repair, Welding, Tire Recapping, Industrial Laundries, Wholesale or Contractors' Supply Outlets. One space for each five hundred square feet gross floor area plus one space for each three hundred square feet gross floor area of accessory offices,

b. Service Stations. One space for each office or attendant booth plus two spaces for each service bay, plus one for each two fuel pumps,

c. Personal Services such as Barbershops and Beauty Shops, Small Appliance Repair, Clothing Alteration and Shoe Repair. One space for each two hundred square feet of gross floor area but not less than two spaces for each separate tenancy in a development or shopping center,

d. Rental of Appliances, Furnishing, Tools, or Equipment. One space for each three hundred square feet of indoor office, display or storage area plus one space for each five hundred square feet of outdoor storage/display,

- e. Lauhdromats--Self-service Laundries or Dry Cleaners. One space for each two machines,
 - f. Car Washes. One space plus tandem reservoir spaces equal to five times washing capacity,
 - g. Printing, Publishing, Duplicating, Blueprinting. One space for each five hundred square feet of gross floor area;
6. Office Uses.

a. General Business and Professional Services. One space for each three hundred square feet of gross floor area but not fewer than two for each tenancy in an office complex,

b. Banks, Savings and Loans. One space for each three hundred square feet of gross floor area,

c. Title Insurance Companies. One space for each three hundred square feet of gross floor area but not fewer than two spaces for each tenancy in an office complex,

d. Medical and Dental. One space for each three hundred square feet of gross floor area, but not fewer than two spaces for each tenancy in an office complex or clinic;

7. Industrial Uses.

a. Manufacturing, Industrial Uses. One space for each five hundred square feet of gross floor area,

b. Contractor's Storage Yard. One space for each one thousand five hundred square feet of yard area, plus one space for each five hundred square feet of building area,

c. Truck Stops. One space per six hundred square feet of land area used,

d. Warehousing Not Associated with Another Use. One space for each one thousand square feet gross floor area plus one space for each three hundred square feet of accessory office area,

e. Wrecking Yards, Junkyards. One space per one thousand square feet of use area.

C. Parking Facility Standards.

1. Permits.

a. For any new parking lot or lot which is proposed to be extended in an area or capacity which is not proposed as part of a larger development, a permit shall be obtained from the community development department. To obtain such a permit the applicant shall submit plans for improvements which conform to all city standards. When parking lot construction is proposed as part of other development on the property, permits for the development shall cover the construction of the parking lot.

b. Plans for parking facilities shall show the design, arrangement, and landscaping of a parking lot as well as trash enclosures, light standards and other parking lot furniture. Permits shall be approved by the director except when approval of such facilities must be made by any pertinent boards or commissions as required in this title.

2. Location and Number of Spaces.

a. Required parking spaces shall be on the same

lot as the use served. However, off site parking may be allowed under subdivision 6 of subsection A of this section.

b. No portion of any parking space or aisle, except entrance and exit driveways, shall be permitted in a required street yard area.

3. Design and Layout.

a. Size and arrangement of spaces shall be as shown in Figure 44A or as otherwise stated in the subsections below.

b. Vehicles must be able to enter all parking spaces with one continuous movement and exit with no more than two movements. This provision does not apply to parallel parking spaces. A vehicle in one space shall not block another space.

c. Parking spaces facing a wall containing entrances and abutting a walkway to those entrances must be at least four feet clear of such wall.

d. Parking space shall slope no more than six percent in any direction and no less than one-half percent in the direction of drainage. A maximum of ten percent slope in aisle and turnaround areas may be allowed by the city engineer.

e. In residential parking lots, the minimum parking space dimensions shall be eight and one-half feet by eighteen feet. In commercial parking lots, the minimum parking space dimensions shall be eight and one-half feet by twenty feet. Standard size parallel spaces shall be eight and one-half feet by twenty-two feet.

f. In residential and commercial parking lots with four or more spaces, twenty-five percent of the parking spaces may be compact-size spaces. For perpendicular or angled compact spaces, the minimum dimensions shall be eight and one-half feet by sixteen feet. The backup space and turn radius requirements shall be the same as for standard size spaces. For parallel compact spaces the minimum dimensions shall be eight and one-half feet by twenty feet. Compact size spaces shall be signed as such by either marking on the pavement or on the wheel stop.

g. For handicap parking spaces, the minimum dimensions shall be twelve feet by twenty feet, and such spaces shall be so located so that the driver may exit the vehicle directly onto a curb ramp.

h. Parking spaces which back directly onto a public street shall be setback a minimum of twenty feet from the back of the sidewalk, regardless of the zoning of the property, and shall not encroach into the street yard setback.

i. Parking lots with five or more spaces shall be designed so that automobiles will exit onto a public street moving forward. No space may be allowed that requires a vehicle to be maneuvered on the public sidewalk in order to exit.

j. The minimum allowable inside turning radius in parking and driveway areas shall be twenty feet. Where fire

truck access is necessary, the minimum inside radius shall be twenty-eight feet, and the outside radius shall be forty-eight feet clear.

k. Curb or wheel stops shall be required where parking spaces head into a wall, fence, building or the side of another parking space, or as determined necessary by the city engineer. Entrance signing may be required by the city engineer wherever conditions warrant.

l. Exit and entrance directional arrows shall be marked on the pavement where one-way driveways are used. Pavement signing shall be marked and maintained as required by the city engineer. Entrance signing may be required by the city engineer wherever conditions warrant.

m. Off-street parking areas and features constructed on them shall be perpetually maintained. The layout of parking lots shall be retained as originally approved by the city.

n. Parking lots and driveways shall be constructed in compliance with engineering and material standards available at the community development department. Optional surfacing materials such as brick or ecoblock, which meet design requirements for parking, may be approved by the city engineer.

o. Parking lots serving commercial or industrial land uses that abut an area of residential land uses shall not have their access through the area of residential land uses.

p. One hundred and fifty cubic feet of enclosed storage space shall be provided for each parking space serving a residential use that is required to be covered or enclosed.

4. Landscaping and Screening.

a. In order to prevent large, unbroken expanses of parking, parking lots shall have at least five percent of their surface devoted to landscaping, exclusive of setbacks and street screening, arranged in an appropriate and effective manner. Landscaping shall consist of combinations of trees, shrubs, and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil, and climatic conditions. Utilization of native vegetation shall be encouraged.

b. Landscaped areas shall have a permanent underground irrigation system. All landscaped planting shall be watered and maintained and dead plants shall be replaced.

c. Parking lot planter areas shall be provided after each five parking spaces in any row and at the ends of each row of parking spaces to encourage the use of trees in parking areas. An average of at least one tree of a minimum fifteen-gallon size and of a species satisfactory to the director shall be planted for every five single row parking stalls or every ten double row parking stalls within the parking lot, with a minimum of two such trees being provided regardless of the number of parking stalls.

d. Planting areas which may be hit by automobiles or where drainage control is necessary shall be defined by a six-inch curb or berm of reinforced concrete, brick or block. A header-board protected by parking bumpers or other suitable permanent material may be approved by the city engineer. Protection must also be provided between the back of a city sidewalk and a planting area to prevent material from washing onto the sidewalk; this may be done by a curb or header.

e. Parking lot planting areas shall have a minimum dimension of four feet by fifteen feet. Landscape areas defining ends of rows shall extend to the minimum inside turn radius, shall not conflict with an aisle or backup area, obstruct the driver's visibility, nor be less than four feet in width.

f. Areas between the parking area and the street and side and rear property lines and unused spaces resulting from the design or layout of parking spaces or accessory structures shall be landscaped.

g. Any parking lot with five or more parking spaces adjoining a street shall have the street frontage and their outside perimeter screened by a three-foot high decorative masonry wall, mature hedge, or landscaping berm, except at those points of access for vehicular or pedestrian access. However, parking lots next to a residential development or an office on an adjacent site shall be screened by a six-foot high decorative wall, fence or mature hedge.

h. Landscaped earth berms may be used to meet the screening requirements only if the berm is to be at least two feet in height and is planted with appropriate shrubs and ground cover.

i. Landscaping, landscape berms, or other screening for parking facilities shall be so located as to not impair visibility at driveway areas or in other areas of the parking facility where maintaining visibility is necessary to the safe use of the facility.

5. Parking Lot Maintenance. It shall be the duty of the property owner to maintain and repair the parking lot and related improvements in accordance with the above standards and any other conditions imposed at the time of approval. If the community development department finds that the lot is in need of maintenance or repair, the code enforcement official may cite the owner or use the nuisance abatement procedure for correcting violations of this code. (Ord. 178 (part), 1980).

17.44.030 Driveways and drive approaches. A. Drive Dimensions.

1. The following minimum and maximum widths apply to driveways and drive approaches serving parking lots:

| | <u>Minimum Width</u> (in feet) | <u>Maximum Width</u> (in feet) |
|---|---------------------------------------|---------------------------------------|
| Lots with six or fewer spaces serving residential uses, existing structures converted to office use, and newly constructed offices | 10 | 16 |
| Lots with six or fewer spaces serving commercial and industrial uses and where any building to be served is more than one hundred fifty feet from the street right-of-way | 12 | 16 |
| Lots with seven or more spaces but fewer than twenty spaces and with separate entrances and exits (one-way driveways) | 12 | 20 |
| Lots with seven or more spaces but fewer than twenty spaces and with only one point for entering and leaving (two-way driveways), and lots with twenty or more spaces serving office and residential uses | 16 | 30 |
| Lots with twenty or more spaces serving commercial and industrial uses and where any type of use requires fire truck access | 20 | 30 |

2. No single commercial or industrial driveway (excepting transitions) shall be wider than fifty percent of the actual lot frontage on any one street or more than thirty feet, whichever is less. When more than one driveway serves a parcel, the total width of driveways (excepting transitions) shall not exceed fifty percent of the actual lot frontage on any one street. When a parcel has more than one driveway, there shall be at least twenty-two feet of standard curb and gutter between the tops of the driveway transitions.

3. Residential lots shall not have more than one driveway for each street frontage which is less than seventy feet. In case of one or more driveways, the total width of driveways (excepting transitions) shall not exceed thirty percent of the frontage, and there shall be at least twenty-two feet of standard curb and gutter between the top of driveway transitions on any one parcel.

4. Driveway widths greater than thirty feet may be permitted or required by the director when needed for safety purposes or to avoid awkward vehicle maneuvers.

5. Driveway widths greater than the minimum specified above may be required by the director when the site layout and safety dictate.

6. There shall be at least twenty-two feet of standard

curb and gutter between the top of a driveway transition and the back of sidewalk of a street intersecting the street to which the driveway has access.

B. Driveway Design.

1. The maximum slope of driveways serving residential development shall be fourteen percent. Those serving commercial lots shall slope no more than ten percent. Vertical curb transitions shall be provided consistent with city standards at either end of the driveway.

2. The city engineer may allow residential driveways to have slopes as high as twenty percent providing that special construction procedures and materials are used.

3. Driveways which serve commercial or multifamily development which exceed one hundred feet in depth shall provide a turnaround to ensure that cars can safely exit in a forward direction. Driveways which serve single-family residential developments characterized by extreme topography may also be required to provide turnarounds.

4. No part of the driveway transition shall extend beyond the side property line of the property being served by the driveway unless a written agreement is obtained from the adjacent property owner and filed with the city engineer for recording with the county recorder. The agreement shall be in a form approved by the city attorney.

5. Depressed or recessed curbs for driveway entrances shall not be allowed unless standard concrete driveway ramps are constructed.

6. For residential uses, in lieu of a full width paved driveway and where the driveway serves only one residence, paved wheel tracks are allowed as long as the tracks are located where the wheel traffic will most probably occur, the tracks are located only behind the sidewalk ramp, each track is at least three feet wide, and the inside of the tracks are no more than three and one-half feet apart.

C. Replacement of Curb and Sidewalks of Abandoned Driveways. The director of public services shall determine whether a driveway has been abandoned. Any such abandoned driveway shall be removed by the owner and replaced with standard curb, gutter and sidewalk to fit the existing line of grade of adjacent standard curb, gutter and sidewalk. The director of public services shall cause an abandoned drive to be removed if it has not been removed within thirty days after the owner has been notified to do so. The procedure for repair and collection of the cost of repair shall be as set forth in Division 7, Part 3, Chapter 22 of the Streets and Highways Code.

D. Limited Access Street. Driveway encroachments may be restricted onto some streets by a use permit if alternative points of access to the property exist or if the city council has, by resolution, restricted access to the street. A list of any such limited-access streets shall be held on file and available at City Hall in the community development department.

E. Common Access Driveways.

1. Permitted. Common access driveways may be permitted in either of the following cases:

a. On lots of record existing before the effective date of this section if associated with the issuance of a use permit; or

b. In new subdivisions where a common driveway is proposed as part of subdivision approval.

2. Basic Criteria. A common access driveway must meet all of the following criteria:

a. The driveway must not be inappropriately located; for example, too close to a dwelling, play area or sloped bank.

b. It must be determined that there is no significant potential for conflict between the parties sharing the driveway because of its location, length, grade, usage, or other characteristics.

c. The driveway must be justified for one of the following reasons:

i. It will minimize grading or prevent excessive driveway slopes.

ii. It will preserve significant existing vegetation.

iii. It will clearly be safer than a standard driveway.

iv. It will enable development of a lot which is excessively narrow or is occupied by a structure that prevents access to a portion of the lot which can reasonably be developed.

3. For Residential Uses. The following provisions apply to common access driveways to serve premises zoned or used for residential purposes. Before granting any permit authorizing construction of a common access driveway or structures to be served by said driveway, the city shall require an easement or covenant to be filed with the county recorder setting forth driveway usage rights and responsibilities for each parcel served. At minimum, the required easement or covenant shall include the following statements:

a. All affected property owners will be jointly responsible for the improvement and maintenance of all parts of the common access driveway.

b. All parking on the commonly used portions of the driveway is prohibited.

c. Any affected property owner may avail himself of the vehicle-removing authority granted private property owners in Section 22658 of the California Vehicle Code when any vehicle is parked in the common access driveway so as to interfere with entry or access to a parcel it serves.

d. Property owners agree to hold the city harmless from all claims of damages or liability arising from any action to tow away vehicles pursuant to subdivision 3 of this subsection.

e. If the easement or covenant is abandoned or dissolved, each lot previously served by the common access driveway shall be provided with standard access as required by these regulations.

i. The driveway shall serve no more than four residential units unless special circumstances warrant the grant of an exception by the director.

ii. The director or planning commission may add other requirements or conditions deemed necessary or appropriate.

iii. The community development department shall supply the police department with copies of all easements or covenants.

4. For Commercial and Industrial Uses. Before granting any permit authorizing the construction of any common access driveway to serve premises zoned or used for commercial or industrial purposes, the city may impose the requirements listed above for residential uses as well as any additional requirements or conditions it deems necessary or appropriate, except that the city will not be responsible for towing away a vehicle unless it blocks an access for emergency vehicles. (Ord. 178 (part), 1980).

17.44.040 Loading facilities. A. Required. For uses requiring regular deliveries of goods by truck, off-street loading facilities for trucks shall be provided in accordance with the regulations and standards prescribed in this section.

Off-street loading berths in addition to those prescribed in this section shall be provided if the city engineer finds that such additional berths are necessary to assure that trucks will not be loaded, unloaded or stored on public streets.

B. Standards. Off-street loading facilities shall meet the following standards:

1. Each loading berth shall be not less than twenty-five feet in length and twelve feet in width and shall have an overhead clearance of not less than fourteen feet.

2. Sufficient room for turning and maneuvering vehicles shall be provided on the site in order that it not be necessary for any vehicle to back onto the site from the public street, or for trucks using them to encroach into the public right-of-way or into required parking spaces or aisles.

3. Each loading berth shall be accessible from a street or alley.

4. Entrances and exits shall be provided at locations approved by the city engineer.

5. The loading area, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water.

6. Bumper rails or curbs shall be provided where needed for safety or to protect property.

7. If the loading area is illuminated, lighting shall be deflected away from abutting streets and residential sites so as to cause no dangerous or annoying glare.

8. A loading area shall not be located in the required front, side or rear yard in any district.

9. A loading area located outside of a building shall be screened from public view by a six-foot high solid wall, fence or mature hedge.

10. No repair work or serving of vehicles shall be conducted in a loading area. (Ord. 178 (part), 1980).

17.44.050 Exceptions. The community development director may grant exceptions to the limitations of this chapter subject to appropriate conditions and upon a finding that:

A. The exceptions will not constitute a grant of a special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity.

B. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity; and

C. The exception is reasonably necessary for the applicant's full enjoyment of uses permitted upon his adjoining real property. (Ord. 178 (part), 1980).

Chapter 17.48GENERAL REGULATIONS, CONDITIONS
AND EXCEPTIONSSections:

- 17.48.010. Application of regulations.
- 17.48.020 Interpretation of ambiguity.
- 17.48.030 Special uses.
- 17.48.040 Accessory buildings.
- 17.48.050 Utility towers and poles and underground facilities.
- 17.48.060 Travel trailers or camp cars.
- 17.48.070 Height limit for projections.
- 17.48.080 Increased height limit in R district.
- 17.48.090 Institutions in districts with height limit less than seventy-five feet.
- 17.48.100 C or M district--Height extension.
- 17.48.110 Fences, hedges and walls.
- 17.48.120 Architectural extensions on main buildings.
- 17.48.130 Porch, landing place or stairway projections.
- 17.48.140 Yard measurement from plan lines.
- 17.48.150 Attached or detached accessory building.
- 17.48.160 Swimming pools.
- 17.48.170 Setback in R-1 districts with improved lots.
- 17.48.180 Side yard width on narrow lots.
- 17.48.190 Dwelling group distances.
- 17.48.200 Application for use permit.
- 17.48.210 Architectural committee.
- 17.48.220 Architectural consideration--Permit issuance.
- 17.48.230 Building lines.
- 17.48.260 Garage sales.
- 17.48.270 Home occupation requirements.
- 17.48.280 Temporary use permit required.
- 17.48.290 Electronic amusement and pinball machines and arcades.

17.48.010 Application of regulations. All regulations in this title pertaining to the districts established in Chapters 17.32 through 17.40 are subject to the general provisions, conditions and exceptions contained in this chapter. (Ord. 65 §2(part), 1967: prior code §5106.1).

17.48.020 Interpretation of ambiguity. If any ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or with respect to the matters of height, area requirements or zone boundaries as set forth herein, the planning commission shall ascertain all pertinent facts and by resolution set forth its findings and interpretations. Said resolution shall be transmitted to the city council and approved by the council. Thereafter such interpretation shall govern, except if the city

council directs the planning commission to adopt a different interpretation. (Ord. 65 §2(part), 1967: prior code §5106.2).

17.48.030 Special uses. A. All of the uses listed in this subsection, and all matters directly related thereto are declared to be special uses possessing characteristics of such unique and special forms as to make impractical their inclusion in any class of use set forth in the various districts defined in this title, and therefore the authority for a location of the operation of any of the uses designated herein shall be subject to the issuance of a special use permit in accordance with the provisions of Chapter 17.60, the planning commission shall consider the following additional factors to determine that the characteristics of the listed uses will not be unreasonably incompatible with the uses permitted in surrounding areas: Damage or nuisance from noise, smoke, odor, dust, or vibration; Hazard from explosion, contamination, or fire; Hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles; Height of structure. The uses referred to herein are as follows:

1. Airports and landing fields;
2. Cemeteries;
3. Columbarium, crematories, mausoleums, or mortuaries;
4. Establishments or enterprises involving large assemblages of people or automobiles as follows:
 - a. Amusement parks and race tracks
 - b. Circus or carnivals
 - c. Open air theaters
 - d. Public buildings, parks, and other public recreational facilities
 - e. Recreational facilities, privately operated
 - f. Establishments listed hereabove where the use of property will not exceed one week occupancy, a use permit need not be secured so long as the applicant first gives written notice to the city and deposits a bond sufficient to guarantee the removal of all structures, litter, and debris from the property at the termination of the use. The amount of bond necessary to guarantee said clean-up shall be in the amount determined by the city administrator.
5. Public utility facilities, including but not limited to communications equipment building, water wells, substations, and electrical generating plants;
6. Radio or television transmitters;
7. Refuse dumps and disposal;
8. Hospitals and sanitariums;
9. Institution of philanthropic or charitable nature;
10. The mining of natural mineral resources, together with the necessary buildings and appurtenances incident thereto;

11. Removal or deposit of earth other than in connection with excavations or deposits in connection with construction or building, roadways, or public or home improvements;

12. Compatible multiple use of public school sites and facilities. The special use permit is to provide for certain other compatible uses within or adjacent to public school buildings and structures pursuant to the provisions of the California Education Code* which permits joint occupancy of schools and authorizes the use of vacant school property and buildings for certain uses and users which are of a scale and intensity compatible with the public school and its neighborhood (i.e. school attendance area). It is further the purpose of the permit to maintain the continued operation of neighborhood schools, including public recreational uses at the schools, while allowing for the joint occupancy of vacant school property and buildings during periods of less than capacity enrollment.

a. Permitted Uses, Subject to the Securing of a Special Use Permit.

1. Parochial and private schools and colleges;
2. Activities of religious organizations including regular church services;
3. Private day or residential schools and colleges;
4. Library and library extension services;
5. Activities and administrative offices of community/charitable organizations, including senior citizens services;
6. Activities and administrative offices of civic and service organizations, e.g. Rotary, Lions, Kiwanis, YMCA, etc.;
7. Nursery schools and day care centers;
8. Tutorial related services for elementary/secondary age students;
9. Uses by other school districts, federal government or its agencies, the state, county, city and county, city or special districts as permitted and regulated by the State Education Code, as it may be amended;
10. Private business enterprises (as specified by a listing in the permit approval) which do not engage in direct retail sales on the school site.

b. Special Use Permit--Issuance.

In addition to the provisions of this chapter and Chapter 17.60, the special use permit for joint school use shall receive final approval by the city council at a duly noticed public hearing. The planning commission shall first consider the permit at a public hearing and

* Section 39500 and its successors.

forward their report and recommendation to the council.

c. Special Use Permit--Application.

Joint occupancy of any school shall not be permitted until a school utilization plan has been approved by the city council pursuant to the permit provisions of this section.* Such a school utilization plan shall provide for at least the following:

A site plan delineating the proposed amount, use and location of space for both school and nonschool uses. The plan shall identify vehicle access and parking as related to all existing and proposed uses.

A list of uses to be accommodated on the site. Each use shall be described in sufficient detail as to permit a clear understanding of any potential site and neighborhood impacts.

A minimum five-year school enrollment projection, and a statement of the time period the joint occupancy program for the school shall be in effect.

Such other information as may be required by the planning commission or city council.

Once such a utilization plan has been approved by the city council, no additional special use permit shall be required unless a change is proposed to the approved site plan or list of allowed uses. However, each specific lease shall be reviewed and certified by the planning and community development director as conforming with the provisions of the school utilization plan. In addition, each approved school utilization plan shall be reviewed by the planning commission biannually at a fully noticed public hearing to insure that the plan and joint occupancy continue to meet the objectives of this section.

d. Special Use Permit--General Provisions.

1. It shall be the responsibility of the school district to provide for and insure acceptable separation between the school and nonschool use dependent upon such conditions as location, shared facilities and intensity of proposed nonschool use.

2. Off-street parking and loading space shall be provided in accordance with Chapter 17.44.

3. All joint occupancies shall be designed and conducted to minimize noise, traffic congestion, safety hazards, or any other condition that could significantly affect public health, safety or welfare.

4. As a general rule, no more than fifty percent of the total floor area of any school should be used for commercial uses. This is a guideline based on the belief

* The limitation shall not apply to specific uses lawfully established prior to the effective date of this amending ordinance, Ord. 204. However, any new joint occupancies shall only be permitted after the approval of a school utilization plan.

that a higher nonschool utilization would mean that public education is no longer the primary use of the school. A school utilization plan exceeding the fifty percent guidelines may be approved only if the city council finds that such a plan is consistent with the purposes and objectives stated in this section.

5. In addition to all of the preceding requirements, all uses of school facilities and buildings shall be in accordance with the provisions of the Morro Bay municipal code or any other law or ordinance of the city.

B. Where lot lines are bounded on at least one side by a zone boundary, the uses permitted (and uses permitted subject to the approval of a use permit) on either side of the zone boundary may be found to be compatible by virtue of the transitional nature of the property through the issuance of a transitional use permit. Where uses are not permitted on one property and are permitted on an abutting property, those uses may be considered subject to the issuance of a transitional use permit in accordance with the provisions of Chapter 17.60. The planning commission shall consider the following additional factors to determine that the characteristics of the listed uses will not be unreasonably incompatible with uses permitted in surrounding areas:

1. Damage or nuisance from noise, smoke, electrical interference, odor, dust, vibration, or lights;
2. Hazard from explosion or fire;
3. Nuisance occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles;
4. Height of structure;
5. The description of a predominant stable character of use already established, or where terrain, block shape, or other physical features logically provide clear separation of use types. (Ord. 204 §1, 1981; Ord. 100 §13, 1972; Ord. 77 §§12, 13, 14, 1969; Ord. 65 §2(part), 1967: prior code §5106.3).

17.48.040 Accessory buildings. Accessory buildings shall be constructed with, or subsequent to the construction of the main building. (Ord. 65 §2(part), 1967: prior code §5106.4).

17.48.050 Utility towers and poles and underground facilities. Public utility distribution and transmission line towers and poles, and underground facilities for distribution of gas, water, communications and electricity shall be allowed in all districts without limitations as to height or without obtaining a use permit therefor; provided however, that all routes of proposed gas, water, communication and/or electrical transmission lines shall be submitted to the city planning

commission for their recommendation. Such recommendation shall be received at least sixty days prior to acquisition of rights-of-way therefor. (Ord. 65 §2(part), 1967: prior code §5106.5).

17.48.060 Travel trailers or camp cars. Travel trailers, or camp cars shall be used for human habitation or occupied for living or sleeping quarters only when installed within a licensed trailer court, trailer park or mobilehome park. Travel trailers or camp cars or boats maintained upon any lot,

piece or parcel of land, other than a trailer court, trailer park or mobilehome park, shall comply with the following conditions:

A. Such vehicle or boat shall not be maintained in any required front yard or side street yard;

B. Such vehicle or boat shall not be used for sleeping quarters nor any sanitary or cooking facilities contained therein be used. (Ord. 100 §14, 1972; Ord. 65 §2(part), 1967: prior code §5106.6).

17.48.070 Height limit for projections. Where chimneys, silos, cupolas, flagpoles, monuments, gas storage holders, radio and other towers, water tanks, church steeples and similar structures and mechanical appurtenances are permitted in a district, height limits may be exceeded upon the securing of a use permit in each case. (Ord. 65 §2(part), 1967: prior code §5106.7).

17.48.080 Increased height limit in R district. In any R district where a use permit is secured for an increased height limit, the front, side and rear yards shall each be increased by one foot for each one foot by which the building exceeds the height limit hereinbefore specified for such use. (Ord. 65 §2(part), 1967: prior code §5106.8).

17.48.090 Institutions in districts with height limit less than seventy-five feet. In any district with a height limit of less than seventy-five feet, public and semipublic buildings, schools, churches, hospitals and other institutions permitted in such districts may be erected to a height not exceeding seventy-five feet; provided that the front, rear and side yards shall be increased one foot for each one foot by which such building exceeds the height limit hereinbefore established for such district. (Ord. 65 §2(part), 1967: prior code §5106.9).

17.48.100 C or M district--Height extension. Upon securing a use permit, any building in any C or M district may be erected to a height exceeding that herein specified for such district, provided that the cubical contents of the building shall not be increased beyond that possible for a building erected within the height limit hereinbefore specified. (Ord. 65 §2(part), 1967: prior code §5106.10).

17.48.110 Fences, hedges and walls. Fences, hedges and walls may be erected in any district subject to the following conditions:

A. Fences, walls and hedges, fifty percent or more of the surface of which is open to the passage of air, not exceeding four feet in height may occupy any required yard area;

B. Solid fences, walls and hedges not exceeding three feet in height may occupy any required yard area;

C. Fences, walls, and hedges not exceeding six feet, six inches in height may occupy any side or rear yard area, provided:

1. That such does not extend into any front yard.

2. That, in the case of a corner lot, such do not extend into the side yard required along a side street or into that portion of the rear yard abutting such side street which is equal to the width of the side yard required on said side street.

D. Fences or structures exceeding six feet, six inches in height to enclose commercial or industrial uses, tennis courts, or similar areas, when such fences enclose the rear half of a lot, may be erected subject to the obtaining of a use permit therefor.

E. A fence or other structure approved by the building official shall be constructed surrounding any swimming pool: Maximum allowable height, six feet, six inches; minimum allowable height, six feet; all gates within said fence or other structure shall be self-closing and self-latching. (Ord. 100 §15, 1972; Ord. 77 §15, 1969; Ord. 65 §2(part), 1967: prior code §5106.11).

17.48.120 Architectural extensions on main buildings.

Architectural features on the main building, such as cornices, eaves and canopies may not extend closer than six inches to any side lot line. Eaves and canopies may extend a maximum of four feet into the required front yard. Fireplaces, not exceeding eight feet in breadth, may extend not closer than three feet to any side lot line. (Ord. 65 §2(part), 1967: prior code §5106.12).

17.48.130 Porch, landing place or stairway projections.

Open, uncovered, raised porches, landing places or outside stairways in excess of thirty inches above ground elevation may project not closer than three feet to any side or rear lot line, and not exceeding five feet into any required front yard. Projections less than thirty inches above ground elevation made of combustible material may not project closer than three feet to any side or rear lot line and such projections may extend to the property line if they terminate at a non-combustible wall or fence which extends at least thirty inches above the projection. (Ord. 186 §1, 1980: Ord. 100 §16, 1972: Ord. 65 §2(part), 1967: prior code §5106.13).

17.48.140 Yard measurement from plan lines. Whenever an official plan line has been established for any street or proposed street, yards required by this title shall be measured from such plan line and in no case shall the provisions of this title be construed as permitting any encroachment upon any official plan line. (Ord. 65 §2(part), 1967: prior code §5106.14).

17.48.150 Attached or detached accessory building. Where an accessory building is attached to the main building, it shall be made structurally a part of and have a common roof with the main building, and shall comply in all respects with the requirements of this title applicable to the main building. Unless so attached, an accessory building in an R district shall be located on the rear one-half of the lot and at least five feet from any dwelling building existing or under construction on the same lot or any adjacent lot. Such accessory building, when used as a garage, shall not be located within five feet of any alley or, in the case of a corner lot, to project beyond the front yard required or existing on the adjacent lot but may extend to within one foot of the property line. Notwithstanding any requirements in the title in cases where the elevation of the front half of the lot at a point fifty feet from the centerline of the public right-of-way is seven feet above or below the grade of said centerline a private garage, attached or detached, may be built to within five feet of the front line of the lot. Residential garage entrances fronting on any lot line shall be located not less than twenty feet from said lot line. (Ord. 77 §16, 1972; Ord. 65 §2(part), 1967: prior code §5106.15).

17.48.160 Swimming pools. In R-1 and R-2 districts the minimum front yard pool setback shall be the required building setback plus five feet. Side and rear setback shall be five feet except that on a corner lot, the setback from the side street shall be the required building setback plus five feet.

Filter and heating systems for such pools shall not be located closer than twenty-five feet to any dwelling other the owner's.

Coverage by a swimming pool shall not be considered in measuring maximum lot coverage. (Ord. 65 §2(part), 1967: prior code §5106.16)

17.48.170 Setback in R-1 districts with improved lots. In R-1 districts, where four or more lots in a block have been improved with buildings at the time of the passage of the ordinance codified herein (not including accessory buildings), the minimum required front setback shall be the average of the improved lots, if said setback is less than the stated requirements of the districts. (Ord. 65 §2(part), 1967: prior code §5106.17).

17.48.180 Side yard width on narrow lots. The width of side yards for dwellings constructed on lots of less than stated widths may be reduced to ten percent of the width of such parcel, but in no case to less than three feet. (Ord. 65 §2(part), 1967: prior code §5106.18).

17.48.190 Dwelling group distances. Dwelling groups shall be constructed so that the following minimum distances are provided:

A. Minimum distance between buildings shall be not less than one-half the sum of the heights of the two buildings, and in no case less than ten feet;

B. Minimum of ten feet between side yard line and access side of single row dwelling groups;

C. Minimum of twenty feet between access side of buildings in double rows. (Ord. 65 §2(part), 1967: prior code §5106.19).

17.48.200 Application for use permit. In case an application is made for a use permit for any building or structure in any C, M, R-3 or R-4 district, said application shall be filed in accordance with the submittal requirements prescribed by Chapter 17.36. Such drawings, sketches, and site plans shall be considered by the planning commission in an endeavor to provide that the architectural and general appearance of such buildings or structures and grounds be in keeping with the character of the neighborhood and such as not to be detrimental to the orderly and harmonious development of the city, or to impair the desirability of investment or occupation in the neighborhood. (Ord. 107 §3, 1972: Ord. 65 §2(part), 1967: prior code §5106.20).

17.48.210 Architectural committee. The planning commission may appoint an architectural committee of three of its members which shall exercise the architectural considerations provided for in Section 17.48.200. (Ord. 65 §2(part), 1967: prior code §5106.21).

17.48.220 Architectural consideration--Permit issuance. No use permit shall be issued in any case where architectural consideration is required until such drawings or sketches have been approved by the planning commission and all buildings, structures and grounds shall be constructed and improved in accordance with approved drawings or sketches. (Ord. 65 §2(part), 1967: prior code §5106.22).

17.48.230 Building lines. The following setbacks shall be required when any land borders on a major or collector street as designated on the officially adopted street and highway plan element of the general plan, or any local street except those streets officially designated as a width less than fifty-six feet.

Front, side or rear yard abutting highway or street measured from centerline:

| District | Building line for local or collector highway (56' R/W) (64' C&M dists.) | | | Building line major highway (64' R/W) | | | Building line major highways (84' R/W) | | |
|----------|---|------|------|--|------|------|---|------|------|
| | Front | Side | Rear | Front | Side | Rear | Front | Side | Rear |
| R-A | 48' | 38' | 38' | 52' | 42' | 42' | 62' | 52' | 52' |
| R-1 | 48' | 38' | 38' | 52' | 42' | 42' | 62' | 52' | 52' |
| R-2 | 48' | 38' | 38' | 52' | 42' | 42' | 62' | 52' | 52' |
| R-3 | 43' | 38' | 43' | 47' | 42' | 47' | 57' | 47' | 57' |
| R-4 | 43' | 38' | 43' | 47' | 42' | 47' | 57' | 47' | 57' |
| O-A | 48' | 38' | 38' | 52' | 42' | 42' | 62' | 52' | 52' |
| P-D | 48' | 38' | 43' | 52' | 42' | 42' | 62' | 52' | 52' |
| C-1-N | 42' | 32' | 32' | 42' | 32' | 42' | 52' | 52' | 52' |
| C-1 | 32' | 32' | 32' | 32' | 32' | 32' | 42' | 42' | 42' |
| C-2 | 32' | 32' | 32' | 32' | 32' | 32' | 42' | 42' | 42' |
| C-H | 32' | 32' | 32' | 32' | 32' | 32' | 42' | 42' | 42' |
| M-1 | 57' | 42' | 42' | 57' | 42' | 42' | 67' | 52' | 52' |
| M-2 | 32' | 32' | 32' | 32' | 32' | 32' | 42' | 42' | 42' |

Dedication of land required for development of a major or secondary street shall be required at time of the subdivision of any land, or where no subdivision is involved, at time of development. Improvement shall be required as a condition of any use permit or variance and preceding any change of land use. (Ord. 65 §2(part), 1967: prior code §5106.24).

17.48.260 Garage sales. Garage sales, wherein goods or merchandise, owned by one family, not originally purchased for resale and which are being offered for sale to the general public, may be held in any residential (R) district subject to the following:

A. Garage sales will be allowed subject to the securing of a "no fee" business license.

B. No more than two garage sales will be permitted in any twelve-month period.

C. Garage sales will be allowed for a period not to exceed three consecutive days.

D. All merchandise to be sold will be displayed either inside the garage (or carport) or on the rear one-half of the lot. (Ord. 141 §1, 1975).

17.48.270 Home occupation requirements. A. Home Occupation Permit Required. Home occupations, wherein an occupation is carried on in a residence by its occupant as a use clearly secondary to the residence, may be allowed subject to the approval of a home occupation permit by the community development director. The community development director may

attach such conditions to the home occupation permit as are necessary to assure that the home occupation complies with the intent of this section.

A home occupation may require the approval of a use permit when the community development director determines that special conditions of approval may be necessary to insure compliance with this section or special circumstances require a planning commission determination that the home occupation complies with the intent of this section.

B. General Requirements for Home Occupations. Home occupations shall comply with the following requirements:

1. Activities shall be conducted entirely within the dwelling unit or an enclosed accessory building, and shall not alter the appearance of such structures.
2. There shall be no sales or display on the premises.
3. There shall be no signs other than address and names of residents.
4. Other than business cards or a listing in the phone book, there shall be no advertising which identifies the home occupation by street address.
5. No vehicle larger than a three-quarter-ton truck may be used in connection with a home occupation.
6. The home occupation shall not encroach on any required parking, yard or open space areas.
7. Parking for vehicles used in connection with the home occupation shall be provided in addition to parking required for the residence.
8. Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities in amounts greater than normally provided for residential use.
9. No use shall create or cause noise, dust, vibration, smell, smoke, glare, or electrical interference, or other hazard or nuisance.
10. No employees other than residents of the dwelling shall be allowed.
11. Clients or customers shall not visit the home occupation between the hours of ten p.m. and seven a.m.
12. If the occupation is to be conducted on rental property, the property owner's authorization for the proposed use shall be obtained.

C. Home Occupations Prohibited. The following uses by their operation or nature may interfere with residential activities and diminish the convenience intended for commercial zones, and therefore shall not be permitted as home occupations:

1. Automotive repair (body or mechanical), upholstery, or painting;

2. Barbershop or beauty shop;
3. Carpentry or cabinet making;
4. Welding or machining;
5. Medical offices, clinics, or laboratories;
6. Instruction or training for more than three students at one time;
7. Appliance, radio, or television repair;
8. Print shops;
9. Bakeries;
10. Other full-scale service-commercial, retail, or manufacturing uses permitted in the commercial and industrial zones;
11. Other uses that would generate a significant amount of vehicular traffic over what would be the normal amount of traffic associated with the residence.

D. Enforcement. Whenever any general requirement or permit condition is not complied with, or any home occupation causes a nuisance or otherwise interferes with other property or residents in the vicinity, the home occupation permit or the use permit may be revoked pursuant to Section 17.60.120. (Ord. 174, 1980).

17.48.280 Temporary use permit required. A. The temporary uses listed in this section may be allowed by the community development director under an administrative temporary use permit.

B. The director may attach such conditions to the permit as are necessary to assure that the temporary use complies with the intent of this section.

C. A temporary use may require the approval of a use permit when the community development director determines that special conditions of approval may be necessary to insure compliance with this section or special circumstances require a planning commission determination that the temporary use complies with the intent of this section.

1. Real Estate Sales Office in Tract. A temporary real estate sales office may be established in a residential development for the first sale of property in that development. Such an office may be located within a residence or a common or temporary building. If a temporary building is used, it shall be removed upon termination of the use.

Sales offices shall not be used for more than six months, except that upon approval of the planning commission, they may be continued for one successive period of not more than six months.

2. Christmas Tree Sales. Premises within nonresidential districts except in a P-D district may be used for the temporary sale of cut or growing Christmas trees, provided that:

a. Sales shall not be conducted before December 1st or after December 31st; and

b. All trees, signs and temporary structures shall be kept within the limits of the property and shall be removed within ten days after the close of the sale.

3. Temporary Refrigeration. Premises within non-residential 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. The temporary refrigeration facilities will be allowed only for periods not exceeding two weeks within any six months;

b. 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;

c. The temporary refrigeration facilities shall be operated by a power source from the electric public utility. (Ord. 182 §1, 1980).

17.48.290 Electronic amusement and pinball machines and arcades. Coin-operated amusement machines or devices (excluding jukeboxes, vending machines and pool tables) shall only be allowed within the commercial (including planned development-commercial) zones of the city when clearly operated on an incidental or accessory use to the principally permitted use of the property; and, in accordance with the following criteria:

A. Amusement machines shall be expressly reviewed and listed as an accessory activity in any zone which requires a use permit to be obtained for the principal business enterprise.

B. Amusement machines or devices shall not be operated as the sole or principal business activity.

C. No more than three amusement machines or devices shall be permitted in conjunction with the operation of an approved legally conforming business enterprise.

D. No more than ten percent of the gross enclosed floor area of a business shall be devoted to amusement machines; and amusement machines shall not be permitted out of an enclosed structure.

E. No award of prizes consisting of either monetary compensation or merchandise shall be made for the play of machines. Gambling shall be strictly prohibited in connection with the use of machines as provided by state law. Machines used for such purposes shall be declared a public nuisance and abated under the laws and ordinances of the city. (Ord. 212 §1, 1981).

Chapter 17.49COMMUNITY HOUSING PROJECT REGULATIONSSections:

- 17.49.010 Purpose and intent.
- 17.49.020 Definitions.
- 17.49.030 Community housing projects permitted.
- 17.49.040 Application requirements.
- 17.49.050 Acceptance of reports.
- 17.49.060 Action on application.
- 17.49.070 Findings required.
- 17.49.080 Tenant protection provisions.
- 17.49.090 Buyer protection provisions.
- 17.49.100 Development standards.

17.49.010 Purpose and intent. The purpose and intent of this chapter are to:

- A. Establish conditions and procedures under which new and converted community housing projects could occur in Morro Bay;
- B. Promote greater individual choice in the type, quality, price, and location of housing;
- C. Insure a reasonable balance of rental and ownership housing in Morro Bay;
- D. Maintain the supply of housing for low to moderate income families;

E. Provide compliance and consistency of community housing projects with the city's land use element, housing element, and the State Subdivision Map Act;

F. Expand and facilitate new opportunities for home ownership by those who may not be able to afford traditional types of housing;

G. Provide development and design standards for community housing projects;

H. Protect the buyers of new and converted community housing projects;

I. Reduce, avoid, and mitigate the hardships associated with the displacement of tenants in community housing conversions;

J. Insure the safety of community housing conversion projects and to correct any code violation in such projects;

K. Provide owners and landlords of apartments with clear procedures and rules they can use to initiate community housing conversion projects. (Ord. 173 (part), 1979).

17.49.020 Definitions. For the purposes of this chapter, the following words shall have the meanings ascribed to them as follows:

A. "Apartment" means a dwelling in a structure designed or used to house two or more families.

B. "Community housing project" means the entire parcel of real property, including all structures thereon, all or part of which is proposed to be rented, leased, or divided as land or air space in two or more lots, parcels, units, or rights of exclusive occupancy, as in a community apartment, condominium, or stock cooperative as defined below:

1. "Community apartment" means an undivided interest in the land coupled with the right of exclusive occupancy of any apartment located thereon.

2. "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building on such real property.

3. "Stock cooperative" means a corporation which is created for the purpose of holding title to improve real property either in fee simple or for a term of years; provided, that all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property. The title of the real property is held by the corporation, and the right of occupancy is transferable only concurrently with the transfer of the share or shares of the stock in the corporation held by the person having such right of occupancy.

C. "Conversion" means a proposed change in the type of ownership of parcel or parcels of land and the existing structures thereon to that defined as a community housing project.

D. "Conversion date" means the date the final tract map

for a community housing conversion project is approved by the city council.

E. "Low and moderate income housing" means housing for which the rent or monthly mortgage payment does not exceed the current fair market rent for existing housing standards applicable to San Luis Obispo County as established for Section 8, Housing Assistance Payments Programs by the United States Department of Housing and Urban Development.

F. "Tenant" means a person who rents, leases, or sub-leases real property from another through a written or oral agreement.

G. "Vacancy rate" means the number of apartments being offered for rent or lease expressed as a percentage of the total number of apartments in Morro Bay. (Ord. 173 (part), 1979).

17.49.030 Community housing projects permitted. A. Community housing projects may be allowed in any district upon the securing of a conditional use permit and a tentative tract map as provided in this code and further provided that:

1. Regulations governing use, density, building height, required yards, building separation, signs, and off-street parking and other explicit regulations of the zoning district within which the site is located, shall apply unless otherwise stipulated in this section.

2. The community housing project fully complies with the special application requirements, development standards, and other specific provisions applicable to the project as set forth in this section.

B. No person, firm, corporation, partnership, or other entity shall convert apartments to a community housing project without first having said conversion approved by the planning commission or the city council on appeal. (Ord. 173 (part), 1979).

17.49.040 Application requirements. A. All Projects. In addition to the existing requirements of this code, an application for a conditional use permit for all community housing projects shall be accompanied by the following:

1. Location Map. A map depicting the general location of the site in the community;

2. Proposed tentative tract map;

3. Site Plan. A plan drawn to a workable scale which shall include at least the following:

a. The location, height, gross floor area, the proposed uses for each proposed new or existing structure, and the relationship of these buildings to property lines and buildings on adjacent properties,

b. The location of each proposed community housing unit,

c. Existing contours at reasonable intervals, the area, extent and amount of cubic feet proposed to be graded, and the proposed building pad elevations and percent slope for all driveways and parking areas,

d. The location, use and type of surfacing for all proposed driveways, pedestrian ways, vehicle parking areas, curb cuts,

e. The location, size, and number of parking places to be used in conjunction with each unit,

f. The location of all existing and proposed landscaping, the type of landscaping, initial planting size, method of irrigation, and a statement specifying private or common maintenance,

g. The location, type, and size of proposed signs,

h. The location and type of proposed exterior lighting fixtures,

i. The location, height, and type of materials for proposed walls, fences, or trash enclosures,

j. The location, size, and method of screening for any proposed outdoor storage areas,

k. The location and use of all proposed recreational facilities,

l. The location, type and size of all proposed utilities and utility meters,

m. The location, type and size of all proposed drainage ways, pipes, or structures, and

n. The location and size of all private and common open space areas;

4. Building Plans. Plans which shall show the following:

a. Floor plans depicting the number of rooms and estimated square footage of each proposed community housing unit, and

b. Elevations of the proposed structures showing the architectural features and materials of construction;

5. Organizational Documents. The application shall be accompanied by the declaration of covenants, conditions, and restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management, or operation of all or a portion of any community housing project which would be applied on behalf of any and all owners of condominium units within the project.

In addition to the requirements of Civil Code Section 1355 and any requirements the city may impose consistent with these regulations, the organization documents shall contain provisions concerning:

a. Organization and responsibilities of a homeowner's association,

b. The conveyance of units,

c. The assignment of parking,

- d. An agreement for common area maintenance, including facilities and landscaping,
- e. An estimate of initial fees anticipated for common area maintenance, and
- f. An assignment of responsibilities for maintenance of all utility lines and services, and building exteriors of each unit.

B. Conversion Projects. In addition to the information required by other applicable provisions of this code and state law, application for a conditional use permit for a conversion project shall be accompanied by the following at the time of application:

1. Property Condition Report. A property condition report shall include an evaluation of the condition, age, and expected useful life of all buildings and site improvements. Said report shall include the following:

- a. A building and zoning history, to the extent available, detailing the date of construction, major uses since construction and the dates, natures, and scope of major repairs and alterations since construction,
- b. An evaluation of the condition of all structural and mechanical elements of the buildings, including the foundations, roofs, windows, walls, ceilings, all plumbing, heating, electrical, and ventilation elements of the buildings, and any appliances which will be sold with the units,
- c. An evaluation of the condition of all parking, landscaping, and common areas,
- d. An evaluation of the sound transmission of common walls that will separate individual dwelling units,
- e. A report from a licensed pest control operator, approved by the city, on each structure and each unit within the structure,
- f. A report on any known soil, geological, or drainage problems relating to the structures and site improvements,
- g. A report prepared by the city building inspector identifying all items not consistent with the city's building, property maintenance, fire, and housing codes, and California Administrative Code, Title 19, with special regulations for existing buildings,
- h. A statement of repairs and improvements to be made by the applicant necessary to bring it into compliance with city codes or to otherwise restore or refurbish the project to achieve a high degree of safety and an attractive appearance;

2. Rental History Report. The application shall be accompanied by a rental history report providing the following information:

- a. Rental rate history for each unit for the previous three years,

b. Vacancy rate for each month during preceding three years, and

c. The name, address, and telephone number of each tenant occupying the units to be converted;

3. Evidence of Delivery of Notice of Intent to Convert. The application shall be accompanied by signed copies from each tenant of the notice of intent to convert as specified in Section 17.49.080. The applicant shall submit evidence that a certified letter of notification was sent to each tenant for whom a signed copy of said notice is not submitted at the time of application;

4. Relocation Assistance Plan. The application shall be accompanied by a relocation assistance plan prepared by the developer that shall contain the following information:

a. A list of available rental units of similar price in the same general area as the building proposed for conversion,

b. A statement that the developer will make all necessary arrangements and pay all reasonable costs up to two times the monthly rent of the unit to relocate nonpurchasing tenants into rental units of similar price in the city if the tenant agrees to such a relocation,

c. A statement that the developer will reimburse tenants for any reasonable moving expenses up to two times the monthly rent of the unit if comparable rental housing is not available or if the tenant chooses to move out of the community,

d. A statement that the developer will not be responsible for arranging relocations or reimbursing the moving expenses of those tenants who would be relocating for reasons unrelated to an application to convert;

5. Other Information. The application shall be accompanied by any other information which may be required to assist in determining whether the proposed project will be consistent with the findings required to be made under subsection B of Section 17.49.070 or will qualify for an exception to these findings as provided for in subsection C of Section 17.49.070. (Ord. 173 (part), 1979).

17.49.050 Acceptance of reports. The final form of any reports, documents, plans, and other submittals required by these regulations shall be of a form approved by the community development director. The reports shall remain on file with the community development department for review by any interested person. The reports shall be referenced in the subdivision report to the planning commission. (Ord. 173 (part), 1979).

17.49.060 Action on application. A. Acceptance of Applications. Application for community housing projects shall not be accepted or processed by the city unless deemed complete

and in full compliance with the application requirement by the community development director.

B. Processing of Applications. Applications for a conditional use permit and tentative tract map will be processed together and in accordance with the processing, public hearing and notification provisions of the zoning and subdivisions regulations of the city. (Ord. 173 (part), 1979).

17.49.070 Findings required. A. All Projects. An application for a community housing project shall not be approved by the planning commission or, upon appeal, the city council, unless the following findings can be made:

1. All provisions of this chapter and this code are met by the projects;
2. The proposed project is consistent with the land use and housing elements of the city's general plan;
3. There exist facts adequate to make the findings required under Government Code Sections 66473.5 and 66474; and
4. The overall design and physical condition of the project will result in a project which is aesthetically attractive, safe, and of quality construction.

B. Conversion Projects--Special Findings Required. An application for a community housing conversion project shall not be approved unless the following findings can be made in addition to those findings required for all community housing projects:

1. The proposed conversion will not displace a significant percentage of low to moderate income or senior citizen tenants, tenants with children, or otherwise delete a significant number of low and moderate income rental units from the city's housing stock at a time when no comparable housing exists in Morro Bay;
2. Vacancies in the units proposed for conversion have not been created or increased for the purpose of preparing the building for a community housing conversion project;
3. No housing shortage has been declared to exist in the community. A housing shortage shall be declared to exist if:
 - a. The vacancy rate for apartments is equal to or less than five percent for the preceding six-month period, based upon reliable information verified by the planning department as a result of an apartment survey to be conducted in April and November of each year, or
 - b. The project will not cause the total number of units converted for one year to exceed the total number of apartments built during the previous year.

C. Exceptions. The planning commission shall grant an exception from the findings of subdivision 3 of subsection B of Section 17.49.070 under the following conditions:

1. The project proposed for conversion consists of three units or less; or

2. The project is proposed as low to moderate income housing wherein no less than one-third of the units will be sold or rented to low and moderate income people according to a program prepared by the developer and approved by the community development department that will provide for:

a. Sale to the low to moderate income tenant or to low to moderate income persons at a price or with financing affordable to their income level, and

b. Deed restrictions or other binding legal measures that will control resale of the units in such a manner as to assure the long-term affordability of these units to low and moderate income people. (Ord. 173 (part), 1979).

17.49.080 Tenant protection provisions. Any proposed conversion of an existing building to a community housing project shall comply with the following provisions designed to protect the tenants of said building:

A. Notice of Intent to Convert. Prior to making an application to convert an existing building to a community housing project, the developer shall deliver to all tenants of the building to be converted a written notice in a form acceptable to the city containing the following information:

1. Name and address of current owner;
2. Name and address of developer;
3. Statement that the owner intends to convert the building to a community housing project;
4. Approximate dates on which an application to convert will be filed;
5. Statement that tenants will be given five days' prior written notice by the developer of the date, place, and time of any meetings held on the conditional use permit and tentative tract map by the city;
6. Statement of tenants' right to purchase;
7. Statement of tenants' right of notification to vacate;
8. Statement of tenants' right to terminate lease;
9. Statement of tenants' right to reimbursement of relocation expenses.

B. Tenants' Right to Purchase. Pursuant to Government Code Section 66427.1(b), applicant shall give any present tenant a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. This right of first refusal shall extend at least sixty days from the date of issuance of the subdivision public report.

C. Tenants' Right to Notification to Vacate. Each non-purchasing tenant not in default under the provisions of the rental agreement or lease under which he occupies the unit

shall have the right to remain until the lease expires or not less than one hundred twenty days from the date of issuance of the subdivision public report, whichever is longer.

D. Tenants' Right to Terminate Lease. Upon receipt of notification of intent to convert, tenants shall be permitted to terminate any lease or rental agreement without any penalty upon notifying the subdivider in writing thirty days in advance of such termination.

E. Tenants' Right to Relocation Assistance. A list of available rental units of similar price and quality in the same general area as the building proposed for conversion shall be provided to each tenant by the developer. If comparable rental housing is available in the area or elsewhere in the city, or if the tenant is able to find housing in the city independent of the attempts of the developer to find relocation housing, the developer shall make all necessary arrangements and pay all reasonable costs up to two times the most recent monthly rent of the unit to relocate nonpurchasing tenants into said housing. If comparable rental housing is not available in the area or in Morro Bay, or if the tenant chooses to relocate outside of Morro Bay, said tenant shall be reimbursed by the developer for all reasonable moving expenses for an amount up to two times the most recent monthly rent of the unit. Notwithstanding the provisions of this section, those tenants who would be moving or relocating for reasons that are not related to an application to convert shall not be eligible for relocation expenses.

F. No Rent Increases. From the time the notice of intent to convert is delivered to the tenant of each unit until that unit is vacated as a result of conversion or until the application to convert is denied by the city, the rent for that unit shall not be increased.

G. Notice to New Tenants. From the time that an application to convert has been submitted to the city, any new or prospective tenants shall be given a copy of the notice of intent to convert prior to leasing or renting any unit. (Ord. 173 (part), 1979).

17.49.090 Buyer protection provisions. Information Statement for Prospective Buyers. Prior to the conversion date and as a condition of approval of the tentative tract map, the developer shall devise an "information statement for prospective buyers" to be filed with the community development department and to be furnished to each prospective purchaser prior to the time he incurs any obligation to purchase a unit. The information statement for prospective buyers shall be in a form approved by the community development department and shall contain the following information:

A. The name, address, and capacity of each person or firm involved in the construction, conversion, rehabilitation, sale, or financing of the project;

B. A legal description of the project and the community housing project site plan required by Section 17.49.040;

C. A statement of the estimated annual operating and maintenance costs for all common facilities and services for the next three years as prepared or reviewed by a professional management firm familiar with operating and maintenance costs of similar properties and developments;

D. A statement granting to each purchaser a one-year warranty on all appliances installed in each unit, and granting to the homeowner's association and to all purchasers of individual units a one-year warranty on all structures in the community housing project, including all electrical, heating, air conditioning, plumbing, ventilation equipment, other mechanical equipment and roofing;

E. A statement granting to each purchaser of a unit the right to cancel his purchase of the unit without cost or liability, provided the prospective purchaser gives written notice of cancellation within fifteen days after he signs a purchase agreement.

F. A copy of the property condition report and the organizational documents as provided for in Section 17.49.040. (Ord. 173 (part), 1979).

17.49.100 Development standards. In addition to compliance with existing building codes, zoning, subdivision, property maintenance, and sign regulations, and other requirements of this code, a community housing project shall comply with the following development and improvement standards:

A. Fire Safety.

1. Smoke Detectors. Each unit shall be furnished with approved smoke detectors mounted on the ceiling or wall at a point centrally located in the area giving access to rooms used for sleeping purposes.

2. Fire Protection Systems. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protection appliances shall be retained in an operable condition at all times and shall otherwise comply with current city standards.

B. Sound Transmission.

1. Shock Mounting of Mechanical Equipment. All permanent mechanical equipment determined by the building official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators, as approved.

2. Noise Standards. Walls and floor/ceiling assemblies between units and common or service areas shall be capable of achieving a sound reduction equivalent to a sound transmission class of thirty. Such reduction of sound transmission may be demonstrated by reference to accepted published material relating sound transmission loss to the type of construction

or by field measurement by a qualified acoustical technician or engineer.

C. Thermal Insulation. Exterior walls and ceiling/roof assemblies of occupied portions of dwellings shall have thermal insulation equivalent to a value of R-12. Such insulation value may be demonstrated by reference to accepted published materials which describe the insulating value of structure components and wall/roof coverings used in the project, together with the known R value of insulating material added to comply with this section.

D. Utility Metering. The consumption of gas, electricity, and water within each unit shall be separately metered and there shall be circuit breakers and shutoff valves for each unit.

E. Storage. Each unit shall be provided with at least three hundred cubic feet of enclosed weatherproofed, and lockable private storage space, exclusive of cabinets and closets within the unit. This space shall be for the sole use of the unit owner.

F. Laundry Facilities. A laundry area shall be provided in each unit or in common laundry areas. Common laundry facilities shall consist of at least one washer and dryer for each five units or fraction thereof.

G. Open Space. Each community housing project must provide private and common outdoor open space as specified in this section.

1. Private Open Space. Each unit shall be provided with at least two hundred square feet of exterior porch, patio, deck, garden, or other private open space adjacent to the unit that shall be for the sole use of the unit owner.

2. Common Open Space. A community housing project shall provide at least one thousand square feet of common open space per unit, at least half of which must be devoted to usable open space having less than a ten percent slope and not containing any parking areas or roads. Said common open space shall be common landscaped areas, gardens, pedestrian pathways, outdoor and indoor recreational facilities, and other open space areas exclusive of all nonrecreational buildings and shall be for the use of all units in the project.

H. Parking Standards. The off-street parking requirements for a community housing project shall be one and one-half parking spaces per unit for one bedroom or studio units and two parking spaces for units containing two or more bedrooms.

I. Undergrounding of Utilities. All utilities serving the community housing project shall be undergrounded.

J. Refurbishing and Restoration. For community housing conversion projects, all structures, building exteriors, sidewalks, driveways, parking areas, landscaped areas, and common facilities shall be refurbished and restored to a safe,

attractive, and usable condition in consistency with the provisions of this section and this code. (Ord. 173 (part), 1979).

Chapter 17.52

PERFORMANCE STANDARDS

Sections:

- 17.52.010 Fire and explosion hazards.
- 17.52.020 Radioactivity or electrical disturbance.
- 17.52.030 Noise.
- 17.52.040 Vibration.
- 17.52.050 Smoke.
- 17.52.060 Odors.
- 17.52.070 Fly ash, dust, fumes, vapors, gases, and other forms of air pollution.
- 17.52.080 Glare.
- 17.52.090 Liquid or solid wastes.

17.52.010 Fire and explosion hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices standard in industry and as approved by the fire department. All incineration is prohibited. (Ord. 65 §2(part), 1967: prior code §5107.1).

17.52.020 Radioactivity or electrical disturbance. Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation of any kind shall be emitted which is dangerous to humans. (Ord. 65 §2(part), 1967: prior code §5107.2).

17.52.030 Noise. At the lot line the maximum sound pressure level radiated in each standard octave band by any use or facility, other than transportation facilities or temporary construction work, shall not exceed the values for octave bands lying within the several frequency limits given in Table I, after applying the correction shown in Table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer, conforming to standards prescribed by the American Standards Association. American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, N.Y. and American Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Associations, Inc., New York, N.Y. shall be used.

TABLE I.

| Frequency Range Containing Octave Bands In Cycles Per Second | Octave Band Sound Pressure Level In Decibels re 0.0002 dyne/cm ² |
|--|---|
| 20 - 300 | 60 |
| 300 - 2400 | 40 |
| above 2400 | 30 |

If the noise is not smooth and continuous and is not radiated between the hours of ten p.m., and seven a.m., one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.

TABLE II.

| Type of Location of Operation or Character of Noise | Correction in Decibels |
|---|------------------------|
| 1. Daytime operation only | Plus 5 |
| 2. Noise source operate less than: | |
| a. 20% of any one-hour period | Plus 5 |
| b. 5% of any one-hour period | Plus 10 |
| (Apply one of these corrections only.) | |
| 3. Noise of impulsive character such as hammering | -5 |
| 4. Noise of periodic character such as hammering or screeching | -5 |
| (Ord. 65 §2(part), 1967: prior code §5107.3). | |

17.52.040 Vibration. No vibration shall be permitted so as to cause a noticeable tremor, measureable without instruments at the lot line. (Ord. 65 §2(part), 1967: prior code §5107.4).

17.52.050 Smoke. No emission shall be permitted at any point from any chimney or otherwise of visible grey smoke or of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart published by the McGraw-Hill Publishing Co., Inc. copyright 1954 (being a direct facsimile reduction of a standard Ringlemann Chart as issued by the United States Bureau of Mines) except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for four minutes in any thirty minutes. (Ord. 65 §2(part), 1967: prior code §5107.5).

17.52.060 Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air, at the lot line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors, Table III, "Odor Thresholds," in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C. (Ord. 65 §2(part), 1967: prior code §5107.6).

17.52.070 Fly ash, dust, fumes, vapors, gases, and other forms of air pollution. No emission shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling at any point. No emission shall be permitted in excess of the

standards specified in Table I, Chapter 5, "Industrial Hygiene Standards, Maximum Allowable Concentrations" of the "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C. In no event shall any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations, exceed 0.3 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred degrees Fahrenheit and fifty percent excess air. (Ord. 65 §2(part), 1967: prior code §5107.7).

17.52.080 Glare. No direct or reflected glare, whether produced by floodlight, high temperature processes such as combustion or welding, or other processes, so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that the said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs. (Ord. 65 §2(part), 1967: prior code §5107.8).

17.52.090 Liquid or solid wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accord with standards approved by the California Department of Public Health or such other governmental agency as shall have jurisdiction of such activities. (Ord. 65 §2(part), 1967: prior code §5107.9).

Chapter 17.56

NONCONFORMING USES

Sections:

- 17.56.010 Continuation of existing use.
- 17.56.020 Time limit for compliance.
- 17.56.030 Compliance of structurally altered building.
- 17.56.040 Restoration of partially destroyed building.
- 17.56.050 Removal of nonconforming structures.
- 17.56.060 Chapter application.

17.56.010 Continuation of existing use. Except as otherwise provided in this chapter, uses of land, buildings, or

structures existing at the time of the adoption of the ordinance codified herein may be continued, although the particular use, or the building or structure does not conform to the regulations specified by this title for the district in which the particular building or structure is located or use is made; provided, however, no nonconforming structure or use of land may be extended to occupy a greater area of land, building or structure than is occupied at the time of the adoption of the ordinance codified herein. If any nonconforming use is discontinued or abandoned, any subsequent use of such land or building shall conform to the regulations specified for the district in which such land or building is located except as hereinafter provided. If no structural alterations are made therein, a nonconforming use of a building may be changed to another use of the same or more restrictive classification upon the securing of a use permit. If the nonconforming use is replaced by a more restrictive use, the occupancy thereafter may not revert to a less restrictive use. If any use is wholly discontinued for any reason except pursuant to a valid order of a court of law for a period of one year, it shall be conclusively presumed that such use has been abandoned within the meaning of this title, and all future uses shall comply with the regulations of the particular district in which the land or building is located. (Ord. 100 §18, 1972; Ord. 65 §2 (part), 1967: prior code §5108.1).

17.56.020 Time limit for compliance. If any lands, upon which no building or structure of any kind is located, are used for a purpose which is not in compliance with the regulations of the district where such lands are located, such use may continue for a period of three years from the date of the adoption of the ordinance codified herein. After the expiration of this three year period, such lands shall be used only in conformance with the regulations of the district in which they are located. (Ord. 65 §2 (part), 1967: prior code §5108.2).

17.56.030 Compliance of structurally altered building. Any building or structure existing at the date of the adoption of the ordinance codified herein, which is nonconforming either in use, design or arrangement shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or alteration is in compliance with the regulations set forth in this title for the district where such building or structure is located; provided however, any such nonconforming building or structure may be maintained, repaired or portions thereof replaced so long as such repairs or replacements do not exceed twenty-five percent of the building's assessed valuation, as shown on the latest assessment roll of the city. (Ord. 65 §2 (part), 1967: prior code §5108.3).

17.56.040 Restoration of partially destroyed building. A nonconforming building destroyed to the extent of more than

fifty percent of its reasonable value at the time of its destruction by fire, explosion, or other casualty or act of God, may be restored and used only in compliance with the regulations existing in the district wherein it is located. (Ord. 65 §2(part), 1967: prior code §5108.4).

17.56.050 Removal of nonconforming structures. Any structure which does not conform to the regulations of the district in which it is located, and which has an assessed valuation of five hundred dollars or less at the time it became nonconforming, shall be removed, or altered or reconstructed to be structurally conforming, within five years from the time the structure became nonconforming. The building inspector shall cause notice to be given to the owners of any such structure at least one year prior to the time removal or alteration is required to be completed and removal or alteration shall not be required to be completed until such one year period has lapsed. (Ord. 65 §2(part), 1967: prior code §5108.5).

17.56.060 Chapter application. The foregoing provisions of this chapter shall apply to structures, land, and uses which hereafter become nonconforming due to redistricting of any lands under provisions of this title. (Ord. 65 §2(part), 1967: prior code §5108.6).

Chapter 17.58

PROPERTY MAINTENANCE REGULATIONS

Sections:

- 17.58.010 Purpose and intent.
- 17.58.020 Property maintenance regulations.
- 17.58.030 Enforcement guidelines.

17.58.010 Purpose and intent. The purpose and intent of these regulations are as follows:

A. To define as public nuisances and violations of this code those conditions which are considered harmful and/or deleterious to the public health, safety, and welfare of the citizens of Morro Bay;

B. To develop regulations that will promote the sound maintenance of property and the enhancement of the livability, community appearance, and the social, economic, and environmental conditions of the community;

C. To establish guidelines for the correction of property maintenance violations and nuisances that afford due process and procedural guarantees to affected property owners. (Ord. 176 (part), 1980).

17.58.020 Property maintenance regulations. It is unlawful for any person owning, leasing, occupying, or having charge or possession of any premises of the city to maintain such premises in such a manner that any of the following conditions are found to exist thereon:

1. Land having a topography, geology, or configuration which, as a result of grading operations or improvements to said land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems as to pose a threat to or be injurious to adjacent properties;
2. Buildings which are abandoned, boarded up, partially destroyed, or left unreasonably in a state of partial construction;
3. Unpainted buildings or buildings with peeling paint in such a condition as to:
 - a. Cause dry rot, warping, and termite infestation, or
 - b. Constitute an unsightly appearance that detracts from the aesthetic or property values of neighboring properties;
4. Broken windows constituting hazardous conditions and/or inviting trespassers and malicious mischief;
5. Overgrown vegetation that is likely to harbor rats, vermin and other similar nuisances, or that is unsightly and otherwise detrimental to the aesthetic or property values of neighboring properties;
6. Dead, decayed, or diseased trees, weeds, and other vegetation which:
 - a. Constitute a fire hazard or a condition considered dangerous to the public health, safety, and general welfare, or
 - b. Constitute an unsightly appearance or otherwise detract from the aesthetic and property values of neighboring properties;
7. The use of trailers, campers, boats, and other similar vehicles or other equipment used for sleeping or cooking purposes in areas where such use is not permitted;
8. Abandoned, wrecked, dismantled, or inoperative trailers, campers, boats, and other motor vehicles which are accumulated or stored in yard areas for a period in excess of two weeks;
- ~~9. Parking of vehicles on public rights-of-way for periods in excess of seventy-two hours;~~
- 9 10. Parking or storage of heavy commercial or construction vehicles or equipment ~~in public rights-of-way or~~ in yard areas of properties within residential areas of the city;
- 10 11. Performance of mechanical work on motor vehicles ~~on public rights-of-way or~~ performance of such work in yard areas of residential properties so as to be visible from public rights-of-way or neighboring properties for periods in excess of three weeks;

11. 12. Broken or discarded furniture, appliances, and other household equipment stored in yard areas for periods exceeding one week;

12. 13. Conditions which may prove detrimental or dangerous to children, whether in a building, on the premises of a building, or on an unoccupied lot, in the form of:

- a. Abandoned and broken equipment,
- b. Abandoned wells, shafts, or basements,
- c. Hazardous or unprotected pools, ponds, excavations,
- d. Structurally unsound fences or structures,
- e. Neglected machinery,
- f. Lumber, trash, fences or debris which may prove a hazard for inquisitive minors;

13. 14. Packing boxes, lumber, trash, dirt and other debris stored in yards for unreasonable periods in areas visible from public property or neighboring properties;

14. 15. Unscreened trash cans, bins, or containers stored for unreasonable periods in areas visible from public property;

15. 16. The accumulation of dirt, litter, or debris in vestibules, doorways or the adjoining sidewalks of commercial or industrial buildings;

16. 17. The disposal of oil, gasoline, other petroleum products, noxious chemicals, pesticides, or any gaseous, liquid, or solid wastes in such a manner as to:

- a. Constitute a condition considered injurious to the public health, safety and welfare,
- b. Cause pollution of the land, water, or air in the city,
- c. Degrade the appearance of or detract from the aesthetic and property values of neighboring properties;

17. 18. Property or structures maintained in such a condition as to block or obstruct the flow of floodwaters in natural or manmade drainage channels so that such obstruction could be expected to cause damage to said property or surrounding properties that would not otherwise occur;

18. 19. Premises maintained in such a condition as to obscure the visibility of public street intersections to such a degree as to constitute a public hazard;

19. 20. Maintenance or use of premises which, by reason of noise, dust, odor or other effects caused by the use of said premises, diminish the livability, enjoyment, use and property values of neighboring properties;

20. 21. The maintenance of signs or sign structures relating to uses no longer conducted or products no longer sold on vacant commercial, industrial, or institutional buildings;

21. 22. The maintenance of signs in a deteriorated condition;

22. 23. Property maintained in such a condition as to be detrimental to the public health, safety, or general welfare or in such a manner as to constitute a public nuisance as

defined in Civil Code 3480;

23 24. Property and building, or portions thereof, maintained in such a condition as to become so defective and unsightly, or in such a condition of deterioration or disrepair as to diminish the enjoyment, use, or property values of surrounding properties;

24 25. Neglect of premises to spite neighbors, influence zone changes, or to purposely cause detrimental effect upon nearby property values;

25 26. Any condition recognized in law or equity as constituting a public nuisance;

26 27. Any condition in violation of the provisions of this code;

27 28. Lights, lighted signs, or other devices that direct or reflect glare so as to be visible from any boundary line of property on which the source of light or glare is produced. (Ord. 176 (part), 1980).

17.58.030 Enforcement guidelines. A. The correction of property maintenance violations shall be pursued by the code enforcement official through the use of citations or the institution of nuisance abatement proceedings pursuant to Chapter 17.16 of this title consistent with such rules, guidelines, and regulations pertaining to the enforcement of this chapter.

B. The code enforcement official shall promulgate rules, guidelines, or regulations pertaining to the enforcement and implementation of this chapter which shall become effective upon their approval by city council resolution, and which shall be reviewed by the city council in January of each year for their fairness and effectiveness.

C. Nothing herein shall prevent city officials who possess the proper authority from taking such temporary actions in emergency situations as is, in their judgment, within the spirit and intent of this chapter and any adopted enforcement guidelines therefor. (Ord. 176 (part), 1980).

Chapter 17.60USE PERMITS--VARIANCES--PERMIT REVOCATIONSections:

- 17.60.010 Use permit--Issuance.
- 17.60.020 Use permit application--Form.
- 17.60.030 Use permit--Issuance.
- 17.60.040 Variance application--Conditions.
- 17.60.050 Variance application--Form.
- 17.60.060 Variance--Issuance.
- 17.60.070 Hearing.
- 17.60.080 Council action.
- 17.60.090 Acceptance of conditions required.
- 17.60.100 Appeals.
- 17.60.110 Expiration of permits.
- 17.60.120 Revocation of permits.
- 17.60.130 Hearing on revocation.

17.60.010 Use permit--Issuance. Use permits revocable, conditional and/or valid for a term period, may be issued as provided in this chapter for any of the uses or purposes for which such permits are required or permitted by the terms of this title, and only those uses. The planning commission may

impose such conditions as it deems necessary to secure the purposes of this title and may require tangible guarantees or evidence that such conditions are being, or will be complied with. (Ord. 65 §2(part), 1967: prior code §5110.1).

17.60.020 Use permit application--Form. Application for use permits shall be made in writing by the owners of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the planning commission. The application shall be accompanied by a fee, set by the city council, and plans showing the details of the proposed use to be made of the land or building. (Ord. 65 §2(part), 1967: prior code §5110.2).

17.60.030 Use permit--Issuance. Upon receipt of the application for a use permit, the planning commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the planning commission finds that the aforementioned conditions will not result from the particular use applied for, it may grant the use permit. (Ord. 65 §2(part), 1967: prior code §5110.3).

17.60.040 Variance application--Conditions. Applications for variances from the strict application of the terms of this title may be made and variances granted when the following circumstances are found to apply:

A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated; and

B. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. (Ord. 65 §2(part), 1967: prior code §5110.4).

17.60.050 Variance application--Form. Applications for variance shall be made in writing by a property owner, lessee, purchaser in escrow, or optionee with the consent of the owners on a form prescribed by the planning commission. They shall be accompanied by a fee set by the city council, a plan of the details of the variance requested, and evidence showing;

A. That the granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare; and

B. That due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in practical difficulties and unnecessary hardship. (Ord. 65 §2(part), 1967: prior code §5110.6).

17.60.060 Variance--Issuance. If the planning commission finds that the qualifications under Section 17.60.040 apply to the land, building or use for which variance is sought, and that such variance is in accordance with the intent of this title, it may grant all or part of the variance sought. (Ord. 65 §2(part), 1967: prior code §5110.7).

17.60.070 Hearing. A public hearing shall be held on any application for use permit or variance.

Notice of such hearing shall be given, not less than ten days prior to such hearing, by publication in a newspaper of general circulation, and by mailing, postage prepaid, a notice of the time and place of such hearing to all persons whose names and addresses appear on the latest adopted tax roll, or as known to the city clerk, as owning property within a distance of three hundred feet from the exterior boundaries of the area occupied, or to be occupied, by the use which is the subject of the hearing. Such notice shall set forth a general description of the property affected, and the nature of the proposed use of variance. (Ord. 65 §2(part), 1967: prior code §5110.8).

17.60.080 Council action. Use permits and variances shall not be issued until ten days have elapsed from the granting thereof, and in case an appeal is filed from the planning commission decision thereon shall not be issued until decision shall be made by the city council on such appeal. (Ord. 65 §2(part), 1967: prior code §5110.9).

17.60.090 Acceptance of conditions required. Use permits and variances shall not have any force and effect until the permittee acknowledges receipt thereof and acceptance of any conditions thereto. (Ord. 65 §2(part), 1967: prior code §5110.10).

17.60.100 Appeals. In case the applicant or any other person is not satisfied with the action of the planning commission on any use permit or variance application, he may, within ten days appeal in writing to the city council. The fee for such appeal shall be set by the city council.

Upon receipt of such appeal the city council shall set the matter for public hearing, said hearing shall be held within forty days following such receipt, notice thereof to be given as provided by law. Notice shall also be given to the planning commission which shall submit a report to the city council setting forth the reasons for the action taken by the planning commission. Such report shall be submitted in writing or by representation at the hearing.

The city council shall render its decision not more than forty days after the close of the hearing. (Ord. 65 §2(part), 1967: prior code §5110.11).

17.60.110 Expiration of permits. Any use permit or variance granted in accordance with the terms of this title shall, without further action, become null and void if not used within one year from the date of the approval thereof or within any other period of time, if so designated by the planning commission. (Ord. 65 §2(part), 1967: prior code §5110.12).

17.60.120 Revocation of permits. Any use permit or variance granted in accordance with the terms of this title may be revoked by the city council in the manner hereinafter set forth, if any of the conditions or terms of such permits are violated, or if the following findings are made:

A. In Connection with Use Permits. The continuance of the use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such use, or would be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city.

B. In Connection with Variances. Continued relief from the strict application of the terms of this title would be contrary to the public interest, safety, health and welfare. (Ord. 65 §2(part), 1967: prior code §5110.13).

17.60.130 Hearing on revocation. Before the council considers revocation of any permit, the planning commission shall hold a hearing thereon after giving written notice thereof to the permittee at least ten days in advance of such hearing and in the same time and manner as provided in Section 17.64.050. Within five days thereafter, the planning commission shall transmit a report of its findings and its recommendations on the revocation to the city council. (Ord. 65 §2(part), 1967: prior code §5110.14).

Chapter 17.61ENFORCEMENTSections:

- 17.61.010 Purpose and intent.
- 17.61.020 Code enforcement officer.
- 17.61.030 Violation.
- 17.61.040 Right-of-entry.
- 17.61.050 Service of notice requirements.
- 17.61.060 Hearings.
- 17.61.070 Citations.
- 17.61.080 Revocation of entitlement.
- 17.61.090 Forfeiture of bond.
- 17.61.100 Nuisance abatement.
- 17.61.110 Civil remedies.

17.61.010 Purpose and intent. The purposes and intent of this section are as follows:

- A. To establish procedures for the enforcement of the provisions of this title;
- B. To establish remedies to correct violations of this code;
- C. To establish procedures for the abatement of nuisances as a reasonable exercise of police powers;
- D. To assure due process of law and provide procedural guarantees to property owners affected by the enforcement of this code. (Ord. 176 (part), 1980).

17.61.020 Code enforcement officer. A. For the purposes of this code, the community development director shall be designated as the code enforcement officer who shall have the following responsibilities and authority:

- 1. To administer and enforce all provisions of this title;
- 2. To discuss the provisions of this title in order to secure voluntary compliance with its provisions;
- 3. To issue citations for violations of this title;
- 4. To initiate all necessary proceedings to revoke approvals and entitlements granted under this title;
- 5. To initiate all necessary proceedings to forfeit bond or cash deposits;
- 6. To initiate all necessary proceedings to abate nuisances in the manner set forth in this title;
- 7. To promulgate and enforce such written rules, guidelines or other regulations as may be necessary to administer and enforce the provisions of this title;
- 8. To develop an annual program for the systematic enforcement of the provisions of this title.

B. The code enforcement's official shall also have such powers as follows:

1. With the approval of the city administrator, to delegate the responsibilities and powers to enforce a specific provision of this title or to correct one or more specific violations of this title to another city department or official;

2. To require the chief of police and any and all officers of the city otherwise charged by law with the enforcement of this title and any and all of its provisions to render assistance in the enforcement of any and all of the provisions of this title. (Ord. 176 (part), 1980).

17.61.030 Violation. A. Authority to Correct Violations. The code enforcement official shall seek the correction of any violation(s) of any provision of this title through the use of the citation procedure or the nuisance abatement procedures or both such procedures as set forth in this chapter.

B. Penalty for Violation.

1. Any person who violates any provisions of this title shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars or by imprisonment in jail for a period not exceeding six months, or by both such fine and imprisonment.

2. The imposition of one penalty shall not excuse the violation(s) or permit said violation(s) to continue.

3. Any person who violates any provisions of this title shall be required to correct or remedy such violations within a reasonable period of time.

4. When not otherwise specified, each ten days that conditions in violation of this title are maintained, shall constitute a separate offense. (Ord. 176 (part), 1980).

17.61.040 Right-of-entry. A. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the code enforcement official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition in violation of this code, the code enforcement official, or his duly authorized representatives, may enter said premises at all reasonable times to perform any duty imposed upon him by this code, provided that:

1. If premises are private and occupied, the official shall present proper credentials, state the reasons for entry, and request entry, and if entry is not granted a court order shall be secured.

2. If premises are unoccupied, the official shall make a reasonable effort to locate the owner or other persons having charge or control of said premises, inform the owner of the reasons for entry, and demand entry.

3. The official shall not be allowed to enter any occupied dwelling in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

4. The official shall not be allowed to enter any dwelling between the hours of six p.m. and eight a.m. without the consent of the owner or occupants of said dwelling.

B. If entry allowed under the provisions of this section is refused, the code enforcement official or his authorized representative shall have recourse to every remedy provided by law to secure entry. (Ord. 176 (part), 1980).

17.61.050 Service of notice requirements. Whenever it is necessary in this chapter to notify owners, permittees, occupants, or persons, said notice shall be served in the following manner:

A. Service of the notice or order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice or order by certified mail, postage prepaid, return receipt requested.

B. Said notice or order shall be served to the recorded owner of the premises at his address as it appears on the last equalized assessment roll of the county, or as known to the code enforcement official, and to any other person entitled to notice at his address as known to the code enforcement official.

C. Proof of service of the notice or order shall be certified to at the time of service by a written declaration under perjury executed by the person effecting service, together with any receipt card returned in acknowledgment of receipt by certified mail which shall be affixed to the copy of the notice or order retained by the code enforcement official.

D. Failure of any owner or other person to receive such notice or order served in the manner specified in this section shall not affect in any manner the validity of any proceedings taken hereunder. (Ord. 176 (part), 1980).

17.61.060 Hearings. Whenever it is necessary under this chapter to conduct a hearing to consider any revocation of approval, forfeiture of bond, or nuisance abatement, the hearing board is to hear sworn testimony and consider other evidence concerning the conditions constituting cause to revoke approval, to forfeit bond, or to abate a nuisance. Respondents may be present at such hearing, may be represented by counsel, may present testimony, and cross-examine witnesses. The hearing need not be conducted according to technical rules relating to evidence and witnesses and may be continued from time to time. After the conclusion of the hearing, the hearing board is to deliberate upon the evidence and make findings upon such evidence to support any action to the hearing board to revoke approval, forfeit bond, or abate a nuisance. (Ord. 176 (part), 1980).

17.61.070 Citations. A. Authority to Issue Citations. The code enforcement official may issue a citation to any person suspected of a violation of any of the provisions of this title.

B. Notice of Violation. Upon determining that a violation of this title exists, the code enforcement official shall issue a notice and order to the owner as well as the occupant of the premises. The notice and order shall contain:

1. The street address and a legal description sufficient to identify the premises on which a violation is found to exist;

2. A statement that the code enforcement official has found a violation to exist on said premises, and a description of the conditions in violation of this title and the means to correct such violation(s);

3. An order to secure permits if necessary and to commence and complete work to correct the violation(s) within a specified period of time;

4. A statement advising that if the required correction or elimination of condition(s) in violation is not commenced and completed within the specified time, the code enforcement official shall either:

a. Cite the owner for violation of a specific provision or provisions of this title,

b. Institute proceedings for the abatement of the conditions as a nuisance before the city council under Section 17.60.100 of this title,

c. Take both such actions to cite and institute nuisance abatement proceedings.

C. Failure to Correct Violations. If the owner or occupant of the premises fails to correct the violation(s) within the time specified in the notice of violation, the code enforcement official shall issue a citation to said owner or occupant for violation of a specific provision or provisions of this title. (Ord. 176 (part), 1980).

17.61.080 Revocation of entitlement. A. Revocation of Approval. The code enforcement official may institute proceedings to revoke approval of any variance, use permit, business license, certificate of occupancy, encroachment permit, grading permit, building permit, subdivision, or any other permit, entitlement, or approval granted pursuant to this title, in any case where satisfactory evidence has been submitted to said official that either of the following exists:

1. The development has been carried out in a manner which violates any provisions of this title, or

2. Condition or conditions of approval have not been complied with.

B. Hearing on Revocation.

1. Prior to revocation of any permit or entitlement,

the planning commission shall hold a hearing thereon after the permittee has been notified of intention to revoke at least ten days prior to said hearing by the code enforcement official. Such notice is to contain the following:

a. A heading reading: "IMPORTANT....NOTICE OF REVOCATION HEARING";

b. The provisions and/or conditions violated and the means to correct such violation(s);

c. The date and place of the revocation hearing.

2. If grounds for revocation have been established at the hearing, the hearing body may allow the permittee additional time to correct the violation or noncompliance, may modify the conditions of approval based on new evidence, or may revoke the approval.

C. Appeal. The permittee may appeal the revocation of the city council by filing a written appeal with the city clerk within ten days following action by the planning commission. Upon appeal, the revocation shall not take effect until sustained by the city council. If there is no appeal, revocation shall take effect when the appeal period expires.

D. Effect of Revocation. When any entitlement has been revoked under this section, no further development or use of the property to which the entitlement applied may be undertaken except pursuant to approval of a new application. (Ord. 176 (part), 1980).

17.61.090 Forfeiture of bond. The code enforcement official may initiate procedures to forfeit all or a portion of a bond or cash deposit. Prior to causing all or a portion of a bond or cash deposit to be released or forfeited to the city, the city council shall hold a hearing thereon at least ten days after the permittee has been notified of the forfeiture hearing by the code enforcement official. Said hearing shall take place in the manner specified in Section 17.61.060. After the hearing, the city council may cause all or a portion of such bond or cash deposit to be released or forfeited to the city. (Ord. 176 (part), 1980).

17.61.100 Nuisance abatement. A. Abatement of Nuisance. All or part of any real property, or any building or structure thereon, found to be in violation of this title may be abated by rehabilitation, repair, demolition, or removal pursuant to the procedures set forth herein.

B. First Notice--Finding of Nuisance. Whenever the code enforcement official finds that any premises within the city are being maintained contrary to one or more of the provisions of this title, said official shall issue a written notice and order served in the manner specified in Section 17.61.050 to the recorded owner of said premises consisting of:

1. The street address and a legal description

sufficient to identify the premises on which a condition constituting a nuisance is found to exist;

2. A statement that the code enforcement official has found a nuisance to exist on said premises, and a description of the conditions in violation of this title and the means to correct such violation(s);

3. An order to secure permits if necessary and to commence and complete work to correct the condition(s) within a specified period of time;

4. A statement advising that if the required correction or elimination of condition(s) constituting a nuisance is not commenced and completed within the specified time, the code enforcement official shall institute formal proceedings for the abatement of a nuisance.

C. Second Notice--Hearing to Abate Nuisance.

1. In the event said owner fails, neglects, or refuses to comply with the first notice to correct the violation, a hearing to be conducted by the code enforcement official shall be scheduled to ascertain whether said violation constitutes a public nuisance, the abatement of which is appropriate under the police powers of the city.

2. Notice of said hearing shall be of the form prescribed in this section, and shall be served upon the owner of the premises and a copy thereof conspicuously posted on the affected premises not less than ten days before the time fixed for said hearing.

a. Service shall be by personal service upon the owner of said premises as such owner's name and address appears on the last equalized assessment roll if (s)he is found within the city limits, or by mailing a copy of said notice. Said mail shall be registered or certified and addressed to said owner at his last known address and if there is no such address, then said mail shall be sent to the property address. The service shall be deemed complete at time of deposit in the mail. The failure of any person to receive such notice shall not affect the validity of any proceeding hereunder.

b. The form of the notice of the hearing to abate the nuisance shall be as follows:

"This notice of said hearing before the City Code Enforcement Official shall conduct a public hearing to ascertain whether certain premises situated in the City of Morro Bay, State of California, known and designated as _____, in said city, and more particularly described as _____, constitute a public nuisance subject to abatement by the rehabilitation of such premises or by the repair or demolition of buildings or structures situated thereon. If said premises, in whole or part, are found to constitute a public nuisance as defined in this Section and if the same are not promptly abated

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by the owner, such nuisances may be abated by municipal authorities, in which case the cost of such rehabilitation, repair, or demolition will be assessed upon such premises and such cost will constitute a lien upon such land until paid.

Such alleged violations consist of the following:

The methods of abatement available are:

All persons having an interest in said matters may attend said hearing when their testimony and evidence will be heard and given due consideration.

DATED: This _____ day of _____, 19____

COMMUNITY DEVELOPMENT DIRECTOR"

D. Hearing by Code Enforcement Official. At the time stated in the notice to abate, the code enforcement official shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, city personnel, affected neighbors, and interested persons relative to such alleged public nuisance and to proposed rehabilitation, repair, demolition, or removal of said nuisance.

E. Preparation and Service of Order to Abate. If, as a result of the hearing, the code enforcement official finds that a public nuisance exists and that there is sufficient cause to warrant abatement of said nuisance, (s)he shall prepare an order to abate containing:

1. A statement deeming the violation a public nuisance under this code;
2. A summary of findings of fact, conclusions, and recommendations with respect to abatement;
3. A list of needed corrections and abatement methods;
4. The time limit within which the nuisance must be abated at the owner's expense.

The code enforcement official shall serve the order to abate upon the owners of the premises in accordance with the notification provisions of Section 17.61.020.

Any property owner shall have the right to have any such premises rehabilitated or to have such buildings or structures demolished or repaired in accordance with the order to abate at his own expense provided that same is done prior to the expiration of the abatement period set forth in said order.

Upon abatement in full by owner, then proceedings hereunder shall terminate.

F. Appeal Procedure.

1. Any person entitled to service under this section may appeal the decision of the code enforcement official to the city council by filing a written, dated appeal of said decision with the city clerk within ten days of service of an order to abate. Said appeal shall contain:
 - a. Names of all appellants participating in the appeal;
 - b. A brief statement setting forth the legal interest of each of the appellants in the premises involved in the notice and order to abate;
 - c. A clear, concise statement of the action or order under appeal, together with any material facts supporting the contention of the appellant;
 - d. The signatures of all parties named as appellants, and their official mailing addresses;
 - e. The verification of at least one appellant as to the truth of the matters stated in the appeal.
2. As soon as practicable after receiving the written appeal, the city clerk shall set a date for hearing of the appeal by the city council which date shall be not less than seven days nor more than thirty days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given at least five days prior to the date of the hearing to each appellant by the city clerk either by causing a copy of such notice to be delivered to the appellant personally or by mailing copy thereof, postage prepaid, addressed to the appellant at his address shown on the appeal. Continuances of the hearing may be granted by the city council on motion of either party for good cause shown, or on the city council's own motion.
3. Upon the conclusion of the hearing on such appeal, the city council shall, by resolution, either:
 - a. Terminate the proceedings;
 - b. Confirm the action and decision of the code enforcement official; or
 - c. Modify such decision based upon evidence adduced at said hearing.

In the case of alternative a or b of this subsection, the resolution shall declare such premises to be a public nuisance, and order the abatement of the same within thirty days by having such premises, buildings or structures rehabilitated, repaired or demolished in the manner and means specifically set forth in said resolution.

G. Abatement by City. If such nuisance is not completely abated as directed by the owner within said thirty-day period, then the city council may direct the administrative office to cause the same to be abated by city forces or private contract and the administrative officer is expressly authorized to enter upon said premises for such purposes.

H. Cost Accounting and Notification. The administrative officer shall keep an account of the cost (including incidental expenses) of abating such nuisance on each separate lot, or parcel of land where the work is done and shall render an itemized report in writing to the city council showing the cost of abatement and the rehabilitating, demolishing, or repairing of said premises, buildings, or structures, including any salvage value relating thereto; provided, that before said report is submitted to the city council, a copy of the same shall be posted for at least five days upon such premises, together with a notice of the time when said report shall be heard by the city council for confirmation. A copy of said report and notice shall be served upon the owners of said property, in accordance with the provisions of Section 17.16.050 at least five days prior to submitting the same to the city council. Proof of said posting and service shall be made by affidavit filed with the city clerk. The term "incidental expenses" includes, but is not limited to, the actual expenses and costs of the city in preparation of notices, specifications and contracts, and in inspecting the work, and the costs of printing and mailing required hereunder.

I. Assessment Lien.

1. The total cost for abating such nuisance, as so confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a notice of lien, as so made and confirmed, shall constitute a lien on said property for the amount of such assessment.

a. After such confirmation and recordation, a copy may be turned over to the tax collector for the city, whereupon it shall be the duty of said tax collector to add the amounts of the respective assessments to the next regular tax bills levied against said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes; or

b. After such recordation, such lien may be foreclosed by judicial or other sale in the manner and means provided by law;

c. Such notice of lien for recordation shall be in the form substantially as follows:

"NOTICE OF LIEN

(Claim of City of Morro Bay)

Pursuant to the authority bested by the provision of Section 8.12.090 of the Morro Bay Municipal Code, the Administrative Office of the City of Morro Bay did on or about the _____ day of _____, 19____ cause the premises hereinafter described to be rehabilitated or the building or structure on the property hereinafter described, to be repaired or demolished in order to abate a public nuisance on said real property; and the City Council of the City of Morro Bay did on the _____ day of _____, 19____ assess the cost of such rehabilitations, repair or demolition upon the real property hereinafter described; and the same has not been paid nor any part thereof; and that said City of Morro Bay does hereby claim a lien on such rehabilitation, repair, or demolition in the amount of said assessment, to wit the sum of \$_____; and the same shall be a lien upon said real property until the same has been paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being in the City of Morro Bay, County of San Luis Obispo, State of California, and particularly described as follows:

DATED: This _____ day of _____, 19____

Administrative Officer of the
City of Morro Bay"

(Ord. 176 (part), 1980).

17.61.110 Civil remedies. The city attorney may apply to such court or courts as may have jurisdiction to grant such relief as will abate any or correct any violation of this title, or restrain and enjoin any person from creating or maintaining a nuisance. (Ord. 176 (part), 1980).

Chapter 17.64AMENDMENTSSections:

- 17.64.010 Initiation and adoption.
- 17.64.020 Chapter application.
- 17.64.030 Initiation procedure.
- 17.60.040 Hearing--Date.
- 17.64.050 Notice of public hearing.
- 17.64.060 Planning commission report and recommendation.
- 17.64.070 Council hearing.

17.64.010 Initiation and adoption. Except as otherwise provided in this chapter, any amendment to this title shall be initiated and adopted as other ordinances are amended or adopted. (Ord. 65 §2(part), 1967: prior code §5111.1).

17.64.020 Chapter application. Any amendment to this title which changes any property from one district to another district, or imposes any regulation upon property not theretofore imposed, or removes or modifies any such regulation, shall be initiated and adopted as hereinafter set forth in this chapter. (Ord. 65 §2(part), 1967: prior code §5111.2).

17.64.030 Initiation procedure. Any amendment of the nature specified in Section 17.64.020 may be initiated by:

- A. The filing with the city planning commission of a resolution of intention of the city council;
- B. Passage of a resolution of intention by the planning commission; or
- C. Filing with the planning commission of a petition of one or more record owners of property which is the subject of the proposed amendment or their authorized agents. A petition for amendment shall be on a form designated therefor by the planning commission and shall be accompanied by a fee, as set by the city council. (Ord. 65 §2(part), 1967: prior code §5111.3).

17.64.040 Hearing--Date. Upon receipt of a petition or resolution of intention of amendment the planning commission shall set a date for a public hearing thereon, but not later than forty days after the receipt of said petition or resolution. (Ord. 65 §2(part), 1967: prior code §5111.4).

17.64.050 Notice of public hearing. Notice of public hearing shall be given in the following manner:

- A. Publication of a notice of hearing one time not less than ten days prior to such hearing in a newspaper of general circulation in the city; and

B. Notice of the time and place of any public hearing on any zone change amendment to this title shall be given by the planning commission by mailing in the United States mail a written notice thereof, not less than ten days prior to such hearing, to every person whose name and address appears on the latest assessment roll as an owner of any property within the territory covered by such proposed change and within three hundred feet of the outer boundaries thereof; and

C. Posting, not less than ten days prior to such hearing, at least three public notices of hearing along the streets upon which the property proposed to be affected abuts. Each such notice shall consist of the words "Notice of Proposed Zoning Change" in letters not less than one inch in height, and in addition thereto, a statement in small letters setting forth a general description of the property proposed to be affected, the time and place of the public hearing thereon and such other information as the planning commission deems to be necessary.

Any failure to post public notices as aforesaid shall not invalidate any proceedings for the amendment of this title. (Ord. 65 §2(part), 1967: prior code §5111.5).

17.64.060 Planning commission report and recommendation. After the close of the public hearing or continuations thereof, the planning commission shall make a report of its findings and its recommendation with respect to the proposed amendment. The commission report shall include a list of persons who testified at the hearing, a summary of the facts adduced at the hearing, the findings of the commission, and copies of any maps or other data and/or documentary evidence submitted in connection with the proposed amendment. Copy of such report and recommendation shall be transmitted to the city council within ninety days after the first notice of hearing thereon; provided however, that such time may be extended with the consent of the city council or the petition for such amendment. (Ord. 65 §2(part), 1967: prior code §5111.6).

17.64.070 Council hearing. Upon receipt of the recommendation of the planning commission, the city council shall hold a public hearing thereon, giving notice thereof as provided by law. After the conclusion of such hearing the city council may, within one year, adopt the proposed amendment or any part thereof set forth in the petition or resolution of intention in such form as the council deems desirable. (Ord. 65 §2(part), 1967: prior code §5111.7).

APPENDIX

ORDINANCE NO. 233

AN ORDINANCE AMENDING ORDINANCE 65 SUBSECTION 2 AND ZONING DISTRICT AS DESIGNATED ON THE ZONING MAP FROM C-2, S-9 TO C-1 FROM PROPERTY DESCRIBED AS PARCEL A PORTION OF BLOCK 62, BAKERSFIELD COLONY TRACT (CZ 02-82)

T H E C I T Y C O U N C I L
City of Morro Bay, California

The City Council of the City of Morro Bay does ordain as follows:

SECTION 1: That Ordinance No. 65, Subsection 2, and Section 17.48.010 of the Morro Bay Municipal Code be amended to designate property described as Parcel "A", a portion of Block 62, Bakersfield Colony Tract as C-1.

SECTION 2: That the Council does hereby approve of the Environmental Coordinator's determination to file a Negative Declaration pursuant to the California Environmental Quality Act, in connection with this Zoning Ordinance Map amendment, CZ 02-82.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting held thereof on October 11, 1982, by the following roll call vote:

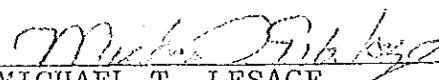
AYES: Anderson, Lemons, Risley, Zeuschner, Shelton
NOES: None
ABSENT: None


EUGENE R. SHELTON, MAYOR

ATTEST:


PAUL BAXTER, CITY CLERK

APPROVED AS TO FORM:


MICHAEL T. LESAGE
CITY ATTORNEY