AGENDA

PLANNING COMMISSION

MONDAY, July 1, 2024 – 6:00 PM – REGULAR MEETING

VIRTUAL & IN COUNCIL CHAMBER, 1644 OAK STREET, SOLVANG, CA 93463

Planning Commissioners:
Kief Adler
Scott Gold
Joannie Jamieson, Vice Chair
Aaron Petersen
Jack Williams, Chair

AGENDA AND SUPPORTING MATERIALS – Available for viewing 8:00a.m.-5:00p.m. at City Hall, 1644 Oak Street, Solvang, and on the City's website https://www.cityofsolvang.com/agendacenter. Additional writings that are distributed to a majority of the Committee after the posting of the agenda will be made available at City Hall and on the City's website.

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PUBLIC COMMENT - The public is encouraged to address the Committee in-person, virtually, or in-writing on agenda and non-agenda items. If provided in writing, comments must be submitted to the City Clerk at cityclerk@cityofsolvang.com by 5:00 p.m. on the Wednesday before the meeting to be considered. Your comment will be recorded and distributed appropriately. Comments on agenda items will be heard at the time each item is considered, including non-agenda items. In-person speakers will be invited to make public comments first. Virtual speakers will follow.

CAMPAIGN CONTRIBUTION DISCLOSURE - Pursuant to Government Code Section 84308, any party to a City proceeding must disclose on the record any campaign contributions made to a member of the City Council [or commission] in excess of $250 in the past 12 months. This disclosure requirement includes contributions by the party's agent and aggregated contributions from persons or entities related to the party. Please make the disclosure as soon as possible, but not later than the beginning of the proceeding.

AMERICANS WITH DISABILITIES ACT - If, as a participant of this meeting, you need special assistance the City will attempt to accommodate you in every reasonable manner. Please contact the City Clerk at either (805) 688-5575 x206 or cityclerk@cityofsolvang.com. 72- hours' notice is requested.

PARTICIPATING IN THE MEETING - Planning Commission meetings will be conducted by video/teleconferencing through Zoom. Meetings will also be broadcast live on Channel 23 and streamed on the City's website, Vimeo, and YouTube.

- To join by Zoom, visit https://zoom.us/j/3066529195. If you wish to speak, please use the "raised hand" symbol.
- To join by phone, call **(888) 788-0099** and enter Meeting ID: **306 652 9195#**. The phone line will be open starting at 5:30 p.m.

6:00 PM REGULAR MEETING OF THE PLANNING COMMISSION

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. APPROVE ORDER OF AGENDA

At this time the Commission reviews the order of business to be conducted and receive requests for, or makes announcements regarding any change(s) to the order of business

2. PUBLIC COMMENT

The Public may address the Commission on items not on the Agenda and on Consent. Each speaker will be afforded three minutes and may speak only once. State Law does not allow action to be taken unless it is noticed on the agenda. The Commission may briefly respond or ask Staff to follow up on such items and/or schedule the matter to a future meeting.

3. CONSENT ITEMS

a. Approve the Minutes of the June 3, 2024 Regular Meeting……... 3

b. Receive and file Planning and Building Division Current Projects July 2024…….. 6

4. EX PARTE COMMUNICATION

This section is intended to allow all officials the opportunity to reveal any disclosure or ex-parte communication regarding the following public hearings.

5. PUBLIC HEARINGS:

6. DISCUSSION ITEMS:

a. Discussion and provide direction on potential Zoning Ordinance Amendments …… 9

7. PLANNING COMMISSIONERS' COMMENTS

8. PLANNING MANAGER REPORT

9. ADJOURNMENT

AFFIDAVIT OF POSTING

I, A. Rafael Castillo, Planning Manager, for the City of Solvang, California, DO HEREBY CERTIFY under penalty of perjury under the laws of the State of California, that the foregoing notice was posted at the City of Solvang City Hall bulletin board at 1644 Oak Street, Solvang, CA and on the City of Solvang website not less than 72 hours prior to the meeting, per Government Code 54954.2.

Dated this 27th day of June 2024.

MINUTES
SOLVANG PLANNING COMMISSION
Monday, June 3, 2024

Regular Meeting – 6:00 p.m.

6:00 PM REGULAR MEETING OF THE PLANNING COMMISSION

CALL TO ORDER

The meeting was called to order at 6:00 p.m. in the City Hall Council Chamber, 1644 Oak Street, Solvang, California.

ROLL CALL

Present: Commissioners Kief Adler, Scott Gold, Aaron Petersen, Vice Chair Joannie Jamieson, Chair Jack Williams

Staff: City Manager Randy Murphy, Assistant City Attorney Taylor Foland, Planning Manager Rafael Castillo, Assistant Plannert Lisa Scherman

PLEDGE OF ALLEGIANCE

Chair Williams led in the Salute to the Flag.

1. APPROVE ORDER OF AGENDA

Motion by Commissioner Gold, to approve the order of the agenda, as presented, seconded by Commissioner Adler and carried, 5-0.

2. PUBLIC COMMENTS

There were no public comments.

3. CONSENT ITEMS

a. Approve the Minutes of the May 6, 2024 Regular Meeting

b. Receive and file Planning and Building Division Current Projects June 2024

There were no public comments on Consent Items.

Motion by Commissioner Adler, to approve Consent Items, as presented, seconded by Vice Chair Jamieson and carried, 5-0.

4. EXPARTE COMMUNICATION - None

5. PUBLIC HEARINGS

a. Public hearing Adoption to consider the following: Planning Commission Resolution No. 24-04

Recommending the City Council take the following actions:
Recommending the City Council certify the final Environmental Impact Report, adopt findings of fact pursuant to the California Environmental Quality Act, adopt a mitigation and monitoring and

reporting program, and adopt a statement of overriding considerations for the Solvang comprehensive general plan update and rezoning (sch#2023060448); and adopt the City of Solvang 2045 General Plan consisting of the following elements: land use, community design, economic development, mobility, environment and sustainability, safety and public facilities, services and infrastructure

Chair Williams opened the public hearing and called for a report from staff.

Planning Manager Castillo introduced the item and deferred to Planning Consultant Laurie Tamura for a report.

Planning Consultant Tamura narrated a PowerPoint presentation regarding the 2045 General Plan Update, Final Environmental Impact Report.

Assistant City Attorney Foland discussed the process for review at this time; reported each property will be considered separately to allow recusal by Commissioners where there may be conflicts of interest.

Regarding the Kaslow redesignation decisions, there were no recusals.

Regarding Mission Santa Ynez and the Lumberyard redesignations, Commissioner Petersen declared he lives within 500 feet of one property and 1,000 of another; recused himself and left the Chambers.

There were no public comments on these properties.

Motion by Commissioner Gold, to recommend adoption of the redesignation of Mission Santa Ynez and the Lumberyard, as part of the General Plan, seconded by Vice Chair Jamieson and carried, 4-0. Commissioner Petersen was absent (recused).

Commissioner Petersen returned to the Chambers and took his place on the dais.

Regarding Site C, Chair Williams declared he lives within 1,000 feet of the site; recused himself and left the Chambers.

Vice Chair Jamieson invited public comments.

Cheryl Seeds

There were no other public comments on this property.

Motion by Commissioner Gold, to recommend adoption of the redesignation of Site C, as part of the General Plan, seconded by Commissioner Petersen and carried, 4-0. Chair Wiliams was absent (recused).

Chair Williams returned to the Chambers and took his place on the dais.

Regarding redesignation of Site B, Chair Williams declared he lives within 1,000 feet of the site; recused himself and left the Chambers.

Regarding redesignation of Site B, Vice Chair Jamieson declared she lives within 500 feet of the site; recused herself and left the Chambers.

Commissioner Gold nominated Commissioner Petersen to lead the meeting and Commissioner Petersen was elected Acting Chair, 3-0, with Vice Chair Jamieson and Chair Williams, absent (recused)

Acting Chair Petersen invited public comments.

There were no public comments on this item.

Motion by Commissioner Adler, to recommend adoption of the redesignation of Site B, as part of the General Plan, seconded by Commissioner Gold and carried, 3-0. Chair Wiliams and Vice Chair Jamieson were absent (recused).

Chair Williams and Vice Chair Jamieson returned to the Chambers and took their places on the dais.

Planning Manager Castillo confirmed there are no other conflicts of interest on the remaining properties set for redesignation.

Chair Williams invited public comments on the remaining items.

Steve Fort, via Zoom
Brandon Sparks, via Zoom

There were no other public comments and Chair Williams closed the public hearing.

Discussion followed regarding vehicle miles traveled within the EIR and clarification of population numbers.

Matt Maddox, Rincon Consultants, via Zoom, provided information regarding comments.

Discussion continued regarding the item.

Motion by Commissioner Adler, to adopt Resolution No. 24-04 with as amended to include the Village redesignation on Copenhagen, as corrected and to reflect the segmented decisions described above, seconded by Commissioner Gold and carried, 5-0.

6. DISCUSSION ITEMS - None

7. PLANNING COMMISSIONERS' COMMENTS

Commissioner Petersen discussed the GPAC process.

8. PLANNING MANAGER REPORT

Planning Manager Castillo addressed upcoming workshops and meetings for the Planning Commission and subsequent implementation efforts of the General Plan; presented a brief update on Site C and announced a "Business Talk" program starting in June as part of the City's efforts to reach out to businesses in the village.

9. ADJOURNMENT

The meeting was adjourned at 7:28 p.m.

Respectfully submitted:

_____
A. Rafael Castillo, Planning Manager

CITY OF SOLVANG
PLANNING & BUILDING – MAJOR PROJECT LIST
July 2024

Project #	Applicant	Project Name	Address	APN	Zoning	Project Description	Project Status	Expiration Date
PROJECTS UNDER CONSTRUCTION								
210074	Darkstar Development, LLC	Alisal Condo	539 Alisal Rd	139-143-004	DR 20	11 Unit multi-family condo development	Temporary C of O Issued Map Recordation	9/28/2024
210058	1546 Copenhagen, LLC	3 unit Vacation Rental	1546 Copenhagen	139-174-006	DR 20	3 Unit Vacation Rentals – 1,878 sf total	Building Permit Issued	11/30/2024
22-130, 131,132	1621 Fir Street, LLC	New SFR Fir Street	1621, 1623, 1625 Fir Street	139-141-004	DR-20	3 New detached SFR	Building Permit Issued	12/28/2024
23-165	Jones	ADU w/Attached Garage	1534 Elm Ave	139-132-005	7-R-1	New 790 sf ADU w/ attached garage	Building Permit Issued	9/05/2024
22-195	Jensen Family Trust	New multi-family Development	420 Fifth Street	139-174-045	DR-20	5 Unit multi-family development with 1 ADU	Building Permit Issued	01/30/2025
23-233**	Slipknot LLC	423 2nd Street	423 2nd street	139-191-007	TRC	Building re-habilitation and remodel	Building Permit Issued	3/1/2025
23-111	Olsen Fam TR	Solvang Inn and Cottages Remodel	1515 Mission Dr	139-172-010	TRC	Commercial TI to Solvang Inn & Cottages. Convert existing managers unit to common area and lobby. Remodel lobby. Project has been re-scoped to reduce rooms/office.	Building Permit Issued	2/1/2025
24-060	Lonard Custom Works	Gathering Table TI	1557 Mission Drive	139-132-023	TRC	Interior Demo of non-baring walls, interior finishes, etc for new restaurant. Signage and Colors approved by DRC w/ staff review	Building Permit Issued	04/02/2025
PROJECTS UNDER BUILDING PERMIT REVIEW **denotes permits not requiring discretionary review per California Government Code and/or Solvang Municipal Code								
22-282	Solvang Senior Center	Solvang Senior Center	1745 Mission Dr	139-150-024	I	Demolish existing structures and replace with a new 2 story, 5,640 sf commercial / office space	Ready to be issued	4/24/2025
210223	Bella Vista SYV, LLC	Bella Vista	1875,1879,1883 Laurel	139-100-049,048,047	8-R-1	3 new SFR from an existing subdivision	Ready to be issued	07/22/2024
210183	Darkstar Development, LLC	670 Alamo Pintado Condos	670 Alamo Pintado	139-530-005	DR-20	32 new Multi-unit condo building permit phase	Awaiting Re-submittal	3/2/2025
23-247**	Vanfossen-Knight	Interior Commercial TI	606 Alamo Pintado	139-540-054	TRC	Interior commercial TI to expand restaurant space	Awaiting Re-submittal	12/5/2024

CITY OF SOLVANG
PLANNING & BUILDING – MAJOR PROJECT LIST
July 2024

Project #	Applicant	Project Name	Address	APN	Zoning	Project Description	Project Status	Expiration Date
23-254**	City of Solvang	410 2nd Street	41 2nd Street	139-192-025	TRC	Interior Remodel for additional offices	Ready to Issue	10/19/2024
23-259**	FPA Old Mill Associates, LP	Interior Commercial TI	486 1st Street	139-182-030	TRC	New POS service counter, new coffee bar, new lighting, plumbing & electrical.	Awaiting Re-submittal	10/24/2024
23-284**	Gutierrez	New ADU	516 5th Street	139-132-016	TRC	New 2 bedroom ADU	Awaiting Re-submittal	11/14/2024
24-042	On Design LLC	1704 Mission Drive hotel	1704 Mission Drive	139-240-033	TRC	New 9 Unit hotel cottages and meeting space	Grading Permit Submitted Building Permit awaiting re-submittal	02/28/2025
24-064*	Archdiocese of Los Angeles	Mission Santa Ines Seismic Retrofit	1706 Mission Drive	139-240-067	AG	Seismic Retrofit of Mission Santa Ines. No exterior work	Awaiting Re-submittal	04/04/2025
APPROVED ENTITLEMENTS								
22-139	Atterdag Inn LLC	Atterdag Inn Expansion	459-467 Atterdag Rd	139-174-013,014	TRC	Renovation of an existing 8 unit hotel, and a new 3-story 27 unit hotel with pool and parking	Approved	7/01/2024
180114	1420 Mission Drive LLC	New Hotel	1420 Mission Drive	137-590-010	TRC	New 11 Unit Hotel	Approved	11/06/2024
200233	Maz Y.	Water Wheel Building	425 First Street	139-192-024	TRC	Existing commercial building renovation with parking waiver	Approved	3/01/2025
210183	Darkstar Development, LLC	670 Alamo Pintado Condos	670 Alamo Pintado	139-530-005	DR-20	Condo Map 32 Unit Development	Approved	12/04/2025
22-011	Cearnal Collective	Sansum Clinic	1925 Windmill Ln	139-540-013,014	P-O	New 30,000 sf medical/office building	Approved	2/06/2026
22-021	Lonnie Roy	1704 Mission Drive hotel	1704 Mission Drive	139-240-033	TRC	New 9 Unit hotel cottages and meeting space	Approved	12/04/2026
PLANNING APPLICATIONS IN PROCESS								
	City of Solvang	General Plan Update	City Wide			Comprehensive update of the City's General Plan including General Plan EIR	PC: Recommended Approval CC: 07/08/2024	N/A
23-047	Lonnie Roy	Denmarket Square	1693/1687 Mission Drive	139-143-025,026	TRC	Development Plan and Lot Merger to demolish an existing commercial structure at 1687 Mission Drive,	DRC Meeting 7/18, 7/25	6/8/2025

CITY OF SOLVANG
PLANNING & BUILDING – MAJOR PROJECT LIST
July 2024

Project #	Applicant	Project Name	Address	APN	Zoning	Project Description	Project Status	Expiration Date
						redevelop and create an addition at 1693 Mission Drive to construct a 40 Room Hotel with four (4) ancillary commercial units		
23-242	Lots on Alamo Pintoado LLC	Wildwood-SB 330 Application	N/A	139-530-001,002	20-R-1	Proposed 100 multi-family units with 20 affordable housing units with proposed State Density Bonus. Utilizing SB 330 application via CGC Section 65941.1	Awaiting Re-submittal	8/01/2024
23-302	Lonnie Roy	LUCCA Market & Deli Amendment	1714 Mission Drive	139-240-034	TRC	Amendment to approved Development Plan (Resolution No 22-07). Proposed amendment includes deli that has drive in coffee operations during the morning hours of 6 AM to 9 AM. Additions are proposed to the existing structure along the existing drive thru for a total proposed building size of 9,456 SF.	Awaiting Re-submittal	12/18/2024
PA 24-003	Valeueven Fam / Power Trust	Valeueven Fam / Power Trust	700 Mesa Dr	137-750-014/137-120-083	3E-1/10-R1	3 Parcel Map subdivision	Awaiting Re-submittal	04/08/2024
PA 24-008	City of Solvang	Zoning Ordinance Amendments	City Wide			Proposed zoning ordinance amendments including consolidation of zones, land use definitions, development standards, and entitlement amendments	Under Review PC Workshop: 7/1 DRC Workshop: 7/18 PC: 8/6 CC: TBA	

PLANNING COMMISSION STAFF REPORT

AGENDA ITEM 6.a

Meeting Date: July 1, 2024

SUBJECT: **Discussion and provide direction on potential Zoning Ordinance Amendments**

PREPARED BY: Rafael Castillo, AICP, Planning Manager

DISCUSSION:
One of the City Council's primary goals for the 2024-2026 fiscal cycle is to streamline the entitlement and building process to make it easier for residents and businesses to improve their properties. Streamlining the entitlement process promotes common sense regulations, economic development, and improves communication with the residents, business owners, and other customers. A substantial part of this effort is finishing with an update of the City's General Plan, which is expected to be adopted July 8, 2024 by the City Council, along with proposed land use map amendments (Attachment A)

The General Plan is only the framework utilized for zoning regulations. It is a policy document that lays out a road map for changes needed to the City's adopted Zoning Ordinance. The adopted Zoning Ordinance has remained virtually the same since its adoption in 1990. At its May 2024 meeting, City staff made a presentation to solicit feedback from the commission on three areas: Zoning Consolidation and revisions, existing land use definitions, and entitlement processing. The Commission provided direction to staff on the proposed amendments. Since then, city staff has worked on a draft zoning ordinance that encompasses changes outlined. The following is an outline of the proposed zoning ordinance amendments, to which staff is soliciting feedback on.

Proposed Zoning Map Amendments
City staff proposes the following to consolidate some of the existing residential zones (Attachment B), while remaining other zones for ease of use and readability. The following zones are proposed to be merged:

- 20-R-1 and the DR 1.8 zones into a Residential Low Density (R-1) zone, with a minimum lot size of 20,000 square feet per acre, using maximum densities established in the proposed ordinance.
- 7-R-1,8-R-1, and DR-7 into a Residential Medium Density (R-2) zone.
- DR-8, DR-12,DR-16,DR-20 into a Residential High Density (R-3) Zone.
- For consistency with the proposed General Plan, an "Ag Tourist" zone will be created.
- Eliminate the "AG" district and replace with various "Open Space (OS) district
- Eliminate the "Recreation" District and replace with a "Park" (P) district.
- Rename various other districts to better align with their actual uses, providing Solvang its own zoning identity.

The following table shows the proposed land use designations and their proposed corresponding zoning districts for consistency with the proposed General Plan Land Use designations. Proposed zoning districts would be consistent with the proposed General Plan Land Use Map. The proposed zoning map is shown in Attachment C.

Proposed General Plan Land Use Designation	Existing Zoning District Consistency	Potential Zoning District Revisions	Proposed Zoning Color
Guest Ranch (GR)		Ag Tourist (AT)*	
Estate Residential (ER)	3-E-1	Estate Residential (ER-3)	
Low Density Residential (LDR)	1-E-1	Estate Residential (ER-1)	
Low/Medium Density Residential (LMDR)	20-R-1	Residential Low Density (R-1)*	
	DR-1.8		
Medium Density Residential (MDR)	10-R-1	Planned Residential (PR)*	
	7-R-1	Residential Medium Density (R-2)*	
	8-R-1		
	DR-7		
High Density Residential (HDR)	DR-8	Residential High Density (R-3)*	
	DR-12		
	DR-16		
	DR-20		
Mobile Home Park (MHR)	MHP	Mobile Home Park (MHR)	
Light Industry (LI)	M1	Light Industrial (LI)	
Open Space/Recreation (OSPR)	REC	Park (P)	
	REC	Open Space (OS)*	
Tourist Commercial (TC)	TRC	Village Mixed-Use (VMU)	
Retail Commercial (RC)	C-2	Retail Commercial (CR)	
General Commercial (GC)	C-3	Heavy Commercial (CH)	
Professional/Office (PO)	PO	Professional Office (PO)	
Public/Institutional	I	Public Facility (PF)	

**Denotes New Zones Created or consolidated*

Zoning Ordinance Text Amendments

Along with the zoning map amendments, staff proposes various amendments to assist in re-organizing, streamline, and create internal consistency between the Zoning Ordinance and the proposed General Plan. The following is a general summary of proposed amendments. Staff seeks input on proposed amendments.

- Chapter 1 has been placed in “reserved” and re-organized after its initial adoption. City staff does not know when this occurred. Staff proposes utilizing chapter 1 as a proper set-up for the ordinance including new language for the Zoning Map.
- Chapter 2 is proposed to be repealed and replaced with a “Purpose and Applicability” section that clearly outlines the health, safety, welfare and policing power of the City. This chapter is considered a “good housekeeping” chapter to ensure clear rules and regulations for administration, applicability of the code, conflicts, and rules of interpretation.

- Chapter 3 is proposed to be substantially altered. This chapter is known as “definitions”. City staff has updated numerous definitions for consistency with proposed land uses, updated definitions based on state statues, and elimination of uses no longer used.
- Chapter 4 is proposed to be renamed, repealed and replaced. The existing chapter is “development standards” but in practice, contains policies, and other general plan policy items better served to be located in “Supplemental Regulations”. Many of these policies are covered in the General Plan, therefore are proposed to be eliminated. Archeological resources and flood hazards have been relocated to Chapter 12. The proposed chapter has been renamed “Establishment and Designation of Zones,” clearly defining each zone, its general plan implementation, and a new set of General requirements, and provides users information on how to interpret allowed use tables.
- Chapter 5 is proposed to be renamed “Agriculture Tourist” and contains allowable uses, and development standards in an easier to read format.
- Chapter 6 contains allowable uses and development standards in an easier to read format for all residential zones.
- Chapters 7 contains allowable uses, and development standards in an easier to read format for all commercial and industrial zones.
- Chapter 8 is proposed to be renamed “Public/Institutional” with allowed land uses in an easier to read format.
- Chapter 9 is proposed to be renamed “Parks and Open Space Districts” with allowed land uses in an easier to read format.
- Chapter 10 is proposed to be renamed “Overlay Zones” and incorporates the Specific Plan (SP-2) previously adopted by the City Council and introduces two (2) design district overlay zones for consistency with the new Community Character element. Standards for these zones will be objective standards to be presented to the DRC in July.
- Chapter 11, Parking has been amended revising the applicability section, making clear distinctions where parking can be located and groups required parking via a new table, similar to the allowed land use table.
    - One proposed amendment in the parking section includes language regarding “change in use”. It is assumed that an existing building was permitted and met parking standards in effect at the time of construction. Proposed language would not require any additional parking for a changed in use that is an allowed use, with the exception of hotels or lodging units. This becomes an economic development incentive for existing restaurants, wine tasting, etc. to potentially expand and create additional economic vibrancy in the core commercial areas.
- Chapter 12, Supplemental Regulations has been amended to include standards for ADUs, animal keeping (previously in chapter 5), revised home occupation standards to modernize the text, revisions to child day care for consistency with State Law, standards for live work units, revisions to the setbacks for ease of use and consistency with other sections, revision to Density Bonus for consistency with State Law, new live entertainment/night clubs, and relocation of previous policies from other sections of the Zoning Ordinance.
- Chapter 13, minor changes for consistency with new zone names.
- Chapter 16, is proposed to be reimagined with permit streamlining processes implemented, and clear and concise procedures for processing applications. This section eliminates the cumbersome “land use permit” and replaces it with a zoning clearance. The development plan process has been renamed “development permit” and provides clear authority to condition a project that runs with the land. Other good housekeeping items have been included to give existing and future city staff a set of rules regarding amendments and time limits to eliminate ambiguity and create clear timeframes and timelines.
- Chapter 17 proposes minor revisions for consistency with other proposed amendments.

These amendments are intended to facilitate community development potential through recognizing current land use trends. This “cleanup” is an exercise that should occur on a regular basis in order to keep the zoning regulations a “living document” that follows and keeps up with contemporary community development trends. Attachment D contains the proposed amendments which are <u>double</u>

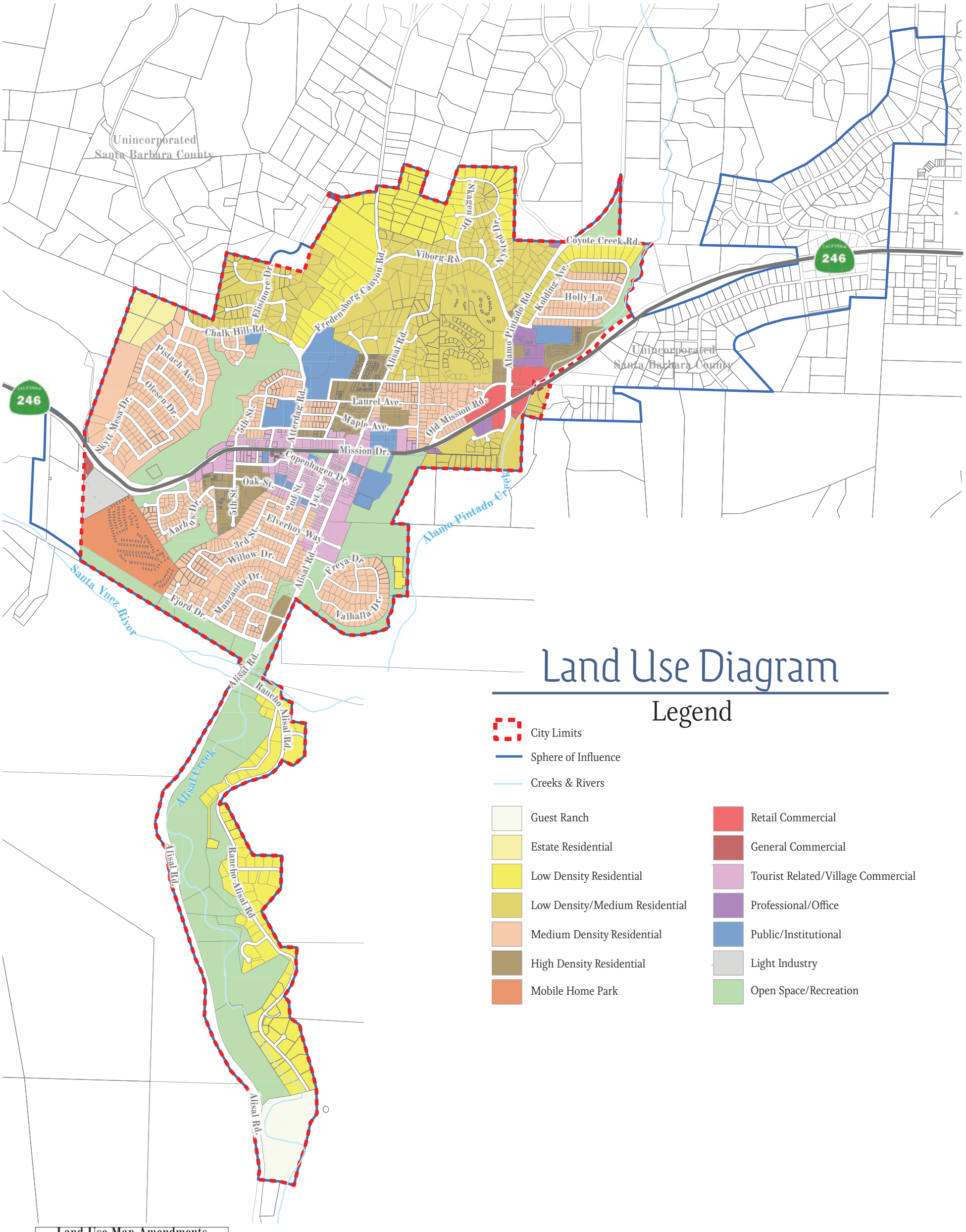
underlined. Proposed eliminated text appears as a ~~strikethrough~~. City staff seeks direction on some of the input from the Commission on moving forward with proposed amendments.

ALTERNATIVES:
There are no alternatives to this report.

FISCAL IMPACT:
City staff's time to create amendments to the Zoning Ordinance based on direction.

ATTACHMENTS:
A – Proposed General Plan Land Use Map
B – Proposed Zoning Map
C – Existing Zoning Map
D – Proposed Zoning Ordinance Amendments
E – Proposed Solvang Village DD-1 Overlay
F – Proposed Mission District DD-2 Overlay

City of Solvang
California



Land Use Diagram

Legend

- City Limits
- Sphere of Influence
- Creeks & Rivers
- Guest Ranch
- Estate Residential
- Low Density Residential
- Low Density/Medium Residential
- Medium Density Residential
- High Density Residential
- Mobile Home Park
- Retail Commercial
- General Commercial
- Tourist Related/Village Commercial
- Professional/Office
- Public/Institutional
- Light Industry
- Open Space/Recreation

Land Use Map Amendments

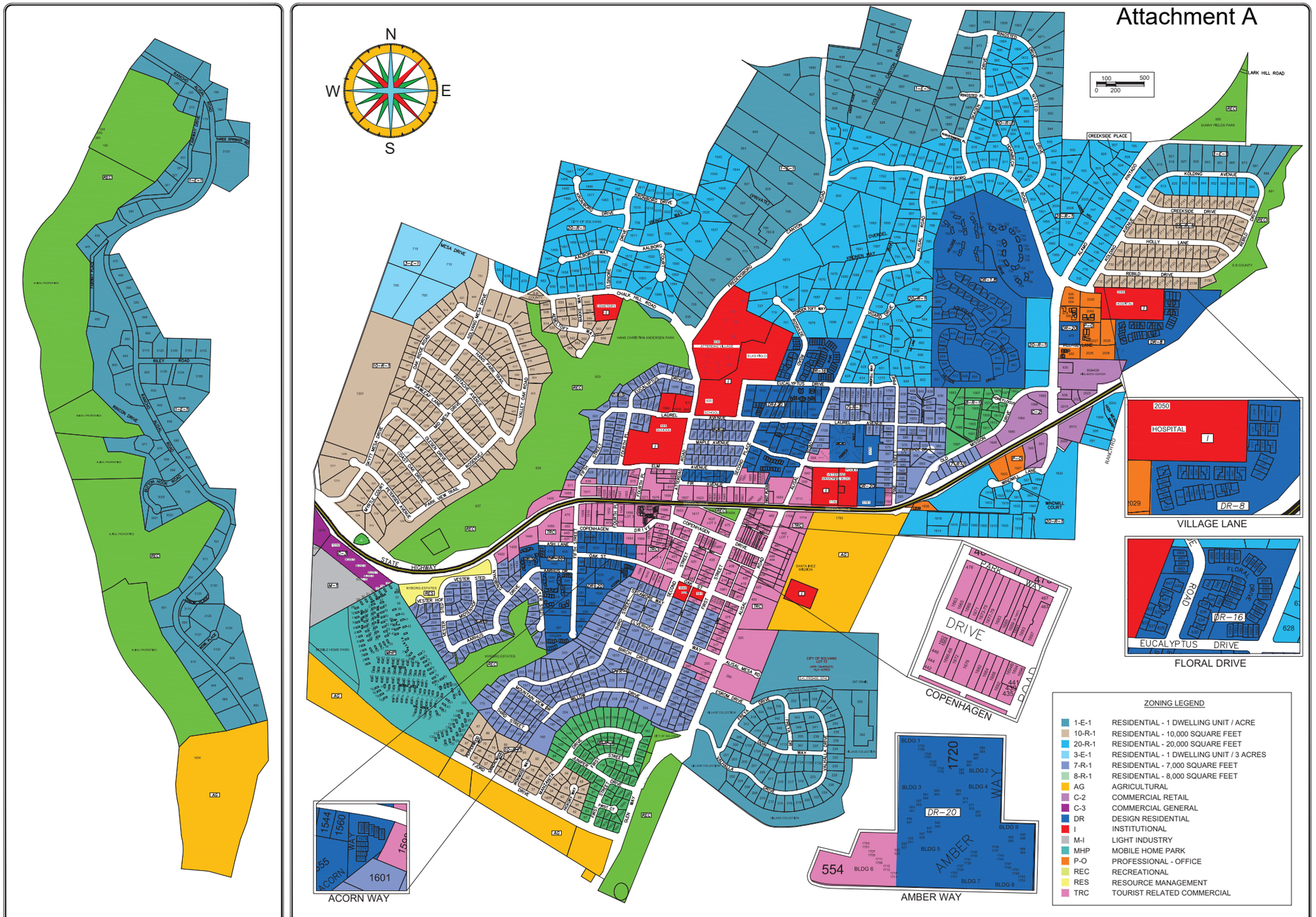
Effective Date	Resolution No.

N W E S

0 400 800 1,600 Feet

DATE PRINTED: 05/23/2024
MAP FOR INFORMATIONAL PURPOSES ONLY

Attachment A

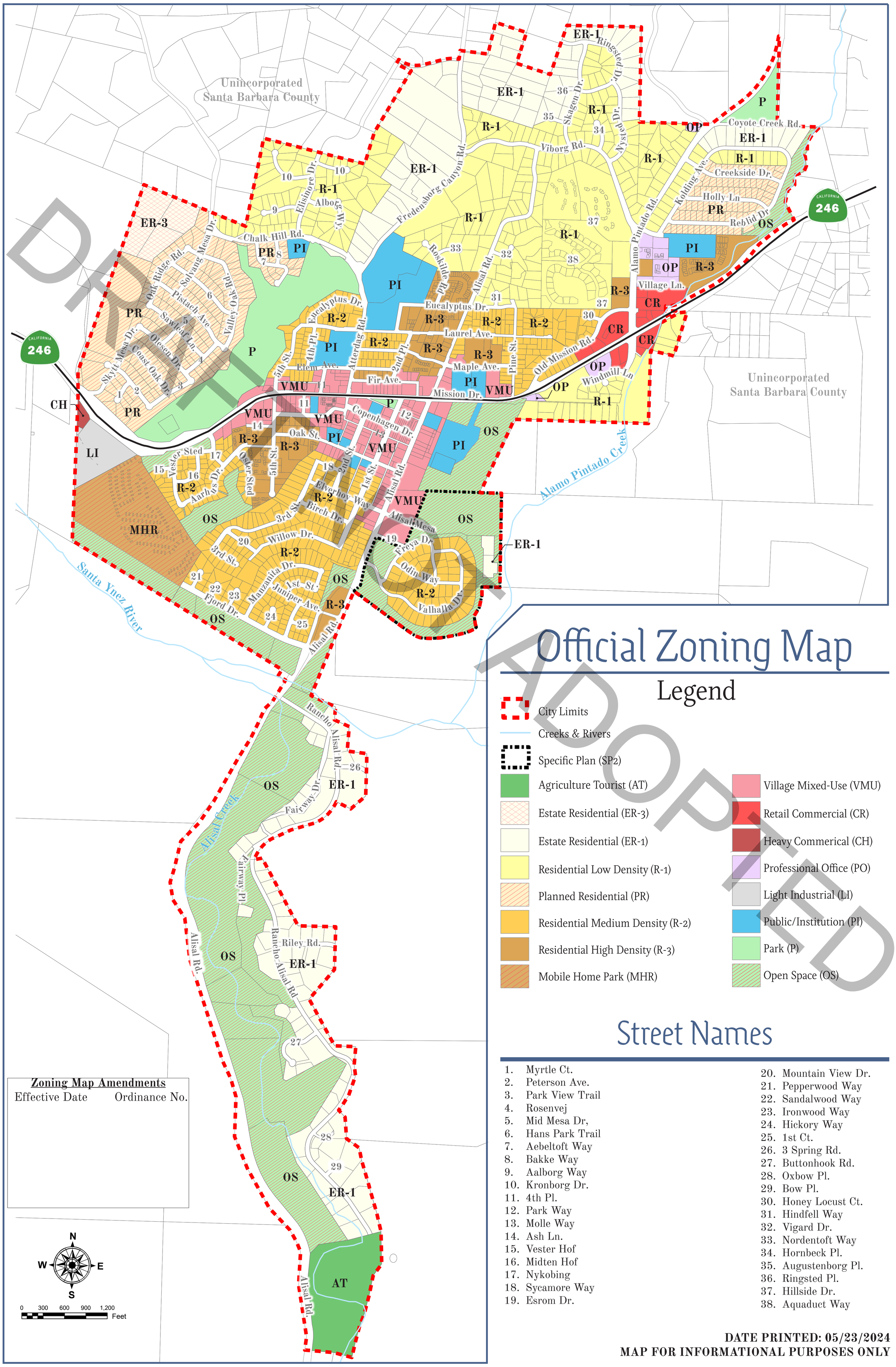


ZONING AND ADDRESS MAP

Date:	12-19-2016
Scale:	AS INDICATED
Sheet Title:	ZONING
Drawn By:	F.M.S.
Proofed By:	
Drawing No:	N/A
Sheet:	36 x 48

City of Solvang
Department of Public Works
411 Oak Street
Solvang, CA 93463
Ph: (805) 688-5575 - Fax: (805) 693-1070
www.cityofsolvang.com

City of Solvang
California



Official Zoning Map

Legend

- City Limits
- Creeks & Rivers
- Specific Plan (SP2)
- Agriculture Tourist (AT)
- Estate Residential (ER-3)
- Estate Residential (ER-1)
- Residential Low Density (R-1)
- Planned Residential (PR)
- Residential Medium Density (R-2)
- Residential High Density (R-3)
- Mobile Home Park (MHR)
- Village Mixed-Use (VMU)
- Retail Commercial (CR)
- Heavy Commerical (CH)
- Professional Office (PO)
- Light Industrial (LI)
- Public/Institution (PI)
- Park (P)
- Open Space (OS)

Zoning Map Amendments

Effective Date Ordinance No.

N W E S

0 300 600 900 1,200 Feet

Street Names

1. Myrtle Ct.
2. Peterson Ave.
3. Park View Trail
4. Rosenvej
5. Mid Mesa Dr,
6. Hans Park Trail
7. Aebeltoft Way
8. Bakke Way
9. Aalborg Way
10. Kronborg Dr.
11. 4th Pl.
12. Park Way
13. Molle Way
14. Ash Ln.
15. Vester Hof
16. Midten Hof
17. Nykobing
18. Sycamore Way
19. Esrom Dr.
20. Mountain View Dr.
21. Pepperwood Way
22. Sandalwood Way
23. Ironwood Way
24. Hickory Way
25. 1st Ct.
26. 3 Spring Rd.
27. Buttonhook Rd.
28. Oxbow Pl.
29. Bow Pl.
30. Honey Locust Ct.
31. Hindfell Way
32. Vigard Dr.
33. Nordentoft Way
34. Hornbeck Pl.
35. Augustenborg Pl.
36. Ringsted Pl.
37. Hillside Dr.
38. Aquaduct Way

DATE PRINTED: 05/23/2024
MAP FOR INFORMATIONAL PURPOSES ONLY

Title 11
Zoning Regulations

Chapter 1
TITLE ~~(RESERVED)~~

11-1-1 Title.

A. Title 11 of the City of Solvang Municipal Code shall be known and may be cited as "The City of Solvang Zoning Regulations" or "Zoning Code". Within this Title, it may also be known as "this Code" or "these regulations."

B. The Zoning Map that is a part of this Zoning Regulations shall be known as the "Zoning Map of the City of Solvang" (hereafter "Zoning Map") (See Section 11-1-2 (Zoning Map)).

C. Title 11 and the Zoning Map shall be subject to change from time to time as may be determined by the City Council.

11-1-2 Zoning Map.

A. Adoption. The City of Solvang (City) is hereby divided into zones, as shown on the Zoning Map of the City of Solvang which, together with all explanatory notes provided on the Zoning Map, is adopted by reference and declared to be a part of this Zoning Code. The Zoning Map shall be kept on file in the office of the Planning and Building Manager (Planning Manager).

B. Determination of Zone Boundaries. If the exact boundaries of a Zone cannot be readily or exactly ascertained by reference to the Zoning Map, the boundary shall be deemed to be along the nearest street, alley or lot line. If a district boundary divides a parcel and the boundary line location is not otherwise designated, the location of the boundary shall be determined by use of the scale appearing on the zoning map. The provisions of the Section shall not apply to acreage as determined by the Planning Manager.

C. Zoning Boundary or Classification Changes.

1. Changes in the boundaries of Zones shall be made by ordinance in the manner provided in Section 11-7-3, Ordinance text amendments/rezones. Zone changes shall be identified by either Assessor's Parcel Number (APN), diagram, lot and block number, or by metes and bounds.

2. If, in compliance with the provisions of the Code, changes are made in zone boundaries, zone classifications, or other matters set forth on the Zoning Map, such changes shall be entered on the Zoning Map within 30 days following the effective date of the ordinance adopting the change.

D. Maintenance of Zoning Map. The Zoning Map shall be maintained in electronic format by the Planning and Building Department (Department), as authorized by the Planning Manager.

E. Copies of the Zoning Map. Paper copies of the Zoning Map shall be certified as true and correct by the Planning Manager. Electronic copies of the Zoning Map shall not be certified as true and correct.

Chapter 2
~~GENERAL PROVISIONS~~ PURPOSE AND APPLICABILITY

~~**§ 11-2-1 Title.**~~
~~The regulations contained in this title shall be known as and referred to as the "Solvang Zoning Ordinance."~~

~~(Ord. 90-112, 1990)~~

§ 11-2-~~2~~ 1 Purpose.
The City of Solvang Zoning Code implements the policies of the City of Solvang General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Code is adopted to protect and promote the public health, safety, and general welfare of residents and businesses in the City. More specifically, the purposes of the Zoning Code is to: ~~The purpose of these regulations is to implement the adopted general plan of the city. This title classifies and regulates the uses of land, buildings and structures within the city, and is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity and general welfare. More specifically the purpose of this title is to:~~

A. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in maintaining and improving the character and community identity of Solvang.

B. Ensure development is completed at an appropriate scale in relation to the existing landscapes, streetscapes, and compact where appropriate, and designed to create attractive streetscapes and pedestrian spaces to maintain Solvang's character in districts outlined in the General Plan.

C. Provide for a mixture of land uses, safe and effective traffic circulation, and adequate on- and off-street parking facilities.

D. Conserve and protect the natural resources of Solvang.

E. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population; and

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

11-2-2 Authority for the Zoning Code

This Development Code is enacted based on the authority vested in the City of Solvang by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000.

11-2-3 Responsibility for Administration.

A. Responsible Bodies and Individuals. This Development Code shall be administered by the Solvang City Council (Council), the Solvang Planning Commission (Commission), the Solvang Design Review Committee (DRC), the City Manager, the Planning and Building Manager, the Public Works Director/City Engineer and Utilities Director or their designee.

B. Exercise of Discretion. In the event that a provision of this Zoning Code allows for the exercise of discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:

1. The decision is consistent with the General Plan.

2. The proposed development complies with all applicable provisions of this Zoning Code and

all other applicable City standards; and

3. The exercise of discretion will act to ensure the compatibility of the proposed development with its site, surrounding properties, and the community.

11-2-4 Applicability of Zoning Code

In addition to all applicable federal, State, and local laws and regulations governing land use and development, this Development Code applies to all land within the City, as follows:

A. New Land Uses or Structures, Changes to Land Uses or Structures. No building, structure, or land shall be used or occupied, and no building, structure, or land shall be constructed, replaced, occupied, enlarged, or altered, nor shall any applicable permit be issued unless in conformity with all the provisions of this Code for the zone in which it is located and other applicable regulations except as provided in Chapter 15 (Nonconforming Structures and Uses) of this Zoning Code.

B. Subdivisions. Any subdivision of land proposed within the City after the effective date of this Zoning Code shall be consistent with the minimum lot size requirements of Chapters 5 through 10, and all applicable requirements of this Zoning Code.

C. Minimum Requirements. The provisions of this Zoning Code shall be the minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Zoning Code, as may be determined by the Review Authority to be necessary to promote appropriate land use and development, environmental resource protection, and other purposes of this Zoning Code.

D. Property Owned by Federal or State Agencies. The provisions of this Zoning Code shall not apply to property owned by the United States of America or any of its agencies, nor to the State of California or to any local agency not required to comply with this Zoning Code by State law when the proposed use or structure is for a governmental purpose. All exempt agencies are encouraged to design any new developments in compliance with the standards set forth in this Zoning Code and to cooperate in meeting the goals and objectives of this Code and the General Plan.

E. **Conflicting Requirements**:

1. Zoning Code requirements. If different requirements within this Zoning Code conflict, the Planning Manager shall make a determination, which is appealable to the Planning Commission.

2. Zoning Code and Municipal Code provisions. If a conflict occurs between requirements of this Zoning Code and requirements of the City of Solvang Municipal Code, or other regulations of the City, the most restrictive shall apply.

3. Development agreements or specific plans. If a conflict occurs between the requirements of this Zoning Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.

4. Private agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development, land use, or land than a private agreement or restriction (for example, “Covenants, Conditions and Restrictions” (CC&Rs).

F. Effect of Zoning Code changes on projects in progress.

1. When a planning application has been accepted by the Department for processing, the Planning Manager may choose to process under the provisions of existing Zoning Ordinance, or process under standards set forth by the Zoning Code, after its adoption and effective date.

2. A planning application that has been accepted by the Department and deemed complete in compliance with all provisions of the Zoning Ordinance before the effective date of this Zoning Code shall be processed in compliance with the standards in effect when the application is accepted as complete.

3. A project that has been approved by the City but is not yet under construction on the effective date of this Zoning Code or any amendment need not be changed to satisfy any new or different requirements of this Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.

4. A project that is under construction on the effective date of this Zoning Code or any amendment need not be changed to satisfy any new or different requirements of this Development Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.

G. Other requirements may apply. Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State or Federal agency.

11-2-5 Rules of Interpretation.

A. Authority. The Planning Manager has the authority to interpret any provision of this Zoning Code. Whenever the Planning Manager determines that the meaning or applicability of any Zoning Code requirement is subject to interpretation, the Planning Manager may issue an official interpretation. The Director may also refer any issue of interpretation to the DRC, Commission, or Council for their determination.

B. Language. In addition to the general provisions of this Zoning Code, the following rules of construction shall apply:

1. The particular controls the general.

2. The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory.

3. “Should” is not mandatory but is strongly recommended; and “may” is permissive.

4. The words “includes” and “including” shall mean “including but not limited to . . .”.

5. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

a. "And" indicates that all connected words or provisions shall apply.

b. "Or" indicates that the connected words or provisions may apply singly or in any

combination.

c. "Either . . . or" indicates that the connected words or provisions shall apply singly but not in combination.

6. References to departments, divisions, sections, commissions, boards, or other offices are to those of the City unless otherwise indicated.

7. References to a public official in the City are to that person who performs the function referred to and includes a designee of such official.

8. All references to measurements are in feet unless otherwise indicated.

C. Time Limits. Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice provided in compliance with this Zoning Code, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a day City Hall is closed, unless otherwise indicated in this Zoning Code.

D. Calculation of fractions. Any fraction greater than or equal to 0.50 shall be rounded up to the nearest whole number unless otherwise indicated in this Zoning Code. Any fractional unit less than 0.50 shall be rounded down to nearest whole number unless otherwise indicated in this Zoning Code.

E. Zoning Map Boundaries. Refer to Section 11-1-2

F. Allowable uses of land. Refer to Chapter 5 through Chapter 10.

G. State law requirements. Where this Zoning Code references applicable provisions of State Law (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be the applicable State law provisions as they may be amended from time to time.

H. Conflicting requirements. Refer to Subsection 11-2-4.E.

~~A. Provide a guide for orderly growth and development of the city.~~

~~B. Encourage the most appropriate uses of land.~~

~~C. Maintain and protect the value of property.~~

~~D. Conserve and protect the natural resources of the city.~~

~~E. Prevent overcrowding of land and avoid undue concentration of population.~~

~~F. Protect the character and stability (social and economic) of agricultural, residential, commercial and industrial areas.~~

~~G. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage and other facilities and public utilities.~~

~~(Ord. 90-112, 1990)~~

~~**§ 11-2-3 Applicability and exemptions.**~~
~~The provisions of this title shall apply to all development undertaken in the city with the following~~

exceptions:

A. Development by the federal government on leased or federally owned land.

B. Development by the city.

C. Development by the state or an agency of the state acting in its sovereign (governmental) capacity.

D. Certain facilities of local agencies as defined in Government Code section 53090.

(Ord. 90-112, 1990)

§ 11-2-4 Zoning districts and map.

A. Districts Established. The general categories of districts established by this title, the individual districts, and the symbols used to represent said districts, are as follows:

1. Agricultural Districts.

a. AG Agriculture

2. Residential Districts.

a. R-1/E-1 Single-Family Residential

b. DR Design Residential

c. PRD Planned Residential Development

3. Commercial Districts.

a. TRC Tourist Commercial

b. C-2 Retail Commercial

c. C-3 General Commercial

d. PO Professional Office

4. Institutional Districts.

a. I Institutional

5. Industrial Districts.

a. M Light Industrial

6. Other Districts.

a. REC Recreation

b. RES Resource Management

c. MHP Mobile Home Park

The regulations of this title shall be applied to land upon the adoption of zoning ordinances with zoning maps adopted in subsection B of this section. The boundaries of the districts and the district symbols are delineated

on the zoning maps in said zoning ordinances. The district regulations corresponding to the symbol so shown shall apply within district areas delineated on said zoning maps.

B. Adoption of New Provisions and Map. Zoning ordinances and maps delineating the boundaries of districts set forth in this title and designating, by symbols, the zoning districts shall become a part of this section and shall have the same force and effect as if the provisions, boundaries, location and lines of the districts and territory therein delineated and all provisions, notations, references and other information set forth in said ordinances and set forth and shown on said maps were specifically and fully set out and described in this section.

C. Existing Zoning Ordinance and Development Plans. All the sections of zoning ordinances previously adopted which added development plans and district text provisions applicable to specific property by amendments to article III of title 35, zoning of the Santa Barbara County Code (and its predecessor ordinances) by development plans and precise plans adopted thereto, whether adopted by the county or by the city subsequent to its incorporation, are hereby incorporated by reference into this section and shall have the same force and effect as if the provisions of said plans were specifically and fully set out in this section.

(Ord. 90-112, 1990; Amd. 2001 Code)

§ 11-2-5 Interpretation of district boundaries.

A. Where district boundaries approximately follow lot, alley or street lines, such lot lines and street and alley center lines shall be construed as the district boundaries.

B. If a district boundary divides a parcel and the boundary line location is not otherwise designated, the location of the boundary shall be determined by use of the scale appearing on the zoning map.

C. Where a public street or alley is officially vacated or abandoned, the property formerly in said street or alley shall be included within the district or districts of the adjoining property on either side of the center line of said vacated or abandoned street or alley.

(Ord. 90-112, 1990)

§ 11-2-6 Conflicts with other city regulations.

If any provision of this title conflicts with any provision of any regulation contained in any previously adopted ordinance of the city, the provisions of this title shall be controlling.

(Ord. 90-112, 1990)

Chapter 3
DEFINITIONS

§ 11-3-1 Definitions.

For the purpose of this title, certain terms and words are defined as set out in this chapter. In general, words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory and the word "may" is permissive.

Abut. Having property lines, street lines, and/or zoning lines in common. ~~To physically touch or border upon; or to share a common property line.~~

Accessory Building or Accessory Structure. A building or structure containing no kitchen and located upon the same building site as the primary building or use to which it is accessory, the use of which is customarily incidental, appropriate and subordinate to the use of the principal building, or to the principal use of the land. Accessory buildings or accessory structures include, but are not limited to, tool and storage sheds, playhouses, doghouses, gazebos, pergolas, ~~guesthouses~~workshops, and similar structures.

Accessory Dwelling Unit. . An attached or detached dwelling unit which provides complete independent living facilities for one or more persons and provides permanent provisions for living. sleeping, eating. cooking, and sanitation on the same parcel as the primary unit. Does not include "Junior Accessory Dwelling Unit", which is separately defined.~~An "accessory dwelling unit" and/or a "junior accessory dwelling unit" as such terms are defined under state law.~~

Accessory Use. A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

Agriculture Grazing. Areas for which existing vegetation, whether grown naturally or through management, is suitable for grazing or browsing of livestock, small animals, etc.

~~Affordability. As defined in the housing element of the city's general plan.~~

Agricultural Employee Housing. A residential facility intended for occupancy by agricultural labor forces, including temporary and permanent agricultural workers, and H-2A workers.

Agri-tourism. Visitor-serving commercial uses that are compatible with agricultural land uses to preserve and enhance the agriculture district by bringing in tourist dollars to supplement sources of income for farmers and ranchers and by increasing the demand for locally produced products. ~~Agriculture. The tilling of the soil, the raising of crops, horticulture, aviculture, apiculture, livestock farming, the raising of small animals and poultry, dairying, animal husbandry, wineries processing grapes produced on the premises, and the sorting, cleaning, packing and storing of agricultural products preparatory to sale and/or shipment in their natural form when such products are produced on the premises including all uses customarily incidental thereto, but not including a slaughterhouse, hog ranch, dairy, fertilizer works, commercial packing or processing plant or plant for the reduction of animal matter or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property.~~

Alley. A passage or way affording generally a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Animal Boarding or Kennel. A commercial facility for the overnight keeping or boarding of household pets. Does not include uses where overnight boarding is an accessory use such as “Animal Care Facilities” and pet stores

~~Amusement Enterprise. Any use such as video arcades, bicycle rentals, carousels which provide amusement or entertainment to the general public; but, not including musicians, dancers, mimes, readers or other such scheduled or impromptu entertainment which is nonsolicitous.~~

Animal Care Facility~~Hospital~~. Office and indoor medical treatment facility used by veterinarians for the care of household pets, where boarding is incidental to the primary use. If boarding is the primary use, see "Animal Boarding". ~~A facility specifically designed for the medical or surgical treatment of animals or pets where all of the animals are taken in from off the premises and where the boarding of animals is limited to short term care incidental to the hospital.~~

Applicant. Any individual, firm, or any other entity that applies to the City for the applicable permits to undertake any land use, construction or development project within the City.

Approval. Includes both approval and approval with conditions.

~~Apartment. A room or suite of rooms within a building but comprising an independent self-contained dwelling unit, with kitchen or cooking facilities, occupied or suitable for occupation as a residence for eating, living and sleeping purposes.~~

Appurtenant Structure. A Structure t~~T~~hat Is Auxiliary Or Accessory To Another Structure Or Use.

~~Aquaculture. The culture of plants and animals in an aquatic medium.~~

Architectural Feature. ~~-~~Flagpoles, monuments, church spires and similar architectural projections not exceeding 50 feet in height.

Architectural Treatment. Design elements on a building facade such as doors, windows, shutters, and accent materials which are not strictly necessary for the structural integrity of a building but are used to add texture and variety.

Automated Teller Machine (ATM). A computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations.

~~Artist Studio. A building or structure, or portion of a building or structure, used as a place of work by an artist or photographer, but shall not include commercial sales or transactions on the property. An artist studio may include a restroom, however it shall specifically exclude cooking facilities, or any other use that would allow the building or structure to be used as a separate dwelling unit or guesthouse.~~

Attached Building. ~~-~~A building having at least five linear feet of wall serving as a common wall with the building to which it is attached, or connected thereto by a continuous roof at least eight feet wide.

~~Attendant Structure. See definition of Accessory Building or Structure.~~

~~Auto Wrecking Yard. See definition of Junkyard.~~

Automobile Service Station. ~~-~~A building and/or lot or use having pumps and storage tanks where motor vehicle fuels, lubricating oil, grease, or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only. Car washing and repair services are incidental to the primary use. ~~A retail place of business engaged in supplying goods and services generally required in the normal operation and maintenance of automotive vehicles and to the fulfilling of motorists needs. These include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication~~

~~services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major motor repairs, painting and body and fender work and mechanical car wash are excluded.~~

Awning. A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the façade.

Bar/Tavern. A business which is not part of a larger restaurant where alcoholic beverages are sold for on-site consumption. Includes bars, taverns, pubs, and similar establishments. Food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery. Entertainment must be authorized as part of the required Conditional Use Permit (see Live Entertainment/Night Club)

~~Barbecue, Outdoor Commercial. Commercial "for profit" business not operated in a building, for the purpose of selling barbecued food to the general public.~~

Basement. A story partly or wholly underground. A basement shall be counted as a story if it ~~has a minimum height of six and one-half (6-1/2) feet and more than 1/2 of its height is above the average level of the adjoining ground~~meets the minimum criteria established for an "R" occupancy structure as established by the California Building Code.~~.~~

Block. That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection or intercepting streets and a watercourse.

~~Boarding House. A building where the business of keeping boarders is generally carried on and which is held out, by the owner or keeper as a place where boarders are kept.~~

~~Building. A structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of any person or animal. A trailer shall not constitute a building within the meaning of this title.~~

Building Coverage. The amount of land covered or permitted to be covered by buildings or structures, excluding tennis courts, unenclosed swimming pools, sidewalks and driveways. Building coverage is usually measured as a percent of a lot.

Building Height. The vertical distance from the lowest finished grade level to the highest peak or highest roof structure. "Finished grade level" shall be defined as the final elevation of the ground level, after all earthwork has been completed according to the approved grading plan. For hillside structures, the final elevation shall be the average of all ground level elevations taken at each building corner.

Building Official. The city of Solvang building official as designated pursuant to title 10, chapter 1, section 2.

Building Site. A validly created single lot of land or parcel containing not less than the prescribed minimum area required by any applicable subdivision and zoning ordinance regulations existing at the time of the creation of the lot or parcel and occupied, or intended to be occupied by a building or structure.

Business Support Service. An establishment that provides services to other businesses. Examples of these services include: blueprinting; computer-related service (rental, repair); copying, duplicating, quick printing service; courier, messenger, and delivery service (small scale without fleet vehicle storage); mailing, telegram, and mail box service; outdoor advertising service; and security services.

California Environmental Quality Act (CEQA). The California Environmental Quality Act (CEQA) and its implementing guidelines.

Caretaker Residence. A permanent residence that is accessory to the primary use of the property, and used for housing a caretaker on the site of a non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Catering Service. A business that prepares food for consumption on the premises of a client and/or at their place of business.

Certificate of Occupancy. A clearance issued by the City indicating that a building or structure meets all code requirements for human occupancy and use.

Cannabis. Section 5-4-2 of this code is hereby incorporated by this reference as though fully set forth at this point.

Cemetery. Property dedicated for cemetery purposes: (1) A burial park, for earth interments. (2) A mausoleum, for crypt or vault interments.

Centerline of Street. The centerline of a street or highway as established by the county surveyor, city engineer or by the California Department of Transportation. Where no right-of-way lines have been so established, the centerline of the traveled way shall be construed as the centerline.

Certified Farmers' Market. A location and operation where agricultural products are sold by certified producers who have been approved by the county agricultural commissioner to sell agricultural products directly to consumers.

~~Childcare~~ Child Day Care. Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:~~Facility. A facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on a less than 24 hour basis. Childcare facilities include daycare centers and family daycare homes.~~

1. Day Care Center. Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children, or fewer than 15 children in a nonresidential building. Includes infant centers, preschools, sick-child centers, child nurseries and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use. May be counted towards satisfying the commercial component of a mixed-use development.

2. Large Family Day Care Home. A day care facility located in a dwelling unit where an occupant of the dwelling unit provides care and supervision for seven to 14 children. Children under the age of 10 years who reside in the dwelling unit count as children served by the day care facility.

3. Small Family Day Care Home. A day care facility located in a dwelling unit where an occupant of the dwelling unit provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. Children under the age of 10 years who reside in the dwelling unit count as children served by the day care facility.

City. The city of Solvang.

City Council. The City of Solvang City Council referred to in this Zoning Code as the “Council” or “City Council”

Commercial recreation facilities, Indoor. Establishments that provide amusement and services for a fee or admission charge. May also include related commercial facilities, including bars and restaurants. Examples include bowling alleys, card rooms, coin operated amusement arcades, electronic game arcades (video games, etc), pool and billiard rooms (as primary use), and theaters (performing or cinema).

Commercial recreation facilities, Outdoor. Establishments that provide outdoor amusement and entertainment services for a fee or admission charge. May also include related commercial facilities, including bars and restaurants, video game arcades, etc. Examples include miniature golf, swim clubs, and aquariums.

~~Clinic. Any facility or institution which provides medical diagnoses, advice, treatment, prescriptions, appliances and/or apparatus to outpatient clients.~~

~~Club. A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws, but not including organizations, groups or associations the chief activity of which is to render a service customarily carried on as a business or formed for the purpose of providing housing for its members.~~

Cluster Development. A residential development pattern in which residential units are grouped or "clustered," rather than spread evenly throughout a parcel as in conventional lot by lot development. Cluster development groups residential units on smaller lots in one area of the development, while preserving the remaining land on the site for permanent unbuilt open space uses such as common open space, recreation or for the protection of environmentally sensitive areas, etc. The clustered residential density shall not exceed the density allowed by the zone district.

~~Commercial Vehicle. A vehicle or title of equipment used primarily in conjunction with a business or industrial use, but not including vehicles or equipment used primarily in conjunction with the permitted use of land in Residential or Agricultural Districts.~~Community Gardens. A site used for growing plants for food, fiber, herbs, flowers, and others, which is shared and maintained by community residents.

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

Condominium. An estate in real property consisting of a separately owned interest in a portion of a parcel of real property or building, including residences, apartments, offices or stores. A condominium may include, in addition, a separate legally protected interest in other portions of real property.

Concession. As used with regard to a density bonus, 1) reduction in site development standards or a modification of Zoning Code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; 2) approval of mixed-use zoning; or 3) other regulatory incentives which actually result in identifiable and actual reductions in the cost of constructing affordable housing.

Conditional Use Permit. A discretionary permit issued by the Planning Commission for certain land uses and/or construction and development projects. See Section 11-16 (Conditional Use Permit).

~~Congregate Care Home. A care facility, which combines private living quarters with centralized dining services, shared living spaces and access to social, recreational services and other support services.~~

Contiguous. See definition of Abut.

~~Contractor's Equipment Storage Yard. Storage yard operated by or on behalf of a contractor licensed by the state of California for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities. Said yard shall not include a junkyard.~~

County. The county of Santa Barbara.

Courtyard. An unroofed area completely or mostly enclosed by the walls of a building or buildings.~~An open, occupied space other than a yard on the same lot with a building or buildings, and which is bounded on two or more sides by such building or buildings.~~

~~Daycare Center. Any childcare facility other than a family daycare home, including infant centers, pre-schools and school age daycare facilities.~~

Density. The number of dwellings per gross acre, unless otherwise stated. The calculation of gross acreage in all zones shall include the adjacent right of ways to centerline of the street~~The maximum number of dwelling units permitted per specified area of land.~~

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Detached Building. A building, no part of which is attached to any other building.

Department. The City of Solvang Planning and Building Department.

Development. Any change made by a person or persons to improved real property, including, but not limited to, placement, construction, reconstruction or alteration of buildings or structures, landscaping improvements, mining, excavation or drilling operations.

Development Permit. A discretionary permit issued by the review authority for certain construction and development projects. See Section 11-16-X (Development Permit).

Development Review Committee. The development review committee shall consist of the city manager, the city manager's designee, the city engineer, the city's fire chief, a representative of the building official, a representative of the county's flood control department, the planning manager and any other members deemed desirable by the city council.

~~Dining Commons. A facility accessory to a residence hall and used primarily for the purpose of preparing and serving food to the occupants thereof and which excludes service to the general public.~~

Drive-Through ~~Facilities~~Business. Any business that either by design or operation provides services or products directly to occupants of a motor vehicle, except gasoline service stations.~~A commercial establishment or an accessory facility of a commercial establishment in which customers wait in line in their vehicles to progress to a service point at which they briefly transact business from their vehicles and then immediately depart from the premises, including, but not limited to, banks (motor banks, drive-through banks, drive-up banks), fast food establishments and film deposit and pick up establishments, but not including drive-in movies, drive-in car washes through which the vehicles do not travel on their own power, drive-in food establishments where customers do not wait in line in their vehicles for service or gasoline service stations.~~

Driveway. A private right-of-way which affords vehicular access from a public or private street as defined herein to abutting or adjacent property.

~~Driving Tees. A Commercial Golf Driving Range.~~

Duplex. A residential use of property consisting of a building designed for and containing two dwelling units entirely under one roof, completely separated from each other by one solid wall common to each unit.~~See definition of Dwelling, Two-Family.~~

Dwelling, Dwelling Unit or Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen (with exception of Accessory Dwellings, or Junior Accessory Dwelling Unit, as defined further in this section), which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.~~A building or portion thereof designed for and occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families and their guests and servants, with sanitary facilities and one kitchen provided within the unit. Interior access shall be provided and maintained throughout all habitable portions of the dwelling. Additionally, this interior access requirement shall not be satisfied by providing access through nonhabitable areas of the dwelling. Boarding or lodging houses, dormitories and hotels shall not be defined as dwelling units.~~

~~Dwelling, Multiple. A single detached building designed for and occupied exclusively by three or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels, condominiums and flats, but not including trailer courts or camps, motels, hotels or resort type hotels.~~

~~Dwelling, One-Family. A single detached dwelling designed for and occupied exclusively by one family alone, and having but one kitchen.~~

~~Dwelling, Two-Family. A single detached dwelling designed for and occupied exclusively by two families alone, and having but two kitchens.~~

Electric Substation. Any receiving and transforming substation other than a major electrical transmission substation designed to distribute electricity to the customers of the surrounding area.

Emergency Shelters. As defined in Government Code Section 65582(d), housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, and open to anyone irrespective of his/her inability to pay for services.~~Temporary housing for the homeless, low income, or for residents who are unable to reside in their previous residence. Stays at an emergency shelter can range from several days up to 24 months. Emergency shelters include homeless shelters, shelters serving victims of violence, runaways, or displaced people, transitional housing facilities, etc. Emergency shelters may provide minimal supportive services, and/or provide meals.~~

~~Employer Sponsored Childcare Center. Any childcare facility at the employer's site of business operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer.~~

Energy Facility. Any public or private processing, producing, generating, storing, transmitting or recovering

facility for electricity, natural gas, petroleum, coal or other source of energy.

Entry, Primary. The main doorway used to enter a building from a sidewalk or parking lot.

Entryway. The doorway or doorways used to access a building.

Equipment Rental. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include the rental of heavy construction equipment such as tractors. See “Wholesaling and Distribution”.

Environmentally Sensitive Habitat Area. Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Extremely Low Income Household. Extremely low income household as defined by State Health and Safety Code Section 50106 as 30% of county median income.

Façade Articulation. Vertical or horizontal modulations in the façade of a building.

~~Family. An individual or group of persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit and sharing kitchen facilities in a single dwelling unit. "Family" shall also mean the persons living together in a licensed "residential facility" as that term is defined in California Health and Safety Code section 1502(a)(1), which serves six or fewer persons, including the licensee, the members of the licensee's family, and persons employed as facility staff.~~

~~Family Daycare Home. A home that regularly provides care, protection and supervision of 14 or fewer children, including children living in the provider's own home, for periods of less than 24 hours per day while the parents are away, and is either a large family daycare home or a small family daycare home. Family daycare homes are considered an accessory use of residential zoned and occupied property. They cannot be regulated as a home occupation.~~

~~Family Daycare Home, Large. A home that provides family daycare to seven to 14 children, including children under the age of 10 years who reside at the home.~~

~~Family Daycare Home, Small. A home that provides family daycare to eight or fewer children, including children under the age of 10 years, who reside at the home. See Health and Safety Code section 1596(78e). Small family daycare homes are allowed by right anywhere a single-family home is permitted. They are exempt from local zoning permit process and business license fees. By state law, the names and locations of these small family homes are to be kept confidential.~~

~~Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.~~

Floor Area, Gross. The total area of all floors of a building as measured to the surfaces of interior walls and including corridors, stairways, elevator shafts, attached garages, porches, balconies, basements and offices. ~~For the purposes of calculating the number of required parking spaces for commercial development, gross floor area shall be the measure of the total square footage for a project; however, stairways, open, unenclosed corridors, required exit corridors, permanent storage areas, bearing walls and common restrooms shall be excluded.~~

Floor Area, Net. The gross floor area excluding vents, shafts, stairs, corridors, attics and unenclosed porches and balconies.

Floor Area Ratio. The Floor Area Ratio (FAR) is the ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site. The maximum floor area of all structures on a site shall be determined by multiplying the FAR by the total net area of the site.

Financial Institutions. Financial institutions including banks and trust companies, credit unions, and savings and loan. See also, "Automated Teller Machine." Does not include check cashing stores, which are defined under "Personal Services – Restricted".

Finding. A factual conclusion of the Review Authority based on the evidence presented during the approval process.

~~Front Line. The shortest boundary line of a lot which corresponds with a street line; the boundary lines of a through lot which corresponds with street lines shall be front lines. When the street side boundary lines of a corner lot are equal or of substantially equal lengths, the front line shall be the line located on the principal street.~~

Garage, Private. A building or portion of a building which is enclosed and in which motor vehicles used by the occupants of the main building or buildings on the premises are stored.

Garage, Public. A building or portion thereof, except a private garage, used or designed to be used for the storage and care of motor vehicles or where any such vehicles are repaired or kept for remuneration, hire or sale.

General Plan. The City of Solvang General Plan, including all its elements and all amendments, as adopted by the City Council in compliance with Government Code Section 65300 et seq. and referred to in this Zoning Code as the "General Plan". ~~The comprehensive or general plan which is a long term guide consisting of text and maps adopted by the city for land under its jurisdiction, which addresses the location, type and intensity of land uses and includes resource protection and development policies.~~

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include: art galleries; bicycle sales, service, and rental; bookstores (except adult bookstores); apparel and accessories; bakeries; food stores (including convenience markets); furniture, home furnishings and appliances sales, service, and rental; and miscellaneous retail (including candy or ice cream stores, computer stores, drug stores, hobby or craft shops, jewelry stores, newsstands, pet stores, specialty shops, variety stores, or vehicle part sales). The following are also considered general retail business:

1. Alcoholic Beverage Retail establishments. Businesses that dedicate more than 25% of their retail floor area to alcoholic beverages are considered "general retail, alcoholic beverages".

2. Outdoor Sales Yard. Retail establishments where the primary floor area consists of outdoor sales yards that are not wholly within a structure.

Golf Course. A parcel of land laid out with at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, shelter, and ancillary restaurant and food services.

Grading. Any excavation or filling of earth or combination thereof.

Greenhouse. A structure used for cultivating plants with impervious roof and walls in which the climate is controlled; includes hothouses.

Gross Acreage. The entire area of a lot measured to the centerline of the street and including all rights-of-way

or easements granted to the City or other public agencies

~~Group Homes. A residential facility that provides 24 hour care and supervision to children, delivered at least in part by staff employed by the licensee in a structured environment. The care and supervision provided by a group home shall be nonmedical, except as otherwise permitted by law.~~

~~Guesthouse, Cottage. Detached living quarters of a permanent type of construction without kitchen or cooking facilities of any kind, intended and used primarily for temporary guests of the occupants of the main building on the lot on which such guesthouse is located, and not rented or otherwise used as a separate dwelling.~~

Guest Ranch. A vacation resort, generally a farm or ranch, which derives all or part of its income from the use of its facilities by paying visitors or guests. The vacation resort may~~, and~~ provides food, lodging, meeting facilities, ~~g and~~ recreational facilities, and other on-site ancillary uses.~~.~~

Habitable Space. Space within a dwelling unit for living, sleeping, eating, cooking, bathing.

Head Shop. A business that sells tobacco and other products, including paraphernalia associated with the use of drugs.

High Technology Uses. Uses that incorporate high technology related to engineering, design, research and development, photonics/optics, computer assisted design, robotics research, numerical control equipment (CAD/CAM), prototype development, biotechnology lasers, medical research, materials testing, telecommunications, and related storage with limited assembly operations associated with the principal use. All activities shall be within a building. More intensive operations shall be classified as "Light Manufacturing/Processing".

Hillside. Lands with slopes exceeding 20%.

Historical Site or Structure. Any site or structure that is: ~~An area designated by the city, state or federal government within which the buildings, structures, appurtenances or places are of basic and vital importance because of their association with history, or because of their unique architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives and purposes. The primary purpose of such areas shall be to preserve, protect and restore historical resources while at the same time providing for recreational opportunities.~~

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior;

4. Individually listed on a City's master list of historic structures, adopted by the City Council, provided this local inventory is consistent with State-approved or certified historic preservation programs as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Hobby Farm. A farm (i.e. orchards, vineyards, small animal rising, etc.) that is not the primary source of income for the property owner, and is consider an ancillary use to the primary structure of the property.

Home Occupation. A discretionary permit issued by the Planning Manager for home businesses located in a dwelling~~An occupation conducted within the dwelling portion of a building by the occupants of the dwelling unit~~. See section 11-12-5 (Home Occupation)~~.~~

~~Hookah. An ancient Middle Eastern smoking pipe designed with a long tube passing through an urn of water that cools the smoke as it is drawn through. Also called hubble-bubble, narghile.~~

Hookah Bar or Lounge. ~~-~~An establishment where patrons share shisha (flavored tobacco), or other types of tobacco from a communal hookah which is placed at each table.

Hospital. A facility or institution which provides a broad range of medical care and services, including the overnight and/or long-term in and out patient care of persons afflicted with physical and/or mental diseases, injuries, complaints or other infirmities.

~~Hostel. Overnight sleeping accommodations which provide supervised and inexpensive lodging for travelers, and may provide kitchen and eating facilities. Occupancy is generally of a limited duration.~~

Hotel. See "lodging"~~A building or group of buildings containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who, for compensation, are lodged with or without meals, but not including a trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint~~.

Junior Accessory Dwelling Unit or JADU. A type of accessory dwelling unit defined by Government Code Section 65852.22 as a unit that is contained entirely within the area of a single-unit dwelling. It shall include an efficiency kitchen and may include a bathroom facility or share bathroom facilities within the single-unit dwelling. JADUs are subject to different requirements than ADUs. ~~Hotel, Full Service. A hotel which maintains and operates both conference facilities and a restaurant open to the general public, on the same parcel or on an adjacent parcel.~~

~~Housekeeping Unit. A person or group of persons living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.~~

~~Improvement. Any object affixed to or growing in the ground other than a building or structure.~~

~~Junkyard. An area of more than 200 square feet used for the storage of junk, including scrap metals or other scrap material, or for the dismantling or wrecking of automobiles or other machinery or vehicles.~~

Kennel. Any premises or area where four or more dogs four months of age or older are kept and cared for, for others.

Kitchen. A room or space within a building used or intended to be used for the cooking or preparation of food, which includes any of the following: stove, oven, range top, dishwasher, kitchen sink.~~Kitchen. A room, all or any part of which is designed, built, equipped, used or intended to be used for the preparation and cooking of foods.~~

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Limited Equity Housing Cooperative. A corporation which meets the criteria of a "stock cooperative" as defined in this chapter and which also meets the criteria of Health and Safety Code section 33007.5.

~~Living Area. The interior living portion of a dwelling unit including basements and attics, not including the garage or an accessory structure.~~Live/Work Unit: An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: Complete kitchen space and sanitary facilities in compliance with the City's Building Code; and working space reserved for and regularly used by one or more occupants of the unit

Live Entertainment/Night Club. The playing of any vocal and/or instrumental sounds audible outside an establishment, whether amplified or not, including, but not limited to, playing the radio or similar pre-recorded material on sound equipment, live musical performances, and/or the presentation of music played on sound equipment operated by the owner or by an employee, an agent or a contractor of the use to which the musical entertainment is incidental. See Section 11-12-XX (Live Entertainment).

Lodging. A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging of less than 30 days. Facilities include hotels, motels, and inns, guest suites, bed and breakfast, etc.

~~Lodging or Rooming House. See definition of Boarding House.~~

Lot or Parcel. ~~-~~A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including this Development Code. Types of lots include the following:~~A single parcel of land in one ownership, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, or certificate of compliance recorded in the county recorder's office or deed, provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable law or city ordinance.~~

1. Corner Lot. A lot bounded by streets on two or more adjacent sides.

2. Flag Lot. A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.

3. Interior Lot. A lot abutting only one street.

4. Key Lot. A lot, the side line of which abuts the rear line of one or more adjoining lots.

5. Through Lot. A lot having frontage on two parallel, or approximately parallel, streets

Lot Area.

1. ~~,~~ Gross Area. ~~- T~~ Gross lot area is the total area included within the lot lines of a lot, inclusive of adjacent dedicated street rights of way and alleys.~~he area included within the boundaries of the lot as described in the latest recorded deed to said lot or as shown on the recorded parcel or subdivision map creating said lot, including any portion so described or mapped lying within a public or private street.~~

2. Net area. Net lot area is the gross lot area, not including dedications for public right of ways.

~~Lot Area, Net. The gross lot area minus any area lying within a public street which is defined as a permanently reserved right-of-way which has been dedicated to the city of Solvang or any vehicular access easements serving two or more parcels.~~

~~Lot Corner. A lot bounded by streets on two or more adjacent sides.~~

Lot Depth. The average distance between the front or street line and the rear lot lines, or between the front lot line and the intersection of the two side lot lines if there is no rear lot line.

~~Lot, Flag. See definition of Lot, Interior.~~

Lot Frontage. The length of the front line measured at the street right-of-way.

~~Lot, Interior. A lot which has access by a private easement and has no street frontage or by a portion of the lot having a width of less than 40 feet.~~

~~Lot, Key. A lot, the side line of which abuts the rear line of one or more adjoining lots.~~

Lot Line. For purposes of this Zoning Code the front property line shall be considered the outside boundary of the city right-of-way that encroaches upon the subject property. Types of lot lines are as follows:

1. Front Line. The shortest boundary line of a lot which corresponds with a street line; the boundary lines of a through lot which corresponds with street lines shall be front lines. When the street side boundary lines of a corner lot are equal or of substantially equal lengths, the front line shall be the line located on the principal street.

2. Rear Lot Line. A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

3. Side Lot Line. Any lot line that is not a front or rear lot line.

~~The lines bounding a "lot" as defined herein.~~

~~Lot, Through. A lot having frontage on two parallel, or approximately parallel, streets.~~

Lot Width. The average distance between the side lot lines measured at right angles to the lot depth.

Lumber and Building Materials. Retail sales of building materials, including lumber and ornamental brick and stone, provided all materials.

Maintenance Service – Client Site Services. Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, security systems, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

Manufacturing – Artisan. An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. Also includes small scale wine production of less than 500 cases annually. Retail sales of the products are

also allowed on-site.

Manufacturing/Processing, Heavy. The manufacturing, assembling, processing, storing, or packaging of products involving: 1) chemicals, petroleum, heavy agricultural products, or other hazardous materials; 2) vehicle-dismantling or scrap and waste yards; or 3) primary production of raw materials. Examples of heavy intensity manufacturing uses include the following.

1. Chemical Product Manufacturing. An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.

2. Glass Product Manufacturing. An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations are instead "Manufacturing – Artisan".

3. Lumber and Wood Product Manufacturing. Manufacturing, processing, and sales that involve the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products: containers, pallets and skids trusses and structural beams manufactured and modular homes turning and shaping of wood products matches (wood) wholesaling of basic wood products milling operations wood product assembly.

4. Paving and Roofing Materials Manufacturing. The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, an Plastics, other Synthetics, and Rubber Product Manufacturing. The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or Styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services.

5. Primary Metal Industries. An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.

6. Pulp and Pulp Product Manufacturing. An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper which are classified as "Manufacturing/Processing – Light".

7. Scrap or Dismantling Yard. Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles.

8. Textile and Leather Product Manufacturing. An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items ("Manufacturing – Light – Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes: coating, waterproofing, or otherwise; treating fabric; manufacturing of woven fabric, carpets, and rugs from yarn; dressed and dyed furs preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage; dyeing and finishing fiber, yarn, fabric, and knit apparel; scouring and combing plants; leather-tanned, curried, and finished; upholstery manufacturing; manufacture of knit apparel and other finished products from yarn; yarn and thread mills; manufacture of felt goods, lace goods, non- woven fabrics and miscellaneous textiles.

~~Master Television Antenna. Any antenna or antennas designed to receive television or radio signals, or both such signals, and transmit them with or without amplification, to more than one television or radio receiving set by means of cables or lines which will cross over or under any public or private streets in the city of Solvang.~~

Manufacturing/Processing, Light. A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing/ processing uses include the following.

1. Clothing and Fabric Product Manufacturing. An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also, "Manufacturing/Processing, Heavy - Textile and Leather Product Manufacturing".

2. Electronics, Equipment, and Appliance Manufacturing. An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including: appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines; optical instruments and lenses; aviation instruments; photographic equipment; computers, computer components, peripherals; radio and television receiving equipment; electronic components and accessories; surgical, medical and dental instruments, equipment, and supplies; semiconductors, integrated circuits, related devices; storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer electrical welding apparatus diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.; lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting; surveying and drafting instruments; instruments for measurement, testing, analysis and control, associated sensors and accessories; switch gear and switchboards; miscellaneous electrical machinery, equipment and supplies such as x-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines; telephone and telegraph apparatus; motors and generators; watches and clocks. Does not include research and development facilities separate from manufacturing (see "High Technology").

3. Furniture and Fixtures Manufacturing, Cabinet Shop. A business that manufactures wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture, and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, wood and cabinet shops.

4. Laboratory - Medical, Analytical. A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

5. Metal Products Fabrication, Machine or Welding Shop. An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include: blacksmith and welding shops; sheet metal shops; plating, stripping, and coating shops; and machine shops and boiler shops.

6. Paper Product Manufacturing. An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes premanufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see " Manufacturing/Processing, Heavy - Pulp and Pulp Product Manufacturing").

7. Photo/Film Processing Lab. A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pickup. Does not include small scale photo processing machines accessory to other retail businesses.

8. Winemaking. A facility engaged in the large scale production of wine involving more than 500 cases annually. For production of less than 500 cases annually, see “Manufacturing – Artisan”

Manufacturing/Processing - Medium. A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing - Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of medium intensity manufacturing uses include the following.

1. Food and Beverage Product Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include: bottling plants; fats and oil product manufacturing (not animal rendering); breweries; fruit and vegetable canning; confectionery products; grain mill products and by-products; manufacturing; meat, poultry, and seafood canning, curing, byproduct processing; soft drink production; miscellaneous food item preparation from raw products; dairy products manufacturing. Does not include: bakeries or beer brewing as part of a brew pub, bar or restaurant.

2. Laundry, Dry Cleaning Plant. A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include laundromats or dry cleaning/laundry pick-up stores with limited processing equipment, which are instead under "Personal Services”.

3. Machinery Manufacturing. An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Manufacturing/Processing, Light - Electronics, Equipment, and Appliance Manufacturing").

4. Motor Vehicles and Transportation Equipment. Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles.

5. Stone and Cut Stone Product Manufacturing. An establishment that cuts, shapes, and/or finishes

marble, granite, slate, and/or other stone for construction and miscellaneous uses.

6. Structural Clay and Pottery Product Manufacturing. An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include products made primarily by hand (see "Manufacturing – Artisan"

Massing. The overall configuration of a building in terms of its height, footprint, and articulation, as well as its creation of space around it on a lot.

Mechanical Car Wash. A facility in which power driven or steam cleaning machinery is used for the exterior and interior washing and cleaning of automobiles and other motor vehicles. Such facility and equipment may be designed for self-service or full-service operation.

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production.

Medical Services – Clinic or Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: medical offices with 5 or more licensed practitioners and/or medical specialists; out-patient care facilities; urgent care facilities; and other allied health services. These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Office".

Medical Services – Doctor's Office. A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. Includes dental, medical, optical, and x-ray lab offices. Counseling services by other than medical doctors or psychiatrists are included under "Office-Professional".

Medical Services - Extended Care. Residential facilities providing nursing and healthrelated care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent hospitals; congregate living health facilities; rest homes; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care" And "Residential Care for the Elderly".

Meeting facility, public or private. A facility for public or private meetings, including religious assembly facilities (e.g., churches, mosques, synagogues, etc.), auditoriums, grange halls, union halls, and meeting halls for clubs and other membership organizations. Also includes functionally related internal facilities that are clearly incidental to the primary use such as kitchens, multi-purpose rooms, and storage. Related on-site facilities such as day care centers and schools are separately defined.

Microbrewery/Tap Room. A commercial, bonded facility for manufacture, blending, fermentation, processing, and packaging of malt liquor that produces less than ten thousand (10,000) barrels (310,000 US gallons) of beer annually. At all times, microbreweries must have a current and applicable California Alcohol Beverage Control License.

Mixed-Use Project: A project that combines both residential and commercial uses on the same site. Does not include "Live/work Unit", which is separately defined.

~~Medical Office. Any facility used as the principal office or place of practice by a doctor(s) and related healthcare professional(s) such as a physical therapist, psychologist, optometrist, marriage and family counselor, medical doctors, dentists, chiropractor and others as may be determined by resolution of the city council, excluding any facility for the overnight or long term inpatient care of clients (see definition of~~

~~Hospital). Retail sales of articles clearly incidental to the services provided are allowed in conjunction with the approved use.~~

Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single Dwellings"~~A trailer, transportable in one or more sections, that is certified under the National Manufactured Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, which is designed and equipped to contain not more than two dwelling units, with or without permanent foundation and not including recreational vehicles, commercial coach or factory built housing. For purposes of this title, a mobile home on a permanent foundation is considered a structure~~.

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes~~Any area or tract of land where two or more mobile home lots are rented, leased, or offered for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.~~

~~Modular Home. A dwelling unit constructed in whole or in part of prefabricated material or components to be assembled on site and affixed to a permanent foundation, subject to the requirements of the Uniform Building Code.~~

Motel. See "Loding"~~ An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.~~

Mobile Vendor. An entity that sells goods or food services from a stand that is intended to be temporary, or is capable of being moved to various locations.

Moderate Income Household. Moderate income household as defined by State Health and Safety Code Section 50093 as 120% of county median income.

~~Musical Entertainment. The playing of any vocal and/or instrumental sounds audible outside an establishment, whether amplified or not, including, but not limited to, playing the radio or similar pre-recorded material on sound equipment, live musical performances, and/or the presentation of music played on sound equipment operated by the owner or by an employee, an agent or a contractor of the use to which the musical entertainment is incidental.~~Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted. May include on-site cremation if allowed by Conditional Use Permit.

Multi-Unit Dwelling/Development. Two or more dwelling units attached or detached on a lot, or when each unit is attached to an adjacent dwelling located on individual lots or air space condominium, which does not include an accessory dwelling unit. Multi-unit dwellings or development include a duplex, triplex, condominium, townhouse, common interest development, common area developments (detached or attached), and apartments. Multi-unit dwellings or developments may also be combined with nonresidential uses as part of a mixed-use development. "Multi-Unit" may also be referred to as "Multi-family".

Nonconforming Lot. A lot that was legally created before the adoption or amendment of this Development Code, but does not comply with the current area, width, depth, or other applicable requirements of this Zoning Code.~~A lot the area, dimensions or location of which was lawfully created prior to the adoption of~~

~~this title, or any amendments hereto, or any previously adopted city or county zoning ordinances that were then applicable to the same, and which does not now conform to the present regulations of the zoning district in which it is situated.~~

Nonconforming Structure. ~~-~~A structure that was legally constructed before the adoption or amendment of this Zoning Code, but does not comply with the current area, width, depth, or other applicable requirements of this Zoning Code~~A building or structure, the setbacks, height or location of which was lawfully constructed prior to the adoption of the title, or any amendments hereto, or any previously adopted city or county zoning ordinances that were then applicable to the same and which does not now conform to the present regulations of the zoning district in which it is situated.~~

Nonconforming Use. ~~-~~A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained before the adoption or amendment of this Zoning Code, but does not conform to the current Zoning Code requirements for allowable land uses within the applicable zone~~Any use of land, building, or structure which was lawfully commenced prior to the adoption of this title, or any amendment hereto, or any previously adopted city or county ordinances that were then applicable to the same, and which does not now conform to the present regulations on use of the zoning district in which it is situated~~.

Off-Site. An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.~~One Ownership. One ownership of property shall include ownership under a contract to purchase in any manner whereby such property is under a single or unified control, including ownership of property by a person or persons, firm, partnership, association, corporation, company, syndicate, estate, trust or organization of any kind.~~

Office. This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service – Clinic/Urgent Care," and "Medical Service - Doctor Office.").

1. Accessory. An office facility for business administration, and/or on-site business and operations management, which is incidental and accessory to another business, sales, and/or service activity on the same site that is the primary use. These are permitted in all zones.

2. Business/Service. An establishment providing direct services to consumers. Examples of this use include employment agencies, elected official satellite offices, insurance agent offices, property management, real estate offices, travel agencies, utility company offices, vehicle rental/sale offices with no vehicles on site, etc. Does not include "Financial Institutions," which are separately defined.

3. Processing. An office-type facility characterized by high employee density, and occupied by businesses engaged in information processing, and other computer dependent and/or telecommunications-based activities. Examples of these uses include: reservation centers, insurance claim processing, mail order and electronic commerce transaction processing, consumer credit reporting, data processing services, and telemarketing offices.

4. Professional. An office facility occupied by a business that provides professional services, administrative services, or is engaged in the production of intellectual property. Examples of this use include: accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations, chambers of commerce; construction contractors (office facilities only); counseling services (for medical doctors see “Medical Services- Doctor Offices”); design services including architecture, engineering, landscape architecture; educational, scientific and research organizations; financial management and investment counseling; management and public relations services; media post production services; photographers and photography studios; political campaign headquarters; psychologists; travel agencies; and, security and commodity brokers.

On-Site. An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use

Open Space.

1. Common Open Space. Common open space shall include, but not be limited to, recreational areas and facilities for the use of the prospective residents or guests of a development such as tennis courts, swimming pools, playgrounds, community gardens, landscaped areas for common use or other open areas of the site needed for the protection of the habitat, archaeological, scenic or other resources. Water bodies may be included but shall not be credited for more than 5% of the total required common open space. Common open space shall not include driveways, public or private streets, parking lots, private patios and yards, other developed areas or hard surfaced walkways.

2. Private Open Space. Private open space shall include, but not be limited to, patios, decks and yards for the private use of the residents of individual dwelling units.

3. Public Open Space. Public open space shall include, but not be limited to, public parks, recreational support facilities (restrooms, stairways, picnic tables, etc.), public parking lots~~, beaches~~, access corridors such as bike paths, hiking or equestrian trails, usable natural areas, and vista points which are accessible to members of the general public. Environmentally sensitive habitat areas and archaeological sites may be included in public open space. Water bodies such as streams, ponds and lakes may be included in public open space only if available for active recreational purposes, i.e., swimming, boating or fishing but in no case shall water bodies be credited for more than 5% of the total public open space requirement within a development. Public open space shall not include areas which are unusable for recreational purposes, i.e., private or public streets, private parking lots or hazardous areas such as steep slopes and bluff faces.

Overhang. Any feature of a building that projects out from the horizontal wall plane, such as a roof eave, stoop covering, or awning. ~~Owner. An owner shall be the individual whose name appears on the title to the property.~~

Parapet. A low wall built up above the level of a roof, generally to hide rooftop-mounted equipment.

Park, Playground. A public outdoor recreation facility that may provide a variety of recreational opportunities including community center, playground equipment, open space areas for passive recreation and picnicking, and sport facilities.

~~Parcel. See definition of Lot.~~

Parking ~~Lot~~Facility. Private parking lots when contiguous to a non-residential zone. ~~An off-street area, usually surfaced and improved, for the temporary storage of five or more vehicles.~~

Parking Lot Sale. A temporary sale that is conducted by a retail store, shop or establishment in the area usually used for on-premises customer parking or pedestrian access (not within a public right-of-way) of that retail store, shop or establishment and at which sale the same type of merchandise sold within that store, shop or establishment is sold at retail.

Parking Space. A space designed and reserved for parking of motor vehicles, including all necessary maneuvering space, as provided elsewhere in this title.

Person. Any individual, firm, partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.~~Person. Any individual, organization, partnership or other business association or corporation,~~

~~including any utility, and any federal, state, local government or special district or an agency thereof.~~

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; dressmaking and tailor shops; dry cleaning/laundry pick-up stores with limited equipment; laundromats (self-service laundries); locksmiths; pet grooming (no overnight boarding); computer and small electronic equipment repair; shoe repair shops; tanning salons; tattoo artist studios; piercing studios; and massage therapy when connected with a day spa, or other individual massage therapy establishment where all message therapist are licensed by the California Massage Therapy Council (CMTC). These uses may also include accessory retail sales of products related to the services provided.

Personal Services - Restricted. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: bail bonds, check cashing services, drug paraphernalia business (hookah bars, head shops), smoke shops, and related practices buying gold/precious metals as a primary use, pawn shops, and beauty supply or skin care retail stores where on-site demonstrations are completed with no charge, and/or appointments for customers, patrons, and other persons in order to solicit sales of beauty and other skin, hair, and health and beauty products.

Planning Commission. ~~-~~The C~~c~~ity of Solvang planning commission as established in Title 2, Chapter 1.

~~Planning Division. The city of Solvang planning division.~~

Planning Manager. The planning manager as defined in section 2-1-3 of this code.

Plant Nursery. A commercial establishment engaged solely in the retail sale of ornamental plants and related products. Does not include the wholesale and/or retail establishments for the production and propagation of ornamental plants.

Primary Dwelling Unit. The designated primary residential unit on a residential zoned lot with an accessory or junior accessory dwelling unit.

Primary or Principal Structure. A structure that accommodates the primary use of the site.

Public Trails. A pedestrian way traversing a park, or open space area, that may or may not be maintained by either the City or other entity.

~~Premises. The area of land in one ownership surrounding a house or building.~~

~~Principal Structure. A structure in which is conducted the principal use of the lot on which it is situated. In any residential, agricultural or estate district, any dwelling shall be deemed to be the principal structure on the lot on which it is situated.~~

Public Utility. Production, storage, transmission and recovery facilities for water, sewerage, energy and other similar utilities owned or operated by a business organization and subject to the jurisdiction of the Public Utilities Commission (PUC).~~-~~

Printing and Publishing. An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments

that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Public and Quasi-Public. Includes public, semi-public, and private schools; government, civic, and community buildings and uses; public utility buildings and uses; museums and libraries; and similar uses. Does not include “Specialized Education/Training”.

Public Works Director. The City of Solvang Public Works Director or their designee.

~~Public Works.~~

~~1. Production, storage, transmission, treatment and recovery facilities for water, sewerage and other similar utilities owned or operated by any public agency, excluding energy facilities.~~

~~2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, airports, railroads and mass transit facilities and stations, bridges, trolley wires and other related facilities financed and owned by the government.~~

Recreation Vehicle (RV). Per Section 18010 of the California Health and Safety Code, a motor home, travel trailer, truck camper, carryall, or camp trailer, house car, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy~~A motor home, travel trailer, camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath and toilet rooms. Recreation vehicle shall also include trailer-borne boats~~.

Recycling Facility. A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

1. Large Collection Facility. Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.

2. Processing Facility. A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding.

3. Recycling or Recyclable Material. Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include trash or hazardous materials.

4. Reverse Vending Machine. An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

5. Small Collection Facility. A center where the public may donate, redeem or sell recyclable materials, which occupies an area of 500 square feet or less and may include a mobile unit or reverse vending machines, where allowed by the applicable zone.

Remodel or Alteration. Physical change in the internal arrangement of rooms or usage of space, or to the exterior of the building or the supporting members of a structure which requires a building permit.

Repair Service – Large Equipment. A service facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include "Vehicle Repair & Services", the repair of small electronic equipment, which is included under “Personnel Services”, maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service - Client Site Services”, or repair services of small equipment, which are classified as “Repair Service – Small Equipment”.

Repair Service – Small Equipment. A service facility where various types of small home appliances and household items are repaired at the business location. Examples include: vacuum and sewing machine repair, home electronics repair, and lawnmower repair.

~~Recreational Vehicle Accommodations. Any facilities intended to accommodate recreational vehicles, including, but not limited to, parking spaces, septic disposal, water, electrical, propane and liquefied petroleum gas.~~

~~Recreational Vehicle Park. Any area or tract of land, where one or more lots are rented or leased or offered for rent or leased to owners or users of recreational vehicles or tents and which is occupied for temporary purposes.~~

~~Residence Hall. A boarding house or lodging house, or combination thereof, used primarily for the purpose of providing facilities for student housing, but excluding fraternity or sorority house.~~

Residential Care ~~Facility~~. A single-unit dwelling or multi-unit facility licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. This use includes transitional housing or supportive housing. Does not include day care facilities, which are separately defined.~~Any facility, place, or building that is maintained and operated to provide 24 hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for protection of the individual and licensed by the state of California.~~

Residential Care Facility for the Elderly (RCFE). A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible persons; where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from California Code of Regulations Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space. RCFE projects include assisted living facilities, congregate housing, independent living centers/senior apartments, and life care facilities as defined below.

1. Assisted Living Facility. A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.

2. Independent Living Center/Senior Apartment. Independent living centers/senior apartments and multi-unit dwelling projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.

3. Life Care Facility. Sometimes called Continuing Care Retirement Communities, or Senior Continuum

of Care Complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

~~Resort. A hotel or motel which serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.~~

Restaurant. A retail business where the primary activity is selling food prepared on site for on- or off-premise consumption. These include eating establishments where customers are served from a walkup counter and establishments where customers are served food at their tables. Examples include: cafes, coffee shops, donut shops, ice cream parlors, delicatessens, etc. The sale of alcoholic beverages is allowed as an accessory use when the restaurant is a bona fide eating place which maintains a suitable kitchen facility and shall make actual and substantial sales of meals prepared for consumption on the premises. However, if the sale of alcoholic beverages becomes the primary use and/or the kitchen facilities are not suitable and/or meals prepared for consumption on the premises are not substantial, the use shall be classified as a "Bar/Tavern/Night Club". Restaurants include the following:~~Any establishment whose principal business is the sale of meals, including food and beverage, which is eaten on or off the premises.~~

——Barbecue, Outdoor Commercial. Commercial "for profit" business not operated in a building, for the purpose of selling barbecued food to the general public.

1.

2. Restaurant, Formula. A restaurant devoted to the preparation and offering for sale of food and beverages for consumption either on or off the premises, which is required by contractual or other arrangements to offer any of the following. standardized menus, ingredients, food preparation, decor, uniforms or similar standardized features, and where there are five or more similar locations nationwide. Notwithstanding the foregoing, a full service restaurant, where there are less than 25 locations nationwide does not meet the definition of a formula restaurant and "uniforms" do not include Northern European ethnic garb.

——Walk-Up Food Service Window. An opening in an exterior wall of a building through which food, beverage and other consumable items are provided or served to the general public upon payment of a fee or charge. Walk-up food service windows do not include windows in a motor vehicle, as defined in the California Vehicle Code, through which food, beverage and other consumable items are provided or served to the general public, commonly called food trucks, or windows in a conveyance engaging in a sidewalk vending activity as defined in title 4, chapter 4.

3.

Review Authority. The individual or official City body (Planning Manager, Desing Review Committee, Planning Commission, or City Council) identified by this Zoning Code as having the responsibility and authority to review, and approve or disapprove the development applications described in Chapter 16.

~~Restaurant, Full Service. Any such establishment where the food is regularly prepared for and to customers for consumption on the premises, with limited takeout, and whose design and operation includes the following characteristics:~~

~~1. The establishment is not specifically designed to accommodate high customer volume.~~

~~2. Facilities, such as tables, seats and benches, for on-premises consumption of food are provided and are sufficient for the volume of food sold and customer services.~~

~~3. Customers predominately order and receive food while seated at tables on the premises.~~

~~4. Food is paid for after consumption on site.~~

~~5. Food is not typically packaged for transportation off site.~~

~~6. The establishment does not have any takeout or walk-up windows.~~

~~Retreat. A building or group of buildings with accessory land and structures used for the purpose of providing facilities for groups assembled for periods not to exceed 21 days for discussion, study and recreation. When such facilities are to be located in rural areas, the retreat must require or benefit from a location surrounded by open land and the facility development shall be limited and subordinate to the character of the surrounding natural environment.~~

Right-of-Way Line. The recorded boundary of a public or private street or the existing or planned boundary of a public street and, when adopted, as indicated on the city's general plan circulation element.

~~Row House. A style of housing where a row of identical or mirror image houses share side walls in common and have a continuous stretch of roof.~~

~~Sanatorium. A health retreat, boarding house or other place for the treatment of disease or care of invalids.~~

~~Second Residential Unit. An attached or detached dwelling unit on a permanent foundation located in a single-family zone district, which provides complete, independent living facilities for one or more persons. A second residential unit shall not be sold or financed separately from the principal structure, but may be rented or leased. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as the principal structure is located.~~

~~Secondary Use.~~

~~1. A land use subordinate or accessory to a principal use.~~

~~2. When used in reference to residential use in conjunction with commercial and industrial uses in this title, "secondary" means two residential bedrooms per 1,000 square feet of total gross floor area of commercial or industrial development. However, in no event shall the total gross floor area of the residential development exceed the total gross floor area of the commercial or industrial use.~~

~~Semidetached Building. A building having a common wall with another building which wall has no opening connecting the two buildings.~~

Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature. The setback area is as follows: ~~The minimum required distance that a building or structure must be located from any property line or street centerline~~.

1. Front Setback. An area extending across the full width of the lot between the front lot line and the applicable setback measurement.

2. Rear Setback. An area extending the full width of the lot between a rear lot line and the applicable setback measurement.

3. Interior Side Setback. An area between a side lot line and the applicable setback measurement

extending between the front and rear setbacks.

4. Street Side Setback. An area between a side lot line adjacent to the street and the applicable setback measurement extending from the front setback line to the rear lot line.

Short Term Rental. Any place, space, or structure, or portion of any place, space, or structure, which is or may be occupied, or intended or designed for occupancy by transients for purposes of sleeping, lodging, or similar use in conformance with the City's zoning regulations, and shall include, but not be limited to, the following: single-unit dwellings, cottages, apartments, studios, condominiums, townhouses, duplexes, triplexes, fourplexes, a bedroom or bedrooms within an existing residential unit, and other forms of shelter constructed with a building permit and rented for the purpose of continuous overnight lodging for a period of not less than one night and not more than 30 days.

Sidewalk Seating. An establishment licensed by the Santa Barabra County environmental health department for which the principal use is the service of prepared food and beverages in a permanently constructed structure that provides table service, or places tables directly in front of their establishment within right-of-way of the City of Solvang.

Single-Unit Dwelling/Development. One detached residence designed for and occupied exclusively by one house keeping unit with one interior kitchen, whose members are an interactive group of persons jointly on a single lot, that does not include any shared facilities including but not limited to driveways, drainage basins, landscaping, etc. that is found in a common area development. A single-unit dwelling may also include, as an accessory use, a legally established Accessory Dwelling Unit. This definition also includes individual manufactured housing units installed on a foundation system pursuant to California Health and Safety Code Section 18551. "Single-Unit" may also be referred to as "Single-family"

Single Room Occupancy. A multi-unit residential use, where occupants share common kitchen and bathroom facilities.

Solvang Village Area. Area shown on the map included in the design review committee guidelines as adopted by the city council.

~~Special Care Home. A residential home providing 24 hour nonmedical care and supervision that has a license for a capacity of seven or more clients from the state department of health or a licensing agency authorized by said department as a "large family home, children"; "large family home, adults"; "group home, children"; "group home, adults"; or "foster home."~~

Special District. Any public agency, other than the county, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. Special district includes, but is not limited to, a city service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area.

Specialized Education/Training. A school that provides education and/or training, including vocational training, in limited subjects. Examples of these schools include: establishments providing courses by mail, language school, business, secretarial, and vocational schools, computers and electronics schools, and religious/ ministry training facility.

Special Needs Housing. Housing for those segments of the population which have a more difficult time finding decent affordable housing due to special circumstances consisting of the elderly, handicapped, large families, female headed households, farmworkers, and the homeless.

Specific Plan. A detailed plan for the systematic implementation of the General Plan, for all or part of the

area covered by the General Plan, as authorized by Government Code Sections 65450 et seq.

~~Stable, Private. An accessory building in which horses are kept for private use and not for remuneration, hire or sale.~~

~~Stable, Public. An accessory building in which horses are kept for commercial use including city boarding, hire and sale.~~

Stairway. An interior or exterior series of steps usually with landings to move from one floor level to another.

Stock Cooperative. A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock or membership certificate in the corporation held by the persons having such right of occupancy. The term "stock cooperative" does not include a "limited equity housing cooperative" as defined in this section.

Storage - Outdoor. The storage of various materials outside of a structure either as an accessory or primary use. Storage – Personal Storage Facility. A structure containing generally small, individual compartments, stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Storage - Vehicle. A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Does not include commercial parking lots, or “Scrap or Dismantling Yards" (See Manufacturing/Processing - Heavy).

Storage - Warehouse. Facilities for the indoor storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public ("Storage - Personal Storage Facility"); or warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution”).~~Storage Warehouse. A building or structure used for the storage of miscellaneous items, which may contain separate storage spaces known as miniwarehouses, leased or rented on an individual basis.~~

Story. That portion of a building between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Street. A public or private thoroughfare which affords principal means of access to abutting property, including avenue, street, place, way, court, drive, land, boulevard, highway, road, or any other thoroughfare except an alley as defined herein.~~A permanently reserved, public or private right-of-way, which affords the public a principal means of vehicular access to abutting or adjacent property, not including alleys or driveways as defined herein. A private easement, right-of-way, or extension thereof shall not be construed to be a "street" or "road" where such private easement, right-of-way, or extension thereof cannot be reasonably expected to serve more than four existing or future building sites under the presently applicable zoning and subdivision regulations.~~

Street Frontage. The portion of a property line abutting a public or private street.

Structural Alteration. Any change in the supporting members of a building or structure such as bearing walls, column beams or girders, or in the dimensions or configurations of the roof.

Structure. Anything constructed or erected, the use of which requires location on the ground excluding trailers and sidewalks.

Studio - Art, Dance, Martial Arts, etc. Small scale facilities typically accommodating a few groups of students at a time. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; yoga studios; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Studio Unit. A residential unit where living and sleeping space is combined in a single room.

~~Studio Dwelling Unit. A single dwelling unit which does not contain a bedroom and which is located within a two-family dwelling or a multiple-family dwelling.~~

Subdivision. A division of land as defined in the California Subdivision Map Act.

Substantial Conformance/Compliance. Free from variation or contradiction, except when minor, legal, justified and supported by the facts.

Supportive Housing. See Transitional Housing ~~Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on site or off site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community~~.

Target Population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse or other chronic health conditions, or individuals eligible for service provided pursuant to the Lanterman Developmental Disabilities Services Act (division 4.5 [commencing with section 4500] of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Telecommunications Facilities. Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

Temporary Use Permit. A discretionary permit issued by the Director, which allows the use of land that is properly designed, operated and occupies a site for a limited time. See Section 6.20.080 (Temporary Use Permit).

~~Temporary Guest. Nonpaying guests occupying the premises for no more than 120 days in any 12 month period.~~

~~Townhouse. A residential dwelling that is attached to one or more other houses, but which sits directly on a parcel of land that is owned along with the structure. Generally townhomes/townhouses do not have neighbors above or below. A simple townhome combines the features of condominium and single-family home.~~

~~Trailer. A vehicle with or without motor power which is designed or used for human habitation, office, shops~~

~~or storage including camper, travel trailer and mobile home, but not including mobile homes on a permanent foundation.~~

Transitional Housing. Transitional housing is defined in Section 50675.2 of the Health and Safety Code as rental housing for stays of at least six months but where the units are recirculated to another program recipient after a set period. Transitional housing may be designed for homeless individuals or family transitioning to permanent housing. Supportive housing is defined in Section 50675.14 of the Health and Safety Code and has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in the Health and Safety Code.~~Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing is temporary (often six months to two years) housing for a homeless individual or family who is transitioning to permanent housing. Transitional housing may include a supportive services component (e.g., job skills training, rehabilitation counseling, etc.) to allow individuals to gain necessary life skills in support of independent living.~~

Two-unit housing development. A development application proposing no more than two dwelling units on a single parcel located within a single-unit residential zone as authorized by Government Code Section 65852.21. A two-unit housing development shall consist of either the construction of no more than two new primary dwelling units, one new primary dwelling unit and retention of one existing primary dwelling unit, or retention of two existing legal non-conforming primary dwelling units where one or both units are subject to a proposed addition or alteration.

~~Urbanization. An area shown on the land use element maps of the city's general plan, within which is permitted the development of residential, commercial and industrial activity, and their related uses, buildings and structures.~~

Variance. A discretionary permit issued by the Planning Commission granting relief from the requirements of this Development Code that permits construction in a manner that would otherwise be prohibited by this Development Code. See Section 11-16 (Variance).

Vehicle Charging Station. A public or private parking space(s) that is (are) served by battery charging equipment with the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

Vehicle Rental. A retail establishment renting automobiles, light trucks, boats, campers, and/or motorcycles, and bicycles, where vehicles are kept on site.

Vehicle Repair and Services. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use.

Vehicle Sales. A retail or wholesale establishment selling automobiles, light trucks, boats, campers, and/or motorcycles. Vehicles for sale may be displayed outdoors or indoors. May also include repair shops and the sales of parts and accessories, incidental to vehicle sales. Does not include the sale of auto parts/accessories separate from a vehicle dealership.

Village Area. See definition of Solvang Village Area.

Vision Clearance. A triangular space at the street or highway corner of a corner lot containing no planting, walls or other structure exceeding three feet in height. Vision clearance shall be measured along the street line from the corner to the hypotenuse of the triangle.

~~Walk-Up Food Service Window. An opening in an exterior wall of a building through which food, beverage and other consumable items are provided or served to the general public upon payment of a fee or charge. Walk-up food service windows do not include windows in a motor vehicle, as defined in the California Vehicle Code, through which food, beverage and other consumable items are provided or served to the general public, commonly called food trucks, or windows in a conveyance engaging in a sidewalk vending activity as defined in title 4, chapter 4.~~Wholesaling and Distribution. An establishment engaged in selling and/or renting merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include: agents, merchandise or commodity brokers, and commission merchants, merchant wholesalers, assemblers, buyers and associations engaged in the cooperative marketing of farm products, stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment. Also includes storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments.

Wind Energy Conversion System. A machine or group of machines used to convert wind energy to a usable form (i.e., mechanical, electrical, etc.).

Wind Turbine Generators. A wind energy conversion system that utilizes a turbine to convert wind power to electrical energy.

Wine and Distillery Tasting. A retail sales facility where customers may taste and purchase wine, distilled spirits with a proper license issued by the California Department of Alcohol and Beverage Control.

Winery. ~~-~~A bonded establishment primarily used for the purpose of processing grapes or other fruit products. Processing includes, but is not limited to, crushing, fermenting, blending, aging, storage, bottling and wholesale/retail sales.

~~Yard. An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such open space is unoccupied and unobstructed from the ground upward except for architectural features as specified in section 11-12-16(A)(5) of this title and accessory buildings as specified in section 11-12-2 of this title. In measuring a yard as hereinafter provided, the line of a building shall be deemed to mean a line, parallel to the nearest lot line, drawn through the point of a building or the point of a dwelling group nearest to such lot line.~~

~~Yard, Front. A yard extending across the front of a lot between the inner side yard lines and measured from the front line of the lot to the front line of a building.~~

~~Yard, Rear. 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. For the purpose of this title, the rear yard of an irregular or triangular lot shall be measured from a line at least 10 feet long lying entirely within the lot, parallel or most nearly parallel to and most distant from the front line of said lot.~~

~~Yard, Side. A yard between the side line of the lot and the nearest line of a building, and extending from the front line of the lot to the required rear yard setback line.~~

Zoning Ordinance. An ordinance authorized by Government Code section 65850. Referenced as either Zoning Ordinance or Zoning Code.

Chapter 4
~~DEVELOPMENT STANDARDS~~ ESTABLISHMENT AND DESIGNATION OF ZONES

11-4-1 Purpose

This Chapter establishes the Zones applied to property within the City and establishes the types of land uses permitted and provides development standards.

11-4-2 Official Zoning Map and Zones.

A. Zones established. The City shall be divided into zones that implement the Solvang General Plan. The zones shown in Table 11.1 are hereby established and shall be shown on the City of Solvang Zoning Map (Zoning Map).

B. Official Zoning Map. The Zoning Map has been adopted by the Council in compliance with Government Code Sections 65800 et seq. and is hereby incorporated into this Zoning Code by reference.

Table 11.1

Zone Symbols	Name of Zone	General Plan Designation Implemented by Zone
Residential Zones		
ER-3	Estate Residential	Estate Residential
ER-1	Estate Residential	Low Density Residential
R-1	Residential Low Density	Low/Medium Density Residential
PR	Planned Residential	Medium Density Residential
R-2	Residential Medium Density	Medium Density Residential
R-3	Residential High Density	High Density Residential
MHR	Mobile Home Park	Mobile Home Park
Commercial Zones		
VMU	Village Mixed-Use	Tourist Commercial
CR	Retail Commercial	Retail Commercial
CH	Heavy Commercial	General Commercial
PO	Professional Office	Professional/Office
Industrial Zones		
LI	Light Industrial	Light Industrial
Open Space and Recreation Zones		
P	Parks	Open Space/Recreation
OS	Open Space	Open Space/Recreation
AT	Agriculture Tourist	Guest Ranch
Public Facilities Zone		
PI	Public/Institution	Public/Institutional
Overlay Zones		
PD	-	-
SP-2	SP-2 – Village Estates	Varies
DD-1	Design District-1 Solvang Village	Varies
DD-2	Design District 2- Mission	Varies

11-4-3 General Requirements for Development and New Land Uses

All development and land uses shall comply with the following requirements.

A. Allowable use. The land use shall be allowable by this Zoning Code in the zone applied to the site. The basis for determining whether a use is allowable is described in Section 11-4-4 (Allowable Land Uses and Development Application Requirements).

B. Permit and approval requirements. Any planning application or other approval required by Section 11-4-4 (Allowable Land Uses and Development Application Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation.

C. Development standards, conditions of approval. Each land use and structure shall comply with the development standards of this Zoning Code, and any applicable conditions imposed by a previously approved planning application on file with the City.

11-4-4 Allowable Land Uses and Planning Application Requirements

A. Allowable land uses. The uses of land allowed by this Zoning Code in each zone are listed in Tables 11.2, 11.4, 11.6,11.8,11.10 of this Chapter. Each land use listed in the tables is defined in Chapter 3 (Definitions).

B. Conditional Use Permit requirements. A land use identified by Tables 11.2, 11.4, 11.6,11.8,11.10 as requiring a Conditional Use Permit or "CUP" may be established upon approval of a Conditional Use Permit by the Review Authority and other required development applications consistent with this Section.

C. Allowable or Permitted Use requirements. A land use identified by 11.2, 11.4, 11.6,11.8,11.10 with a permitted use or "P" are may also require to receive one of the following planning entitlements or approvals:

1. Zoning Clearance (Section 11-16-3)

2. Development Permit (Section 11-16-4)

D. **Use not listed**. A land use that is not listed in Tables 11.2, 11.4, 11.6,11.8,11.10, and is determined by the Planning Manager to not be included in Chapter 3 (Definitions) under the definition of a listed land use that is also permitted pursuant to Tables 11.2, 11.4, 11.6,11.8,11.10, is not allowed within the City, except as otherwise provided in this Chapter.

E. **Specific Use Regulations**. Where the last column in Tables 11.2, 11.4, 11.6,11.8,11.10 includes a Section reference or additional standard, the regulations in the referenced Section or additional standard shall apply to the use.

F. **Additional Permits**. A land use authorized through the approval of any type of planning application may also require a Building Permit, and/or other permit required by the Solvang Municipal Code, and/or Federal and State law.

~~§ **11-4-1 City policies.**~~

~~The policies in this title will be contained in the city's general plan, when adopted, which when adopted will be incorporated into this title. The policies set forth herein shall serve as general development standards for all developments, subject to the provisions of this title. These policies and standards shall govern and control~~

the following references to the general plan, and elements thereof:

A. The densities specified in the land use element of the general plan are maximums and may be reduced if it is determined that such reduction is warranted by conditions specifically applicable to a site, such as topography, geologic or flood hazards, habitat areas or steep slopes. However, density may be increased under programs for the housing element.

B. No urban development shall be permitted beyond boundaries of land designated for urban uses.

C. Prior to issuance of a land use permit, the city shall make the finding, based on information provided by environmental documents, staff analysis and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the general plan.

D. All new development within the city must be served by city sewer and water services.

(Ord. 90-112, 1990)

§ 11-4-2 Archaeology.

A. All available measures, including purchase of the site, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological and other classes of cultural sites.

B. When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.

C. When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission.

D. Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.

(Ord. 90-112, 1990)

§ 11-4-3 Visual resources.

A. In areas designated as open space or recreation on the land use element map, the height, scale and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms, shall be designed to follow the natural contours of the landscape, and shall be sited so as not to intrude into the skyline as seen from public viewing places.

B. In areas designated for urban uses on the land use element map, new structures shall be in conformance with the scale and character of the existing neighborhood. Clustered development in exchange for open space, varied circulation patterns and diverse housing types shall be encouraged.

C. Hillside development shall be designed in such a manner as to maintain the natural visual character of the hillsides by integrating architecture and landscaping into the hillside setting; minimize grading impacts; architecturally integrate any structures within the prominent ridge lines designated in the general plan; encourage the contouring of manufactured slopes to blend with natural slopes; encourage

the use of innovative designs which adapt to the natural topography; encourage the blending of colors and materials with the hillside environment; and provide for the planting of slopes with appropriate vegetation.

(Ord. 90-112, 1990)

§ 11-4-4 Flood hazards.

The intent of the flood hazard development standards is to avoid exposing new developments to flood hazards and to reduce the need for future flood control protective works and resulting alteration of stream and wetland environments by regulating development within the 100-year floodplain.

A. All development, including construction, excavation and grading, except for flood control projects and nonstructural agricultural uses, shall be prohibited in the floodway, as determined by the city engineer and county flood control, unless off-setting improvements in accordance with HUD regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected 100-year flood elevation as specified in the federal flood insurance maps.

B. Permitted development shall not cause or contribute to flood hazards or lead to expenditure of public funds for flood control works, i.e., dams, stream channelizations, etc.

(Ord. 90-112, 1990)

§ 11-4-5 Parks and recreation.

Bikeways shall be provided where appropriate and feasible for recreational and commuting use.

(Ord. 90-112, 1990)

§ 11-4-6 Environmental resource management.

The standards contained in this section are intended to be guidelines which serve to implement policies and objectives contained in the safety, conservation and open space elements of the general plan.

A. Development should be prohibited in all cases on lands subject to one or more of the following environmental factors:

1. Significant geologic problem/potential (see safety element of the general plan);

2. Reservoirs and areas tributary to existing and proposed reservoirs;

3. Existing croplands with a high agricultural suitability rating (see conservation element of the general plan) or a Class I or II soil capability classification. Land designated as agriculture shall remain as such unless the land can be acquired for permanent open space;

4. Existing parks and recreation sites, historic sites, and archaeological sites.

B. Development should be prohibited except in a relatively few special instances on lands subject to one or more of the following environmental factors:

1. Geologic problems/potential (see safety element of the general plan);

2. Existing croplands with a moderate or low agricultural suitability rating (see conservation element of the general plan) or a Class III or IV soil capability classification;

3. Significant habitats and/or prime examples of common ecological communities (see conservation

element of the general plan).

(Ord. 90-112, 1990)

§ 11-4-7 Landscaped areas.

Any alteration to landscaped areas in the multiple-family, commercial, office and industrial districts for the purpose of removal of such areas for replacement with paving, hard surface or gravel shall first be reviewed and approved by the city's design review committee or, if part of an application to the planning commission, by the planning commission with recommendation from the design review committee.

(Ord. 90-112, 1990; Ord. 21-0347 § 4; Ord. 22-0355 § 15)

Chapter 5
~~AG~~ AGRICULTURAL ~~DISTRICT~~TOURIST (AT) ZONE

§~~-~~11-5-1 Purpose and intent.

The purpose of the ~~AG~~ Agricultural ~~District~~ Tourist (AT) is to designate lands appropriate for agricultural tourist use~~s within urban and rural neighborhood areas~~, as defined on the general plan land use ~~element maps~~designation map and element. The intent is to provide standards which will support agriculture tourism. ~~as a viable land use and encourage maximum agricultural productivity. No permits for development, including grading, shall be issued except in conformance with section 11-16-1 of this title.~~

~~(Ord. 90-112, 1990)~~

§~~-~~11-5-2 ~~Permitted uses.~~Allowable Land Uses and Permit Requirements

Table 11.2 – Agriculture Tourist Zone Allowable Land Uses and Use Permit Requirements[1]		
Land Use	AT[1]	Specific Use Regulations
Recreation, Education, & Public Facilities		
Agricultural grazing	P	
Public trails	P	
Golf Course	CUP	
Meeting Facility Public or Private	CUP	
Residential		
Accessory Dwelling Unit	P	Section 11-12-3
Accessory Structure	P	Section 11-12-2
Agriculture Employee Housing	P	Section 11-12-26
Caretaker Dwelling Unit	CUP	Section 11-12-10
Services		
Guest Ranch	CUP	
Transportation & Infrastructure		
Parking Facility	CUP	Section 11-11
Telecommunication Facility	CUP	Section 11-18
Utilities Facility	CUP	Section 11-12-20
Underground Utilities Facility	CUP	Section 11-12-20

End Note

1. **Permits Required**. All uses identified as permitted or "P" may require approval of one or more of the following planning applications (as well as a building permit if a new or modified structure is involved):

Zoning Clearance (Section 11-16-3)

Development Plan (Section 11-16-4);

Legend

P Permitted Use
CUP Conditional Use Permit Required
-- Use Not Allowed

A. All types of agricultural uses except commercial greenhouses, commercial livestock feed or sales yard, subject to the limitations hereinafter provided in this chapter.

B. Raising of horses, mules, cattle, sheep or other livestock, except that on parcels of less than 20 acres, not to exceed one such animal shall be permitted for each 20,000 square feet of gross area of the lot(s) upon which the same are kept. Hog ranches, dairy farms and poultry ranches shall not be permitted.

C. Small animals limited to reasonable family use on a noncommercial basis.

D. Sale of agricultural products produced on the premises. If a building or structure is required for the sale of such products, the sale shall be conducted within an existing agricultural building or from a separate stand not exceeding 600 square feet of sales area and located no closer than 20 feet to the right-of-way line of any street.

E. One single-family dwelling unit per legal lot. Such dwelling may be a mobile home certified under the national manufactured construction and safety standard act of 1974 (42 USC section 5401 et seq.) on a permanent foundation system, pursuant to Health and Safety Code section 18551, subject to the provisions of section 11-12-11 of this title.

F. One guesthouse per legal lot subject to the provisions of subsection 11-12-3(A) of this title.

G. Uses, buildings and structures accessory and customarily incidental to the permitted uses. Development exceeding 10,000 square feet shall be subject to development plan review and processing as provided in section 11-16-4 of this title.

H. Wineries, provided:

1. Prior to the issuance of a land use permit, a development plan shall be submitted, processed and approved, as provided in section 11-16-4 of this title.

2. The primary purpose of the winery shall be to process wine grapes grown on the premises or on other local agricultural lands.

3. Retail sales of wine grape products shall be limited to those bottled or grown on the premises.

(Ord. 90-112, 1990)

§ 11-5-3 Conditional uses.

A. Uses Permitted with a Major Conditional Use Permit.

1. Additional dwellings for employees of the owner or lessee of the land engaged full time in agriculture on the farm or ranch upon which the dwelling is located provided:

a. The applicant can demonstrate a need for such additional dwellings based upon representative labor requirements for the agricultural operation on the property (i.e., employees per acre); and

b. The applicant provides proof of the full-time employment of the employees.

2. Guest ranch.

3. Commercial riding stables.

~~4. Animal hospitals.~~

~~5. Communication aids, antennas, structures and facilities, including uses for land measurement, communications test facilities or other similar uses provided such use does not prevent or interfere with the agricultural use of the land.~~

~~6. Aquaculture.~~

~~7. Golf courses and facilities incidental and subordinate to such use (e.g., restaurant, pro shop, driving range) but not including commercial driving tees or miniature golf courses.~~

~~8. Other uses as specified in section 11-16-2 of this title.~~

~~B. Uses Permitted with a Minor Conditional Use Permit.~~

~~1. Kennels.~~

~~2. Other uses as specified in subsection 11-16-2(D) of this title.~~

~~(Ord. 90-112, 1990)~~

§ 11-5-4 ~~Lot area requirements~~Agriculture Tourist Development Standards.

Table 11.3 – Agriculture Tourist Zone Development Standards	
	AT
Building Placement Requirements[1]	
Setbacks	
Front	25’
Side	20’
Rear	20’
Building Form Requirements	
Building Height (max.)	35’
Density Requirements	
Residential Density (units/acre) – maximum	20 du/acre
FAR - maximum	0.34
Lot Requirements	
Lot size (min.)	15 gross acres
Lot Width (min.)	100’
Lot Depth (min.)	100’
Other Requirements	
Landscaping (min.)	N/A
Fences, Walls and Screening	See Section 11-12-14
Parking	See Section 11-11
Signs	See Section 11-13
End Note 1. Measured from property line	

~~A. Minimum Lot Size.~~

~~1. Each main dwelling unit shall be located on a lot having a minimum gross lot area of 10 acres.~~

2. A dwelling may be located upon a smaller lot if such lot is shown as a legal lot either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance.

B. Setbacks for Buildings and Structures.

1. Front. Fifty feet from the center line and 20 feet from the right-of-way line of any street.

2. Side and Rear. Twenty feet from the lot lines of the lot on which the building or structure is located.

3. Lots that contain one gross acre or less shall be subject to the setback regulations of the R-1/E-1 Single-Family Residential District.

C. Height Limit. No dwelling unit shall exceed a height of 35 feet.

(Ord. 90-112, 1990)

§ 11-5-5 Additional requirements.

A. Parking. Parking shall be provided as specified in chapter 11 of this title.

B. Landscaping. None required, except that for public and employee parking areas for a commercial-agricultural use (i.e., winery, riding stable) a landscaping plan must be approved by the planning manager. Said plan shall include landscaping which, within five years, will reasonably screen the view of parking areas from adjacent public streets. Said plan shall also include landscaping along all public streets. The landscaping shall consist of plant material and may include existing trees and plants on the property. All landscaping shall be installed at the time of project completion. Prior to the issuance of a land use permit, for projects requiring landscape plans, a performance security shall be filed as set forth in section 11-12-19 of this title.

(Ord. 90-112, 1990; Ord. 22-0355 § 16)

Chapter 6
RESIDENTIAL ZONING DISTRICTS

~~Article A~~
~~R-1/E-1 Single-Family Residential District~~

§ 11-6~~A~~-1 Purpose and intent.
This Chapter lists the residential zones as established by Section 11-4-2 (Official Zoning Map and Zones), and establishes the types of land uses allowed and development standards in each residential zone.~~The purpose of the R-1/E-1 Single-Family Residential District is to reserve appropriately located areas for family living at a reasonable range of population densities consistent with sound standards of public health, welfare and safety. It is the intent of this district to protect the residential characteristics of an area and to promote a suitable environment for family life. No permits for development, including grading, shall be issued except in conformance with section 11-16-1 of this title.~~

§11-6-2 Residential Zones Defined.

A. **Estate Residential (ER-1/ER-3).** The Residential Estate zone is intended to accommodate detached large lot, estate ranch type residential dwelling units not to exceed one (1) dwelling units per three (3) per acres for the ER-3 zone, and one (1) dwelling unit per acre for the ER-1 zone. Additional units and or lot splits may be allowed pursuant to the California Government Code. Public and quasi-public uses, and similar or compatible uses may be appropriate.

B. **Residential Low Density (R-1).** The Residential Low Density zone is intended to accommodate detached residential dwelling units not to exceed one (1) dwelling units per acre. Additional units or lot splits may be allowed pursuant to the California Government Code. Public and quasi-public uses, and similar or compatible uses may be appropriate.

C. **Planned Residential (PR).** The Planning Residential zone is intended for detached residential developments typically of single unit detached dwellings that typically includes infrastructure and/or open spaces maintained by a financing mechanism such as a landscape and lighting district, Homeowners Association, etc. Density range of up to two (2) dwelling units per acre is permitted. Additional units, including attached dwellings or lot splits may be allowed pursuant to the California Government Code.

D. **Residential Medium Density (R-2).** The Residential Medium density zone is intended for single- and multifamily residential development typically comprised of detached single-family and/or medium-density, multi- family residences on smaller parcels. Density for proposed developments is three (3) units to the acre up to eight (8) units per acre. Public and quasi-public uses, and similar or compatible uses may also be appropriate.

E. **Residential High Density (R-3).** The Residential High Density Residential Zone is intended to accommodate small-lot detached and attached multi-unit residential dwellings at densities ranging from eight (8) units to the acre not exceeding 20 units per acre. These properties could have increased density based on State Law. Public and quasi-public uses, and similar or compatible uses may also be appropriate

F. **Mobile Home Park (MHR).** The Mobile Home Park zone is tended for the development of mobile home parks. The residential densities shall be up to eight (8) units to the acre.

§11-6-3 Allowable Land Uses and Permit Requirements

Table 11.4 – Residential Zones Allowable Land Uses and Use Permit Requirements[1]								
Land Use	ER-3	ER-1	R-1	PR	R-2	R-3	MHR	Specific Use Regulations
Residential								
Accessory Dwelling Units	P	P	P	P	P	P	P	11-12-3

Table 11.4 – Residential Zones Allowable Land Uses and Use Permit Requirements[1]								
Land Use	ER-3	ER-1	R-1	PR	R-2	R-3	MHR	Specific Use Regulations
Accessory Structures	P	P	P	P	P	P	P	11-12-2
Animal Keeping	P	P	P	P	P	P	P	11-12-4
Communal Housing					CUP	CUP		
Day Care – Small or Large Family	P	P	P	P	P	P	P	11-12-6
Hobby Farm[2]	P	P						
Home Occupation	P	P	P	P	P	P	P	11-12-5
Mobile Home Park							CUP	11-6-5
Mobile Home	P	P	P	P	P	P	P	11-12-11
Multi-Unit Attached Dwellings					P	P	P	
Multi-Unit Detached Dwellings/Cluster Development					P	P		
Residential Care Facilities 1-6 clients	P	P	P	P	P	P		
Residential Care Facilities 7 or more Clients	CUP	CUP	CUP	CUP	CUP	CUP		
Single Room Occupancy Facilities					P	P		
Short Term Rental						P		11-12-30
Single Unit Dwelling	P	P	P	P	P	P		
Two-Unit Housing Developments/Duplexes	P	P	P	P				
Transitional and Supportive housing	P	P	P	P	P	P	P	11-12-35
Recreational, Education & Public Assembly								
Meeting Facility Public or Private	CUP	CUP	CUP	CUP	CUP	CUP		
Park, Playground (Public)	P	P	P	P	P	P	P	
Public or Quasi Public Facility	CUP	CUP	CUP	CUP	CUP	CUP		
Transportation and Infrastructure								
Parking Facility					CUP	CUP		11-11
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	11-18
Utilities Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	11-12-20

End Note

1. **Permits Required.** All uses identified as permitted or "P" may require approval of one or more of the following planning applications (as well as a building permit if a new or modified structure is involved):

a. Zoning Clearance (Section 11-16-3)

b. Development Permit (Section 11-16-4)

Legend

P Permitted Use
CUP Conditional Use Permit Required
-- Use Not Allowed

§ 11-6-4 Residential Development Standards.

Table 11-5– Residential Zones Development Standards								
	ER-3	ER-1	R-1	PR	R-2	R-3[2]	MHR	Specific Regulations
Building Placement Requirements								
Setbacks (minimum, in feet)								
Front (in feet):	25’	25’	20’	20’	15’	10’	15’	11-12-16
Side	10’	10’	10’	5’	5’	5’	5’	
Street Side	15’	15’	15’	15’	10’	5’	5’	
Rear	25’	25’	10’	10’	5’	5’	10’	
Building Form Requirements								
Building Height (maximum, in feet)	25’	25’	25’	25’	35’	35’	25’	
Lot Coverage (maximum)	30%	30%	30%	50%	60%	60%	60%	11-12-16
Distance between buildings (in feet)	10’	10’	6’	6’	6’	6’	6’	
Density Requirements								
Density (units/gross acre[1]) – minimum					3	8[2]		
Density (units/gross acre[1]) - maximum	1 / 3 ac	1	1	2	8	20	8	
Lot Requirements								
Lot Size (minimum square feet, unless noted)	3 acres	1 acre	20,000	10,000	6,000	2,178	4,000	11-12-16
Lot Width (minimum, in feet)	100’	100’	100’	80’	60’	30’	40’	
Lot Depth (minimum, in feet)	100’	100’	100’	90’	70’	50’	70’	
Other Requirements								
Landscaping - minimum	30%	30%	25%	20%	10%	10%	15%	Section 11-12-19
Fences, Walls & Screening	See Section 11-12-14							
Parking	See Chapter 11-11							

End Notes

1. “Gross Acreage” shall be defined as the entire area of a lot measured to the center line of the street and including all rights of way or easements granted to the City or other public agencies.

2. Housing sites identified in the Housing Element shall have a minimum density of 20 du/acre.

§11-6-5 Additional Residential Zone Requirements.

The following are regulations as indicated for each residential zone.

~~(Ord. 90-112, 1990)~~

§ 11-6A-2 Permitted uses.

The following uses are permitted in the R-1/E-1 Zone:

A. One single-family dwelling per legal lot. Such dwelling may be a mobile home certified under the National Manufactured Construction and Safety Standards Act of 1974 (42 USC section 5401 et seq.) on a permanent foundation system, pursuant to Health and Safety Code section 18551 and subject to the provisions of section 11-12-11 of this title.

B. One guesthouse subject to the provisions in section 11-12-3(A) of this title.

C. Uses, buildings and structures customarily incidental to single-family dwellings, for exclusive use of the residents of the premises and their guests and not involving the maintenance of a commercial enterprise on the premises.

D. Home occupations subject to the provisions of section 11-12-5 of this title.

E. Orchards, truck and flower gardens and the raising of field crops, provided there is no sale on the property of the products produced.

F. The keeping of animals and poultry subject to the provisions of this article.

G. Public parks, public playgrounds and community centers.

H. Second residential units, pursuant to the requirements of section 11-12-4 of this title.

I. Family daycare homes, large. This use shall require a land use permit from the planning manager, which shall require noticing as set forth in section 11-17-4(C) of this title.

J. Transitional and supportive housing facilities.

K. Group homes or community care facilities serving six or fewer individuals.

L. Family daycare home, small.

(Ord. 15-312, 2015; Ord. 22-0355 § 17)

§ 11-6A-3 Conditional uses.

A. Uses Permitted with a Major Conditional Use Permit.

1. Golf courses and facilities incidental and subordinate to such use (e.g., restaurant, pro shop, driving range, putting green) but not including commercial driving tees, putting courses or miniature golf courses.

2. Reserved.

3. Other uses as specified in section 11-16-2 of this title.

B. Uses Permitted with a Minor Conditional Use Permit.

1. Greenhouses, hothouses and other plant protection structures in excess of 300 square feet but in no case shall such structures exceed an area of 800 square feet, provided no advertising sign, commercial display room or sales stand is maintained in connection therewith.

2. The commercial raising of worms or similar applications.

3. Artist's studio, outside the main dwelling unit.

4. Child daycare in a residence when the number of children cared for exceeds 14.

5. Other uses as specified in section 11-16-2 of this title.

(Ord. 90-112, 1990; Ord. 03-227, 2003; Ord. 06-261, 2006; Ord. 07-272, 2007; Ord. 10-287, 2010)

§ 11-6A-4 Lot area requirements.

A. Minimum Lot Size.

1. Each main dwelling unit and its permitted accessory buildings shall be located upon a lot having a minimum net lot width and a minimum net lot area, as indicated below for the symbol shown on the lot on the zoning map.

Zoning Symbol	Minimum Net Lot Size	Net Lot Width (Feet)
7-R-1	7,000 square feet	65
8-R-1	8,000 square feet	75
10-R-1	10,000 square feet	80
20-R-1	20,000 square feet	100
1-E-1	1 acre	100
3-E-1	3 acres	210

2. A dwelling may be located upon a smaller lot if such lot is shown as a legal lot, either on a recorded subdivision or parcel map or is a legal lot as evidenced by a recorded certificate of compliance.

B. Setbacks for Buildings and Structures.

1. Front. Fifty feet from the centerline and 20 feet from the right-of-way line of any street.

2. Side. On each side of the lot, 10% of the width of the lot, except:

a. For lots zoned 7-R-1 to 10-R-1 that are less than 50 feet wide, in no case shall the required side yard setback be less than five feet. For lots that are greater than 100 feet wide in no case shall the side yard setback be more than 10 feet.

b. For lots zoned 20-R-1 to 3-E-1, that are less than 100 feet wide, in no case shall the required side yard setback be less than 10 feet. For lots that are greater than 200 feet wide in no case shall the side yard setback be more than 20 feet.

3. Rear. Twenty-five feet.

4. Side-yard and rear-yard setback requirements in this subsection do not apply to accessory structures placed in the side-yard or rear-yard in compliance with the requirements of section 11-12-2.

C. Permitted Variations of Setbacks for Buildings.

1. Side. The required side yard setback for portions of a building may be varied subject to all of the

following limitations:

a. For lots zoned 7-R-1 to 10-R-1, no portion of the building shall be less than five feet from the side lines of the lot. For lots zoned 20-R-1 to 3-E-1, no portion of the building shall be less than 10 feet from the side lines of the lot.

b. No portion of a wall containing windows opening into rooms of a building (except a garage) shall be closer to the side lines of a lot than the required side yard setback.

c. The average distance of the building from the side line of the lot shall equal the required side yard setback. Said average distance shall be computed by multiplying the length of the various segments of the appropriate side of the building by their corresponding distances from the side property line and dividing the sum of the products by the total length of the building.

2. Rear. The required rear yard setback for a portion of a building may be varied subject to all of the following limitations:

a. No portion of any dwelling shall be closer than 15 feet to the rear line of the lot.

b. The average distance of the building from the rear property line shall equal the required rear yard setback. Said average distance shall be computed by multiplying the length of the various segments of the rear of the building by their corresponding distances from the rear property line and dividing the sum of the products by the total width of the rear of the building.

3. Side-yard and rear-yard setback requirements in this subsection do not apply to accessory structures placed in the side-yard or rear-yard in compliance with the requirements of section 11-12-2.

D. Distance Required Between Buildings on the Same Building Site. The minimum distance between a building designed or used for human habitation and any other detached building or structure, except for accessory structures placed in the side-yard or rear-yard in compliance with section 11-12-2, on the same site shall be 10 feet.

E. Height Limit. No building or structure shall exceed a height of 35 feet.

(Ord. 90-112, 1990; Ord. 04-242, 2004; Ord. 06-261, 2006; Ord. 07-272, 2007; Ord. 10-287, 2010; Ord. 22-0354 §§ 2—4)

§ 11-6A-5 Additional regulations.

A. Parking. Parking shall be provided as specified in chapter 11 of this title. In addition, not more than one bus or nonpassenger motor vehicle or trailer used in commerce may be parked overnight on any lot, provided such bus, motor vehicle or trailer does not exceed two axles, four tons or eight feet in height and provided further that this restriction shall not apply to the emergency overnight parking of disabled motor vehicles or trailers and the occasional overnight parking of moving vans, pick up or delivery or construction vehicles or trailers when such occasional overnight parking is reasonably serving the residential use of a particular lot.

B. Animals.

1. Not to exceed one horse, mule, goat, cow, swine or other similar size animal shall be permitted for each 20,000 square feet of gross area on each lot provided that not more than three swine or five such other animals shall be permitted on any lot. In no case shall said animals be kept for commercial purposes.

2. No stable, barn or other large animal enclosure (i.e., paddock) shall be located on a lot, excluding a

combination of lots, having a gross area of less than 20,000 square feet. No portion of a stable or barn shall be located closer than: (a) 40 feet to the door or window of any dwelling on another lot; (b) 70 feet to any street centerline and 20 feet to the right-of-way; (c) 15 feet from the rear property line; and (d) 10 feet from the side property lines.

3. There shall not be more than three dogs permitted on any one lot.

4. Small animals (e.g., chickens, birds, ducks, rabbits, bees, etc.) shall be permitted provided that:

a. Such small animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.

b. The keeping of such small animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the planning manager.

c. Enclosures for such small animals shall be no closer than 25 feet to any dwelling.

(Ord. 90-112, 1990; Ord. 22-0355 § 18)

Article B
DR Design Residential District

§ 11-6B-1 Purpose and intent.

The purpose of the DR Design Residential District is to provide standards for traditional multiple residences as well as allowing flexibility and encouraging innovation and diversity in the design of residential developments by allowing a wide range of densities and housing types while requiring the provisions of open space within new residential developments. The intent is to ensure comprehensively planned, well designed projects.

No permits for development, including grading, shall be issued except in conformance with an approved final development plan as provided in section 11-16-4 of this title and with land use permits in section 11-16-1 of this title. Modifications may be granted by the planning commission or city council pursuant to this article.

(Ord. 90-112, 1990; Ord. 06-261, 2006; Ord. 21-0347 § 4; Ord. 22-0355 § 19)

§ 11-6B-2 Permitted uses.

A. Single-family, duplex, triplex, and multifamily dwelling units, including developments commonly known as row houses, townhouses, condominiums and cluster developments.

B. Parking lots, carports and garages designed and used for individual units within the district and either adjacent to such units or centrally located to serve a group of units.

C. Uses, buildings and structures incidental, accessory and subordinate to permitted uses and not involving the maintenance of a commercial enterprise on the premises.

D. Public parks, public playgrounds and community centers.

E. Home occupations, subject to the provisions of section 11-12-5 of this title.

F. Transitional and supportive housing facilities as defined in section 11-3-1 of this title.

G. Small residential group homes or community care facilities serving six or fewer individuals.

H. Family daycare, small.

I. The following uses are permitted, subject to the regulations set forth in the R-1/E-1 District:

1. Keeping of animals.

2. Greenhouses, hothouses and other plant protection structures.

J. Family Daycare Homes, Large. This use shall require a land use clearance from the planning manager, which shall require noticing as set forth in section 11-17-4(C) of this title.

K. Emergency, homeless and/or transitional shelter uses (excepting those as defined in section 11-3-1 of this title and permitted above) shall comply with the following criteria:

1. Not more than 15 persons, exclusive of staff, shall be permitted on the site if the proposed shelter is located on a lot or parcel of land of less than 20,000 square feet. on lots larger than 20,000 square feet, the maximum number of persons, exclusive of staff, shall be 30.

2. On-site parking shall be required at the rate of one space per seven beds and one space per employee.

3. Emergency shelters shall be allowed subject to land use clearance without the requirement of a conditional use permit.

4. The facility must conform to all development standards of the Design Residential Zone District, except as modified by this section.

5. Emergency shelters are to be available to residents for no more than 180 days (six months). Extensions up to a total of 24 months may be provided if no alternative housing is available.

6. The shelter shall be operated by a responsible agency or organization with experience in managing or providing social services. on site management and appropriate security shall be provided at all times.

L. Vacation rentals, subject to the regulations and locations specified in section 11-12-30 of this title.

(Ord. 15-312, 2015; Ord. 16-322, 2016; Ord. 22-0355 § 20)

§ 11-6B-3 Conditional uses.

A. Uses Permitted with a Major Conditional Use Permit.

1. Dormitories, student housing facilities, residence halls, sororities and fraternities located in an area where such facilities are to be used by students of a permitted educational institution.

2. Other uses as specified in section 11-16-2 of this title.

B. Uses Permitted with a Minor Conditional Use Permit.

1. Child daycare in a residence, when the number of children cared for exceeds 14.

2. Other uses as specified in section 11-16-2 of this title.

(Ord. 90-112, 1990; Ord. 07-272, 2007)

§ 11-6B-4 Lot area requirements.

A. Lot Size/Density. The maximum density for each lot zoned DR shall be specified by a number following the DR on the lot on the applicable zoning map and said number represents the number of dwelling units per gross acre permitted on such lot, as follows:

District Designation	Dwelling Units Per Gross Acre	Gross Land Area Per Dwelling Unit
DR-1.8	1.8	24,200
DR-8	8.0	5,445
DR-9	9.0	4,840
DR-10	10.0	4,356
DR-12	12	3,630
DR-13	13	3,350
DR-14	14	3,111
DR-16	16	2,722
DR-20	20	2,178

B. Setbacks for Buildings and Structures. For the purpose of this article, where clustered residential development occurs, a "street" shall be defined as a public right-of-way or private right-of-way providing access to two or more parcels which are owned by more than one entity, excluding condominium developments.

1. Front. Twenty feet from the right-of-way line of any street.

2. Side and Rear. Ten feet from any side or rear property line, however the planning commission may increase this requirement to provide reasonable light, air and privacy requirements. Side-yard and rear-yard setback requirements in this subsection do not apply to accessory structures placed in the side-yard or rear-yard in compliance with the requirements of section 11-12-2.

C. Distance Required Between Buildings on the Same Building Site. The minimum distance between buildings designed or used for human habitation and any other building, except for accessory structures placed in the side-yard or rear-yard in compliance with section 11-12-2, on the same building site shall be 10 feet.

D. Building Coverage. Not to exceed 30% of the net area of the property shall be covered by buildings containing dwelling units.

E. Height Limit. No building or structure shall exceed a height of 35 feet.

~~(Ord. 90-112, 1990; Ord. 22-0354 §§ 5, 6)~~

~~§ 11-6B-5 Additional regulations.~~

~~A. Parking. In addition to the requirements of chapter 11 of this title, the following regulations shall apply:~~

~~1. Parking Area Setbacks. Uncovered parking areas shall be located no closer than 15 feet to the street right-of-way line nor closer than five feet to any property line.~~

~~2. Design.~~

~~a. Parking areas shall be arranged so as to discourage through traffic.~~

~~b. Uncovered parking areas shall be screened from the street and adjacent residences to a height of at least four feet with hedges, dense plantings or walls.~~

~~B~~A. Open Space and Landscaping in R-2 and R-3 Zones.

~~1. Not less than 40% of the net area of the property shall be devoted to both private and common open space.~~

~~2~~1. Any driveway or uncovered parking area shall be separated from property lines by a landscaped strip not less than five feet in width.

~~3. Title to the common open space shall be held by a nonprofit association of homeowners or by any other individual or entity on such reasonable terms and conditions as the city council may prescribe, which may include conveying to the city of Solvang the rights to develop such property with anything except open space or noncommercial recreation.~~2. Any alteration to landscaped areas in the multiple-family ~~, commercial, office and industrial districts~~ for the purpose of removal of such areas for replacement with paving, hard surface or gravel shall first be reviewed and approved by the ~~city's d~~Design Rreview ~~committee~~ Committee or, if part of an application to the planning commission, by the ~~planning~~ Planning ~~commission~~ Commission with recommendation from the design review committee.

~~C~~B. Condominiums and Stock Cooperatives. The following requirements may be applied by the ~~planning commission or city council~~review authority for condominium or stock cooperatives developments:

1. Each dwelling unit shall be provided with at least 180 cubic feet of weatherproofed, enclosed, lockable and easily accessible storage space on site in addition to the usable storage space of closets, cabinets and pantry contained within the dwelling units.

2. Individual metering for utilities shall be provided for each unit, unless such metering would be in conflict with an innovative energy efficient or resource conserving utility system, designed for the project.

3. Provision for separate laundry facilities shall be required in each dwelling unit. Sufficient space, utility connections and vents to allow for the installation of a clothes washer and dryer in each unit or in a garage, not to encroach upon parking, shall be shown on the development plan.

4. Each dwelling unit shall include a private outdoor patio area(s) in the form of ground level patios or upper story balconies. Private patios shall not be less than 20% of the gross floor area of the residence served. Where a required patio area is less than 200 square feet, the requirements shall be satisfied with one patio or balcony per dwelling unit.

5. Common open space and recreation areas shall be designed to provide access for the

~~handicapped~~disabled.

C. Mobile Home Park (MHR) additional standards. The following are additional development standards.

~~**§ 11-10C-4 Additional regulations.**~~

~~A~~1. ~~.~~ Parking ~~. In addition to the requirements of chapter 11 of this title,~~ the following regulations shall apply:

~~1~~a. Two parking spaces shall be provided for each mobile home site. Such parking spaces may be permitted on individual sites or one parking space may be provided on the individual sites and the other parking space may be located in common parking areas located throughout the mobile home development.

~~2~~b. Storage parking facilities for recreation vehicles (travel trailer, camper, etc.) shall be constructed at the ratio of one storage space for each five mobile home sites. Storage areas shall be screened by landscaping and fencing for security purposes. Minimum dimensions for each storage space shall be 10 feet by 20 feet.

~~3~~2. Any garage must be set back 15 feet from the front line of a mobile home site.

~~4~~3. Common parking areas shall be located no closer than 10 feet to any mobile home site.

~~B~~4. Open Space and Landscaping.

~~1~~a. A minimum of 15% of the gross area of the mobile home development shall be in common open space, which shall include a recreational area and facilities for the use of the residents of the development. Such facilities shall generally be provided in a central location and may include lawn and picnic areas, swimming pools, tennis courts, etc. Laundry facilities or other nonrecreational uses shall not be included in the common open space. Improved sidewalks, walkways or paths shall link all mobile home sites to the recreational facilities. If the mobile home development is to be developed in phases, the open space/common recreational area must be developed during the first phase of construction.

~~2~~b. In a mobile home condominium development, title to the common open space, common recreational amenities and private streets shall be conveyed to a nonprofit association of all homeowners within the project area, or any other nonprofit individual or entity on such reasonable terms and conditions as the city council may prescribe subject to conveying to the city the rights to develop such common open space with anything except open space, noncommercial recreational facilities, common parking areas and private streets.

~~3~~c. Preservation and maintenance of all common open space, common recreational facilities, common parking areas and private streets shall be the obligation of the individual or entity holding title to said areas.

~~4~~d. Perimeter setback areas which are part of the common open space of the mobile home development shall be landscaped. Unsightly areas within the development such as common parking areas, trash storage areas, etc., shall be thoroughly screened by landscaping.

~~C~~5. Additional Requirements Building Requirements.

~~1~~a. Skirting shall be required for all mobile homes.

~~2~~b. Tool sheds and equipment storage structures shall be permitted on each site but shall not be located in any setback area.

3c. All development shall be in compliance with the California Administrative Code, title 25, Housing and Community Development.

(Ord. 90-112, 1990)

Article C
PRD Planned Residential Development District

§ 11-6C-1 Purpose and intent.

It is the purpose of the PRD Planned Residential Development District to ensure comprehensively planned development of large acreages that are intended primarily for residential use. The intent of this district is to:

A. Promote flexibility and innovative design of residential development, to provide desirable aesthetic and efficient use of space and to preserve significant natural, scenic and cultural resources of a site;

B. Encourage clustering of structures or lots to provide open space and/or preserve areas of aesthetic value and areas of environmental significance;

C. Allow for a diversity of housing types; and

D. Provide recreational opportunities for use by the residents of the site and/or the public.

(Ord. 90-112, 1990)

§ 11-6C-2 Rezoning procedures.

A. Application for Rezoning. Unless the planning commission expressly waives the requirement, an application for a rezoning to this district shall include a development plan as part of the application. The PRD District may be applied as an overlay only on the R-1 or E-1 Districts.

B. Findings Required for Rezoning. No property shall be rezoned to the PRD unless the city council shall first make the following findings:

1. That the property is of the type and character which is appropriate for a planned residential development in accordance with the specific purpose and intent as set forth in section 11-6C-1 of this article.

2. That the overall estimated population density which will result upon full development of the property under the planned residential development district in accordance with the development plan is appropriate for such area and will not have a detrimental effect upon surrounding areas nor exceed the capacity of service and utility facilities in such surrounding areas.

3. That the proposed development as shown on the development plan is in conformance with the applicable policies of the general plan and this title.

(Ord. 90-112, 1990)

§ 11-6C-3 Development plans.

A. Processing. No permits for development, including grading, shall be issued except in conformance with an approved development plan as provided in section 11-16-4 and with land use permits in section 11-16-1 of this title. In addition to the other information required under section 11-16-4 of this title, the following information must be filed with a development plan application:

1. Relationship of project to surrounding land uses.

2. A copy of the proposed CC&Rs including provisions for maintenance of open space, facilities, and services in the project site.

B. Findings Required for Approval of Development Plans. In addition to the findings for development plans set forth in subsection 11-16-4F of this title, no development plan shall be approved for property zoned or to be rezoned to PRD unless all of the following findings are made:

1. That the density and type of the proposed development is in conformance with the PRD District and applicable general plan policies.

2. That adequate provisions have been made within the proposed covenants, conditions and restrictions to establish permanent care and maintenance of public and common open spaces and recreational areas and facilities.

3. That the buildings and structures are clustered to the maximum extent feasible to provide the maximum amount of contiguous open space.

(Ord. 90-112, 1990)

§ 11-6C-4 Permitted uses.

The following uses are permitted in the PRD Zone:

A. Residential units, either attached or detached, including single-family dwellings, duplexes, multiple-family dwellings, townhouses and condominiums.

B. Recreational facilities, including, but not limited to, tennis courts, swimming pools, playgrounds and parks, the private use of the residents of the development and/or public, provided such facilities are not operated for remuneration.

C. Community center facilities (i.e., multipurpose room, kitchenette, daycare, laundry, meeting rooms), for use by residents of the development.

D. Uses, buildings and structures incidental, accessory and subordinate to permitted uses.

E. Transitional and supportive housing facilities.

(Ord. 15-312, 2015)

§ 11-6C-5 Lot area requirements.

A. Lot Size/Density. No minimum lot size. The maximum density for each property zoned PRD shall be no greater than the density allowed as if the property were developed in the base zone. The densities specified are absolute maximums and may be reduced in order to make the necessary findings in section 11-6C-3(B) of this article and other findings required by law and in this title.

B. Setbacks for Buildings and Structures. There are no standard setback requirements provided in this district. Use of standard zoning methods generally employed in the city does not give adequate means by which the city can accomplish the results desired in this district.

Setbacks shall be proposed and approved on the development plans in order to protect and preserve property values of the site and adjacent properties, ensure compatibility of different uses, avoid nuisances and advance the general welfare within the PRD District. In addition, siting of structures shall be based on the following factors: privacy, light and air, solar exposure, building configuration and aesthetics.

C. Building Coverage. Not more than 30% of the net area of the property shall be covered by buildings

containing dwelling units, and in no case shall the total building coverage exceed 50% of the net area of the property.

D. Height Limit. No building or structure shall exceed a height of 35 feet.

(Ord. 90-112, 1990)

§ 11-6C-6 Additional regulations.

A. Parking. In addition to the requirements of chapter 11 of this title, the following regulations shall apply:

1. Design for Common or Centralized Parking Areas.

a. Parking areas should be arranged so as to prevent through traffic to other parking areas.

b. Uncovered parking areas shall be screened from the street and adjacent residences to a height of at least four feet with hedges, dense plantings or walls.

B. Streets. Streets may be public or private; however, all private streets shall be required to be constructed to city standards and adequate provisions shall be made in the CC&Rs to ensure maintenance of private streets. The standards for any on site improvements (streets, walks, drainage, and utilities) may be modified for a PRD by the city upon recommendation from the city engineer or planning manager. Street design shall relate to the function of the street and, particularly in hillside areas, where no on street parking is necessary or permitted, street widths may be reduced. Innovation in street and walkway design, use of cul-de-sacs and loop streets and reduction of grading for streets is encouraged. Vehicular access to individual lots or units shall generally be only from project streets.

C. Open Space.

1. Amount. The city shall specify the required amount of open space in a planned residential development at the time of approval of the development plan but in no case shall the total amount of open space be less than 40% of the gross acreage. Determination of the appropriate amount of open space shall be based on consideration of the following factors: (a) the avoidance of siting of structures in hazardous areas or on steep slopes; (b) the protection of environmentally sensitive habitat areas and archaeological sites; and (c) protection of scenic areas of the site. Lands to be preserved as open space shall remain in private ownership with dedication of appropriate scenic and/or open space easements to the city, other public agency or approved nonprofit organization.

2. Maintenance of Common Space. The common open space shall be deeded to the homeowners' association and held in undivided ownership by the owners of the PRD. Preservation and maintenance of all common open space and communal recreational facilities shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvements and running with the land.

D. Landscaping. Landscaping shall be installed and maintained in accordance with the landscaping plan approved as part of the development plan. Along each property line of the PRD District abutting property zoned other than PRD an adequate buffer consisting of fencing, walls, plant materials, or any combination thereof shall be installed and maintained to protect adjacent properties from impacts of noise or lighting and to provide separation between different uses. Such buffer shall be depicted on the development plan.

(Ord. 90-112, 1990; Ord. 22-0355 § 21)

Chapter 7
COMMERCIAL & INDUSTRIAL DISTRICTS

~~Article A~~
~~TRC Tourist Commercial District~~

§ 11-7~~A~~-1 Purpose and intent.

This Chapter lists the commercial and industrial zones as established by Section 11-4-2 (Official Zoning Map and Zones) and establishes the types of land uses allowed and development standards in each commercial and industrial zone.

§11-7-2 Commercial and Industrial Zones Defined.

A. **Light Industrial (LI).** The Light Industrial zone is intended to accommodate a range of light industrial characterized by light manufacturing, research and development facilities, warehouses, and processing facilities. Maximum Floor Area Ration (FAR) is 0.75.

B. Heavy commercial (CH). The Heavy Commercial zone is intended to accommodate for large scale commercial establishments and is characterized by wholesale, heavy commercial uses, and residential mixed-use development. Residential is permitted in this designation only in a vertical mixed-use format. For vertical mixed-use developments, the ground floor shall remain a non-residential use. Maximum FAR is 0.65. Maximum allowable residential density shall be 20 units per acre.

C. **Retail Commercial (CR).** This Retail Commercial zone is intended for uses that serve the everyday needs of residents. This designation is characterized by specialty shops, grocery stores, personal service establishments, and residential mixed-use development. Residential is permitted in this designation only in a vertical mixed-use format. For vertical mixed-use developments, the ground floor shall remain a non-residential use. Maximum FAR allowed is 1.0, and allowable residential density shall be up to 20 units per acre.

D. **Village Mixed-Use (VMU).** The Village Mixed-Use zone is intended for a mix of commercial establishments, residential, professional office, hotels, hospitality uses, visitor-serving uses, and entertainment venues. This designation provides for a variety of uses with an emphasis on visitors-serving within the Danish theme downtown area. The ground floor shall remain a non-residential use for all vertical mixed-use developments, and horizontal mixed-use developments are permitted so long as the front facing uses are commercial retail/service uses. Maximum FAR allowed is 3.0, and allowable residential density shall be up to 20 units per acre.

E. **Professional Office (PO).** The Professional Office zone is intended for a range of office uses and is characterized by medical centers, general office uses, and residential mixed-use development. Residential uses are permitted in this designation only in a vertical mixed-use format. The ground floor shall remain a non-residential uses for all vertical developments. Maximum FAR allowed is 0.65 with a maximum density of 20 dwelling units per acre.

§11-7-3 Allowable Land Uses and Permit Requirements

Table 11.6 - Commercial & Industrial Zones Allowable Land Uses and Permit Requirements[1]						
Land Use	**LI**	**CH**	**CR**	**VMU**	**OP**	**Specific Use Regulations**
Industry, Manufacturing & Processing						
Storage - Warehouse	P	P				
Storage – Outdoor	CUP	CUP				
Storage – Personal Storage Facility	CUP	CUP				
Storage – Vehicles	CUP	CUP				
Research and Development / Technology Uses	P	P			P	
Media Production		P	P	P	P	
Manufacturing - Artisan	P	P		P		
Manufacturing/Processing, Light	P	P	P			
Manufacturing/Processing, Medium	P	P				
Manufacturing/Processing, Heavy	CUP	CUP				
Recycling – Processing Facility	CUP	CUP				
Recycling – Small Collection Facility	P	P	P		P	
Recreation, Education & Public Assembly						
Public or Quasi-Public Facility	CUP	CUP	CUP	CUP	CUP	
Park, Playground (Public)	P	P	P	P	P	
Specialized Education/Training/vocational	CUP	CUP	CUP		P	
Meeting Facility Public or Private	CUP	CUP	CUP	CUP	CUP	
Commercial Recreation Facility – Indoors	P	P	CUP	P		
Commercial Recreational Facility – Outdoors	CUP	CUP		CUP		
Health/Fitness Facility	P	P	P	P		
Studio – Art, Dance, Martial Arts, other instruction	P	P	P	P	P	
Certified Farmers' Market X			CUP	P		
Residential						
Accessory Dwelling Unit			P	P	P	11-12-2
Home Occupation			P	P	P	11-12-5
Short Term Rental				P		11-12-30
Mixed-Use Project[3]		CUP	CUP	CUP	CUP	
Single room occupancy				CUP		
Live/Work Unit		CUP	CUP	CUP	CUP	11-12-9
Transitional and Supportive Housing			P	P	P	
Single Unit Dwelling				P[2]		
Residential Care Facilities 1-6 clients[2]				P		
Day Care – Small or Large Family[2]				P		11-12-6
Retail						
Adult Oriented Business	CUP					11-14
Automobile Service and Repair[6]	CUP	CUP	CUP			
Lumber and building materials sales yard	P	P				
Lumber and building materials sales yard, indoor only	P	P	P	P		
General Retail except the following:		P	P	P	P	

Table 11.6 - Commercial & Industrial Zones Allowable Land Uses and Permit Requirements[1]						
Land Use	**LI**	**CH**	**CR**	**VMU**	**OP**	**Specific Use Regulations**
Alcoholic Beverages			CUP	CUP		
Outdoor Sales Yard	CUP	CUP	CUP			
Bar/Tavern			CUP	P		
Wine & Distillery Tasting	P	P	CUP	P	CUP	
Microbrewery / Tap Room	P		CUP	P	CUP	
Live Entertainment				CUP		11-12-34
Restaurant[4]			P	P	P	
Formula Restaurants			P			11-12-7
Sidewalk Seating			P	P		11-12-XX
Walk-up window				P		11-12-7
Live Entertainment			CUP	CUP	CUP	
Medical Cannabis Retailer		CUP				11-12-XX
Vehicle Sales	P	P				
Services						
Vehicle Repair and Service	P	P	CUP			
Childcare Facility		P	P	P	P	11-12-6
Lodging			CUP	P		
Financial institutions			P	P	P	
Office – Business/Service	P	P	P	P	P	
Office – Professional	P	P	P	P	P	
Personal Services		P	P	P	P	
Personal Services -Restricted	CUP	CUP	CUP			
Mechanical car wash	CUP	CUP				
Animal Care Facility	P	P	P		P	
Medical Services – Hospital					CUP	
Medical Services – Clinic/Urgent Care		P	P		P	
Medical Services – Doctor's Office		P	P	P	P	
Medical Services – Extended Care Facility			CUP		CUP	
Business Support Services	P	P	P	P	P	
Maintenance Services – Client Site Services	P	P				
Repair Services – Small Equipment	P	P	P	P	P	
Repair Services – Large Equipment	P	P				
Vehicle Rental	P	P	CUP	P		
Vehicle Charging Stations	P	P	P	P	P	
Equipment Rental	P	P	P			
Catering and Commercial Kitchen Services	P	P	P	CUP	P	
Transportation & Infrastructure						
Parking Facility	CUP	CUP	CUP	CUP	CUP	11-11
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	11-18
Utilities Facility	CUP	CUP	CUP	CUP	CUP	11-12-20
Underground Utilities Facilities	CUP	CUP	CUP	CUP	CUP	11-12-20

End Note

1. Permits Required. All uses identified as permitted or "P" may require approval of one or more of the following planning applications (as well as a building permit if a new or modified structure is involved):

a. Development Plan (Section 11-16-4);
b. Zoning Clearance (Section 11-16-4)

Table 11.6 - Commercial & Industrial Zones Allowable Land Uses and Permit Requirements[1]						
Land Use	**LI**	**CH**	**CR**	**VMU**	**OP**	**Specific Use Regulations**
2. Single Family Residence. An existing single family residence is permitted including an addition or expansion consistent with underlying zoning standards with a zoning clearance. No new single family residences permitted after the effective of this date. Conversions of a single-family residence into a horizontal or vertical mixed-use shall require a Conditional Use Permit approval be consistent with Footnote 3. **3. Mixed-Use**. Multi-family residential is permitted under the following conditions: a. Residential uses are not permitted on the ground floor of mixed-use development or facing the dominant/primary street within horizontal mixed-use projects. b. Mixed-Use projects outside of the Design District Overlay zones shall be limited to no more than 49% of the total floor area uses of proposed non-residential uses. 4. **Outdoor Barbecues.** Use is associated with a food serving use on the same site licensed by the Santa Barbara County health department and operated pursuant to the policies and standards adopted by city council resolution. 6. **Automobile Service and Repair**. No fuel is stored above ground. .						
Legend P Permitted Use CUP Use Permit Required -- Use Not Allowed						

§ 11-7-4 Commercial and Industrial Development Standards.

Table 11.7 – Commercial and Industrial Zones Development Standards						
	LI	CH	CR	VMU	OP	Specific Regulations
Building Placement Requirements						
Setbacks (minimum)						
Front (measure from edge of right of way) Building	20’	10’[1]	10’[2]	0’[3]	15’	
Side	10’	0’	0’	0’[3]	15’	
Street Side	10’	0’	0’	0’[3]	15’	
Rear Adjacent to Residential Zone	0’ 50’	0’ 20’	10’ 10’	10’ 10’	15’ 10’	
Building Form Requirements						
Building Height - maximum	35’	35’	35’	35’	35’	
Coverage - maximum	50%	50%	70%	100%	40%	
Distance Between Buildings	6’	6’	0’[4]	0’[4]	10’	
Density Requirements						
Residential Density (units/acre) – maximum		20	20	20	20	
FAR - maximum	0.75	0.65	1.0	3.0	0.65	
Lot Requirements						
Lot size - minimum square feet						
Lot Width - minimum	50’	50’	50’	50’	50’	
Other Requirements						
Landscaping - minimum	10%					
Fences and Screening	See Section 11-12-14					
Parking	See Chapter 11-11					
Signs	See Chapter 11-13					

End Notes

1. **Front Setback Encroachment**. Open canopies, porches, roofed or unroofed, and similar accessory structures may encroach not more than six (6) feet into the front setback area, provided that in no event shall such structures encroach upon a public street right-of-way unless an encroachment permit is issued by the city and Caltrans where applicable.
2. **Front Setback Encroachment.** No structure including open canopies, porches, roofed or unroofed, and similar accessory structures may encroach upon a public street right-of-way unless an encroachment permit is issued by the city and Caltrans where applicable.
3. **Setbacks for Existing Single Family Residences.** Existing single family proposing to additions or expansions shall have a minimum front and side street setback of 10 feet, and 5-feet on the side setback.

~~1.~~

4. **Residential Density.** “ Gross Acreage” shall be defined as the entire area of a lot measured to the center line of the street and including all rights of way or easements granted to the City or other public agencies for the purposes of calculating density.

§11-7-5 Additional Commercial and Industrial Zone Requirements.

A. ~~General. The purpose of the TRC Tourist Commercial District is to primarily provide areas for tourist related retail business and commercial needs including stores, shops and hotels. Also, it is the intent to~~

~~provide offices supplying commodities or performing services for the residents of the surrounding community and for local trade. In conjunction with such commercial uses, residential mixed uses are encouraged~~Permits Required in the Village Mixed-Use (VMU).

~~B. Processing.~~

1. No permits for development, including grading, shall be issued except in conformance with an approved development ~~plan~~ permit as provided in section 11-16-~~4~~ 5 and/or ~~with land use permits~~zoning clearance in section 11-16-~~1~~ 4 of this title.

2. Pursuant to section 11-16-4(B), the following ~~minor development~~ may be ~~permitted without full development plan~~through zoning clearance ~~review on reasonable conditions imposed~~ by the planning manager.

    a. Minor alteration, addition or replacement to an existing structure may be permitted without ~~full development plan review~~a development permit, provided that the alteration or addition does not exceed ~~300~~ 500 square feet in any two year period; and/or

    b. The addition or enlargement of an outdoor patio or seating area of a restaurant, bar, cocktail lounge, or wine tasting establishment, provided parking is met consistent with Section 11-11~~.~~

3. The planning manager shall reserve the right to refer such matters to the planning commission for advice prior to making a final determination. The planning manager may allow for provision of all or some of the project parking to be addressed through payment of an in lieu parking fee pursuant to section 11-11-9. Such fee may be appealed to the city council as provided in section 11-11-9(D), which may then reduce or eliminate such fee.

~~An existing residential use which is converted to a commercial use and such commercial use is either a permitted use within this district or is permitted with a minor conditional use permit within this district. Such converted use shall also be subject to review by the design review committee. Such converted use shall comply with the following criteria~~

~~The planning manager shall reserve the right to refer such matters to the planning commission for advice prior to making a final determination. The planning manager may also waive the requirement for up to two parking spaces to accommodate the addition or enlargement of such an outdoor patio or seating area, and/or may allow for provision of all or some of the project parking to be addressed through payment of an in lieu parking fee pursuant to section 11-11-9. Such fee may be appealed to the city council as provided in section 11-11-9(D), which may then reduce or eliminate such fee.~~

~~(Ord. 90-112, 1990; Ord. 07-272, 2007; Ord. 20-0344 § 2; Ord. 20-0345 § 2; Ord. 22-0355 § 22)~~

~~§ 11-7A-2 Permitted uses.~~

~~A. Amusement enterprises if conducted wholly within a completely enclosed building.~~

~~B. Retail stores, shops or establishments supplying commodities for visitors and residents of the community, provided such enterprises are conducted within a completely enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, furniture, hardware and appliance stores, department stores, sporting goods stores, pet shops, florist shops, automobile accessory stores and the like.~~

~~C. Health club, spa or gym.~~

~~D. Repair and service uses such as laundry and dry cleaning establishments, barbershops, beauty parlors, shoe repair and tailor shops, photography studios, radio, TV and small household appliance repair shops, etc.~~

~~E. Indoor and outdoor restaurant, bars, wine tasting and cocktail lounges, but not including formula restaurants, defined in section 11-3-1 of this title.~~

~~F. Financial institutions such as banks and savings and loan offices, professional, administrative and~~

general business offices.

G. Business, professional and trade schools.

H. Hotels, motels, bed and breakfast inns and conference center.

I. Automobile parking lot.

J. Golf course, miniature or practice range.

K. Nursery.

L. Theater; but, excluding drive-in theaters.

M. Any other light commercial uses which the planning commission finds is of similar character to those enumerated in this section and is not more injurious to the health, safety or welfare of the neighborhood because of noise, odor, dust, vibration, smoke, hazard to life and property or other similar causes. A site plan shall be required to be submitted and approved for any comparable use determination by the planning commission. Said site plan shall contain the information as required for a land use permit specified in section 11-16-1(C)(1)(a), C)(1)(b) and (C)(1)(c) of this title.

N. Residences, provided the residential use is a "secondary use" as defined in chapter 3 of this title, to a primary commercial use on the same lot(s). In addition, the maximum residential density allowed shall not exceed 20 units per acre as defined in section 11-6B-4(A) of this title. In addition, the following incentives may be granted for projects that include senior housing, or additional housing units for low and very low income households:

1. Senior Housing Bonus. A floor area bonus of up to 5% would be granted for projects that include apartments reserved for senior citizens.

2. Affordable Housing Bonuses.

a. A floor area bonus of up to 10% may be granted for projects that include at least one housing unit reserved for households of moderate income.

b. A floor area bonus of up to 15% may be granted for projects that include at least one housing unit reserved for households of low or very low income.

3. Time Restriction. All affordable/senior housing units shall be restricted to such use for:

a. Thirty years, if both a density bonus and an additional bonus, such as a floor area bonus or parking reduction is granted; or

b. Twenty years, if only a density bonus is granted.

O. Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided:

1. There shall be no manufacture, assembly, processing or compounding of products other than such as are customarily incidental or essential to retail establishments.

2. Such operations are not injurious to the health, safety or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, hazard to life and property or other similar causes.

P. Massage establishments, as an accessory use in hotels and motels only, subject to the regulations contained in title 4, chapter 10 of this code.

(Ord. 90-112, 1990; Ord. 96-177, 1996; Ord. 07-269, 2007; Ord. 07-272, 2007; Ord. 16-317, 2016; Ord. 20-0345 § 2)

§ 11-7A-3 Conditional uses.

A. Uses Permitted with a Major Conditional Use Permit.

1. Amusement enterprises conducted partially or wholly outdoors.

2. Bus terminal.

3. Automobile service station, provided no gasoline is stored above ground.

4. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.

5. Community recycling facilities.

6. Lumber and building materials sales yard.

7. An enlargement or expansion of more than 650 square feet to an existing single-family residence, or a

reconstruction of an existing single-family residence due to damage which costs 75% or more of the replacement value of the single-family residence at the time of the damage, as determined by the planning manager, subject to the standards listed in subsection (B)(6) of this section. For the purposes of this provision, the term "reconstruction" shall mean the replacement of any structure that is damaged by fire, flood, earthquake or other natural disaster and is reestablished to the same or lesser size and in the same location within 12 months of the time of the damage and is diligently carried to completion.

8. An existing residential use which is converted to a commercial use and such commercial use is either a permitted use within this district or is permitted with a minor conditional use permit within this district. Such converted use shall also be subject to review by the design review committee. Such converted use shall comply with the following criteria:

a. The exterior appearance of the building must be redesigned within the traditional and historic Danish/Northern European design theme.

b. If there is parking located between the front property line and the structure, the parking shall be paved with decorative material and screened by a decorative wall with both the paving and the wall being consistent with the design and materials of eighteenth century, Danish/Northern European design theme.

c. Exterior light shall be designed to complement the eighteenth century, Danish/Northern European design theme.

d. The converted structure shall comply with applicable building code requirements.

e. Accessory buildings shall be brought up to commercial code requirements, including earthquake and handicap accessibility requirements.

f. The exterior appearance of accessory buildings shall be redesigned in the eighteenth century, Danish/Northern European design theme.

g. The property owner shall be responsible for providing and/or repairing any public improvements, such as curbs, gutters, sidewalks, dedication of additional alley right-of-way, drainage and street trees.

h. Signage shall be provided in accordance with the provisions of the sign ordinance.

i. Address numbers shall be displayed so as to be clearly visible from the street and/or alley, in accordance with the provisions of this code.

j. If a portion or portions of the structure remains residential, all residential uses shall be separated from any commercial uses by a wall and the residential use shall have a separate entrance.

k. A trash area shall be provided. Such trash area shall be enclosed and screened in a manner to conceal all trash from public view and shall be integrated with the appearance of the site/building design.

l. Parking shall be provided in accordance with the parking requirements, as specified in chapter 11 of this title. In the case of a mixed use occupancy, the parking requirement for the residential use of the structure may comply with the parking requirement for multiple dwelling units. The parking for the commercial use shall be in accordance with the provisions of chapter 11 of this title.

m. Bike racks shall be installed and shall be attractively designed to complement the architecture of the building. The design review committee shall review and provide recommendations to the planning commission on the location, design and number of bike racks.

n. All roof mounted mechanical equipment shall be screened.

B. E. Parking and Storage of Trailers and Recreational Vehicles. It is unlawful to store or park a trailer, recreational vehicles, boats, boat trailers, accessory trailers, stock trailers, farm, construction, industrial equipment or similar article, vehicles or device on any lot within the Tourist Related ZoneVillage Mixed-Use DistrictZone (TRCVMU). for long-term purposes. This section shall not be interpreted to include vehicles parked for short term- in the public right-of-way that is legally registered(one to two days) visitors.

C. Storage. Areas for trash or outdoor storage shall be enclosed and screened in such a manner as to conceal all trash or stored material from public view for all commercial and industrial uses..o.

Any residential use that will remain on the property upon conversion of a portion or portions of the structure to a commercial use shall constitute a "secondary use," as defined in section 11-3-1 of this title to the primary commercial use on the same lot.

D. Landscaping and Screening. The following additional performance standards for landscaping in the Light Industrial (LI) zone.

1. The side and rear property lines shall be landscaped with a minimum of a five foot-wide planted area and the front property line shall be landscaped with a minimum of a 10 foot-wide planted area.

2. Where any portion of a lot abuts a lot in a residential or commercial district, in addition to the five foot-wide planted area, a masonry wall not less than six feet in height shall be provided along such abutting portion.

3. Outdoor storage areas shall be screened from view of any street by a wall or fence six feet in height. Such wall or fence shall be located not closer than five feet to the street right-of-way line. The space between the wall or fence and the street shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped by a row of trees of a type approved by the planning manager to provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature.

E. Replacement of Landscaping. Any alteration to landscaped areas in commercial, office and industrial districts for the purpose of removal of such areas for replacement with paving, hard surface or gravel shall first be reviewed and approved by the city's design review committee or, if part of an application to the planning commission, by the planning commission with recommendation from the design review committee.

~~In granting a musical entertainment conditional use permit, the planning commission may impose any further conditions which, in the opinion of the planning commission, are necessary or proper to satisfy the required findings; to protect the public peace, health, safety and general welfare; to maintain property values in the neighborhood and/or to safeguard essential community services, values and neighborhood character.~~

~~11. Other uses as provided for in section 11-16-2 of this title.~~

~~B. Uses Permitted with a Minor Conditional Use Permit.~~

~~1. Furniture repair and upholstery.~~

~~2. Handicraft type industries subject to the provisions of section 11-16-2 of this title.~~

~~3. Outdoor sale of pool supplies, patio furniture and spas in conjunction with an indoor retail enterprise.~~

~~4. Sale of fresh fruit, vegetables and/or flowers from a stand or cart not affixed to the ground.~~

~~5. Outdoor barbecues for commercial use, provided that the use is associated with a food serving use on the same site licensed by the Santa Barbara County health department and operated pursuant to the policies and standards adopted by city council resolution.~~

~~6. Enlargement or expansion of 650 square feet or less to an existing single-family residence, or a reconstruction of an existing single-family residence due to damage which costs less than 75% of the replacement value of the single-family residence at the time of the damage, as determined by the planning manager, subject to the following standards:~~

~~a. An enlargement, expansion or reconstruction may only be built upon a lot containing one existing~~

single-family residence.

b. An enlargement, expansion or reconstruction shall be attached to the main dwelling with interior access from reconstruction. The enlargement, expansion or reconstruction shall not be used as a guesthouse or rental unit.

c. The planning manager shall review the building plans to determine compliance with these standards. The planning manager may require the plans and building to be modified so that the potential for addition of a rental unit is precluded. Such action may include, but not be limited to, the removal of kitchens, showers, baths and walls.

d. The development standards for setbacks, permitted setback variations, building height and distance between buildings, shall be as required for the 7-R-1 Zoning District as set forth in chapter 6, article A of this title.

e. Variances for setbacks, building height and distance between buildings may be processed in accordance with section 11-16-3 of this title.

f. Two parking spaces shall be provided, both of which are to be located in a private garage.

g. Plans for an enlargement, expansion or reconstruction shall be reviewed by the design review committee. Where Danish/Northern European architecture exists, the enlargement, expansion or reconstruction shall replicate the existing architecture. Enlargements, expansions or reconstruction to existing buildings which are not designed in Danish/Northern European design a vernacular may be constructed within their particular motif if determined appropriate by the design review committee or if the building is designated to be of historic or architectural importance.

h. Animals shall be kept only in accordance with section 11-6A-5(B) of this title.

i. For the purposes of this provision, the term "reconstruction" shall mean the replacement of any structure that is damaged by fire, flood, earthquake or other natural disaster and is reestablished to the same or lesser size and in the same location within 12 months of the time of the damage and is diligently carried to completion.

7. Other uses as provided in section 11-16-2 of this title.

8. Certified farmers' markets.

(Ord. 93-136, 1993; Ord. 96-172, 1996; Ord. 97-182, 1997; Ord. 10-287, 2010; Ord. 21-0347 § 4; Ord. 21-0352 § 3; Ord. 22-0355 §§ 23—25)

§ 11-7A-4 Lot area requirements.

A. Minimum Lot Size. None.

B. Setbacks for Buildings and Structures.

1. Front.

a. Thirty feet from the centerline of any public street.

b. In addition, 42 feet from the centerline of State Highway 246 (Mission Drive).

c. No structure including open canopies, porches, roofed or unroofed, and similar accessory structures may encroach upon a public street right-of-way unless an encroachment permit is issued by the city and Caltrans where applicable.

2. Side. None, except setbacks will be required in accordance with the design review committee guidelines relative to the section on parapet walls.

3. Rear. Ten percent of the depth of said lot, but in no case shall the rear yard setback be required to exceed 10 feet, except that for any lot having a rear boundary abutting the rear boundary of a lot zoned

residential, the required rear yard setback shall be not less than 25 feet.

C. Distance Between Buildings on the Same Building Site. None, except that residential buildings shall have a minimum distance of 10 feet from any other detached building or structure on the same building site.

D. Height Limit. No building or structure shall exceed a height of 35 feet. Architectural features may be 50 feet in height.

(Ord. 90-112, 1990; Ord. 07-272, 2007; Ord. 21-0347 § 4)

§ 11-7A-5 Additional regulations.

A. Parking. As required in chapter 11 of this title, except that required parking spaces may be provided in publicly owned parking lots subject to approval of the availability of the parking spaces by the planning manager.

B. Landscaping. For developments not requiring a development plan, a landscape plan shall be approved by the planning manager and installation and maintenance guaranteed by performance securities as set forth in section 11-12-19 of this title. All parking areas shall be landscaped as required under chapter 11 of this title.

C. Storage. Areas for trash or outdoor storage shall be enclosed and screened in such a manner as to conceal all trash or stored material from public view.

D. Landscaping of Discontinued Automobile Service Stations. A discontinued automobile service station that is not properly landscaped is hereby declared to be a continuing public nuisance. Therefore, within five working days of the discontinuance of the use of an automobile service station, or within 10 days of the effective date of this subsection, whichever is later, the owner of the property shall submit a plan to the city for the landscaping of the automobile service station site. The plan shall be reviewed by the design review committee, consistent with the design review committee's duties and responsibilities in section 2-4-4, for consistency with the following standards:

1. The plan shall provide landscaping of the entire lot which:

a. Is planted and maintained with grass, or such other landscaping materials as are approved by the design review committee.

b. Has installed an automatic irrigation system approved by a registered landscape architect as sufficient to adequately maintain the landscaping.

2. The plan, as approved by the design review committee, or if part of an application considered by the planning commission, as approved by the planning commission after recommendation from the design review committee, shall be constructed within 30 days of approval, or within such greater time period as may be allowed by the approving body. Unless otherwise authorized by the approving body, all elements of the plan, including landscaping and irrigation, shall be kept and maintained in a clean, neat and repaired condition at all times.

3. A failure to submit plans consistent with this subsection shall be deemed a public nuisance, and shall be enjoined as such.

E. Parking and Storage of Trailers and Recreational Vehicles. It is unlawful to store or park a trailer, recreational vehicles, boats, boat trailers, accessory trailers, stock trailers, farm, construction, industrial equipment or similar article, vehicles or device on any lot within the Tourist Related Zone District (TRC) for long-term purposes. This section shall not be interpreted to include vehicles parked for short term (one to two days) visitors.

(Ord. 90-112, 1990; Ord. 95-170, 1995; Ord. 10-287, 2010; Ord. 17-327, 2017; Ord. 21-0347 § 4; Ord. 22-

0355 § 26)

Article B
C-2 Retail Commercial District

§ 11-7B-1 Purpose and intent.

A. General. The C-2 Retail Commercial District is established to provide areas for local retail business and commercial needs including stores, shops, and offices supplying commodities or performing services for the residents of the surrounding community and tourist trade.

B. Processing.

1. No permits for development, including grading, shall be issued except in conformance with an approved development plan as provided in section 11-16-4 of this title and with land use permits in section 11-16-1 of this title.

2. Minor alterations or additions shall be permitted without development plan review, provided that the alteration or addition does not exceed 300 square feet or the square-footage requirement for one parking space pursuant to section 11-11-7, on reasonable conditions imposed by the planning manager without full development plan review. Notwithstanding the foregoing, minor alterations or additions shall require development plan review if such additions exceed one every two years or a cumulative total of 1,500 square feet over the life of the building or structure subject to the minor alteration or addition. The planning manager shall reserve the right to refer such matters to the planning commission for advice prior to making a final determination.

(Ord. 90-112, 1990; Ord. 22-0355 § 27)

§ 11-7B-2 Permitted uses.

A. Amusement enterprises if conducted wholly within a completely enclosed building.

B. Retail stores, shops or establishments supplying commodities for residents of the community, provided such enterprises are conducted within a completely enclosed building, such as bakeries, ice cream shops, grocery and liquor stores, furniture, hardware, and appliance stores, department stores, sporting goods stores, pet shops, florist shops, automobile accessory stores and the like.

C. Health club, spa or gym.

D. Repair and service uses such as laundry and dry cleaning establishments, barbershops, beauty parlors, shoe repair and tailor shops, photography studios, radio, TV and small household appliance repair shops, etc.

E. Indoor and outdoor restaurants, bars and cocktail lounges.

F. Financial institutions such as banks and savings and loan offices, professional, administrative and general business offices.

G. Walk-in medical clinic.

H. Business, professional and trade schools.

I. Automobile parking lot.

J. Golf course, miniature or practice range.

K. Nursery.

L. Theater, excluding drive-in theaters.

M. Public works or public service structures.

N. Any other light commercial uses which the planning commission finds is of similar character to those enumerated in this section and is not more injurious to the health, safety or welfare of the neighborhood because of noise, odor, dust, vibration, smoke, hazard to life and property or other similar causes. A site plan shall be required to be submitted and approved for any comparable use determination by the planning commission. Said site plan shall contain the information as required for a land use permit specified in section 11-16-1(C)(1)(a), (C)(1)(b) and (C)(1)(c) of this title.

O. Residences, provided the residential use is a "secondary use" as defined in chapter 3 of this title, to a primary commercial use on the same lot(s). In addition, the maximum residential density allowed shall not exceed 20 units per acre as defined in section 11-6B-4(A) of this title. In addition, the following incentives may be granted for projects that include senior housing, or additional housing units for low and very low income households:

1. Senior Housing Bonus. A floor area bonus of up to 5% would be granted for projects that include apartments reserved for senior citizens.

2. Affordable Housing Bonuses.

a. A floor area bonus of up to 10% may be granted for projects that include at least one housing unit reserved for households of moderate income.

b. A floor area bonus of up to 15% may be granted for projects that include at least one housing unit reserved for households of low or very low income.

3. Time Restriction. All affordable/senior housing units shall be restricted to such use for:

a. Thirty years, if both a density bonus and an additional bonus, such as a floor area bonus or parking reduction is granted; or

b. Twenty years, if only a density bonus is granted.

P. Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided:

1. There shall be no manufacture, assembly, processing or compounding of products other than such as are customarily incidental or essential to retail establishments.

2. Such operations are not injurious to the health, safety or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, hazard to life and property or other similar causes.

Q. Massage establishments, subject to the regulations contained in title 4, chapter 10 of this code.

(Ord. 90-112, 1990; Ord. 96-177, 1996; Ord. 07-272, 2007; Ord. 16-317, 2016)

§ 11-7B-3 Conditional uses.

A. Uses Permitted with a Major Conditional Use Permit.

1. Amusement enterprises conducted partially or wholly outdoors.

2. Bus terminal.

3. Automobile service station, provided no gasoline is stored above ground.

4. Community recycling facilities.

5. Lumber and building materials sales yard.

6. Medical office uses, provided such uses are located near a border of this district with other districts within the city so as to provide a buffer between the commercial emphasis of this district and such bordering district.

7. Other uses as provided for in section 11-16-2 of this title.

B. Uses Permitted with a Minor Conditional Use Permit.

1. Small animal hospitals provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.

2. Furniture repair and upholstery.

3. Handicraft type industries subject to the provisions of section 11-16-2 of this title.

4. Outdoor sale of pool supplies, patio furniture, and spas in conjunction with an indoor retail enterprise.

5. Sale of fresh fruit, vegetables and/or flowers from a stand not affixed to the ground.

6. Outdoor barbecues for commercial use, provided that the use is associated with a food serving use on the same site licensed by the Santa Barbara County health department and operated pursuant to policies and standards adopted by city council resolution.

7. Other uses as provided in section 11-16-2 of this title.

8. Certified farmers' markets.

(Ord. 93-136, 1993; Ord. 97-182, 1997; Ord. 10-287, 2010)

§ 11-7B-4 Lot area requirements.

A. Minimum Lot Size. None.

B. Setbacks for Buildings and Structures.

1. Front.

a. Thirty feet from the centerline and 10 feet from the right-of-way line of any public street.

b. In addition, 42 feet from the centerline of State Highway 246 (Mission Drive).

c. Open canopies, porches, roofed or unroofed, and similar accessory structures may encroach not more than 12 feet into the front setback area, provided that in no event shall such structures encroach upon a public street right-of-way unless an encroachment permit is issued by the city and Caltrans where applicable.

2. Side. None, except when side yards are provided, they shall be a minimum of three feet.

3. Rear. Ten percent of the depth of said lot, but in no case shall the rear yard setback be required to

exceed 10 feet, except that for any lot having a rear boundary abutting the rear boundary of a lot zoned residential, the required rear yard setback shall be not less than 25 feet.

C. Distance Required Between Buildings on the Same Building Site. None, except that residential buildings shall have a minimum distance of 10 feet from any other detached building on the same building site.

D. Height Limit. No building or structure shall exceed a height of 35 feet.

(Ord. 90-112, 1990)

§ 11-7B-5 Additional regulations.

A. Parking. As required in chapter 11 of this title, except that required parking spaces may be provided in publicly owned parking lots subject to approval of the availability of the parking spaces by the planning manager.

B. Landscaping. For developments not requiring a development plan, a landscape plan shall be approved by the planning manager and installation and maintenance guaranteed by performance securities as set forth in section 11-12-19 of this title.

All parking areas shall be landscaped as required under chapter 11 of this title.

C. Storage. Areas for trash or outdoor storage shall be enclosed and screened in such a manner as to conceal all trash or stored material from public view.

(Ord. 90-112, 1990; Ord. 17-327, 2017; Ord. 22-0355 § 28)

Article C
C-3 General Commercial District

§ 11-7C-1 Purpose and intent.

A. General. The purpose of the C-3 General Commercial District is to provide areas for wholesale and heavy commercial uses and services which are necessary within the city but which are not suited to the Retail or Tourist Commercial District. The intent is to provide for these areas while protecting adjacent uses from negative impacts such as noise, odor, lighting and traffic.

B. Processing.

1. No permits for development, including grading, shall be issued except in conformance with an approved development plan as provided in section 11-16-4 of this title and with land use permits in section 11-16-1 of this title.

2. Minor alterations or additions shall be permitted without development plan review, provided that the alteration or addition does not exceed 300 square feet or one parking space, subject to reasonable conditions imposed by the planning manager without full development plan review. Notwithstanding the foregoing, minor alterations or additions shall require development plan review if such additions exceed one every two years or a cumulative total of 1,500 square feet over the life of the building or structure subject to the minor alteration or addition. The planning manager shall reserve the right to refer such matters to the planning commission for advice prior to making a final determination.

(Ord. 90-112, 1990; Ord. 22-0355 § 29)

§ 11-7C-2 Permitted uses.

A. Bus terminal.

B. Printing plant.

C. Storage warehouse.

D. Automobile sales, repair and service.

E. The following uses when conducted within a completely enclosed building except for material storage which may be permitted within an area enclosed by a solid wall, fence or hedge not less than six feet in height:

1. Automobile repair.

2. Carpenter and cabinet shop.

3. Feed store.

4. Furniture repair and upholstery.

5. Heating, plumbing, or ventilating supplies, sales and service.

6. Lumber and building materials sales yard.

7. Machinery sales.

8. Sign painting store.

9. Wholesale distributing center.

F. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will not be adversely affected by reason of such odor or noise.

G. Recycling centers for the collection of, in addition to, domestic recyclables, nonferrous metals, high temperature alloys, exotics, precious metals and other similar types of materials.

H. Any retail or wholesale stores, shops or establishment which the planning commission finds is of similar character to those enumerated in this section and is not more injurious to the health, safety or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, danger to life and property or other similar causes. A site plan shall be required to be submitted and approved for any comparable use determination by the planning commission. Said site plan shall contain the information as required for a land use permit specified in section 11-16-1(C)(1)(a), (C)(1)(b) and (C)(1)(c) of this title.

I. Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided:

1. There shall be no manufacture, assembling, processing or compounding of products other than such as are customarily incidental or essential to the above uses.

2. Such operations are not injurious to the health, safety or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, hazard to life and property or other similar causes.

J. Massage establishments, as an accessory use in hotels and motels only, subject to the regulations contained in title 4, chapter 10 of this code.

(Ord. 90-112, 1990; Ord. 96-177, 1996; Ord. 16-317, 2016)

§ 11-7C-3 Conditional uses.

A. Uses Permitted with a Major Conditional Use Permit.

1. Automobile service stations.

2. Other uses as provided in section 11-16-2 of this title.

B. Uses Permitted with a Minor Conditional Use Permit.

1. Mechanical car wash.

2. Handicraft type industries subject to the provisions of section 11-16-2(K) of this title.

3. Outdoor barbecues for commercial use, provided that the use is associated with a food serving use on the same site licensed by the Santa Barbara County health department and operated pursuant to policies and standards adopted by city council resolution.

4. Other uses as provided in section 11-16-2 of this title.

(Ord. 90-112, 1990; Ord. 93-136, 1993)

§ 11-7C-4 Lot area requirements.

A. Minimum Lot Size. None.

B. Setbacks for Buildings and Structures.

1. Front.

a. Thirty feet from the centerline and 10 feet from the right-of-way line of any public street.

b. In addition, 42 feet from the centerline of State Highway 246 (Mission Drive).

c. Open canopies, porches, roofed or unroofed and similar accessory uses may encroach not more than 12 feet into the front setback area, provided that in no event shall such uses encroach upon a public street right-of-way unless an encroachment permit is issued by the city and/or Caltrans where applicable.

2. Side. None, except when side yards are provided, they shall be a minimum of three feet.

3. Rear. Ten percent of the depth of said lot, but in no case shall the rear yard setback be required to exceed 10 feet, except that for any lot having a rear boundary abutting the rear boundary of a lot zoned residential, the required rear yard setback shall be not less than 25 feet.

C. Distance Required Between Buildings on the Same Building Site. None, except that residential buildings shall have a minimum distance of 10 feet from any other detached building on the same building site.

D. Height Limit. No building or structure shall exceed a height of 35 feet.

(Ord. 90-112, 1990)

§ 11-7C-5 Additional regulations.

A. Parking. As required in chapter 11 of this title.

B. Landscaping. For developments not requiring a development plan, a landscape plan shall be approved by the planning manager and installation and maintenance guaranteed by performance securities as

set forth in section 11-12-19 of this title. All parking areas shall be landscaped as required under chapter 11 of this title.

C. Storage. Areas for trash or outdoor storage shall be enclosed and screened in such a manner as to conceal all trash or stored material from public view.

(Ord. 90-112, 1990; Ord. 22-0355 § 30)

Article D
PO Professional Office District

§ 11-7D-1 Purpose and intent.

A. General. The purpose of the PO Professional Office District is to provide appropriately located areas for professional office uses. It is the intent of this district to ensure that such uses are well designed and landscaped so as to be harmonious with surrounding land uses.

B. Preliminary Development Plan Included in Zoning Application. Unless the planning commission waives this requirement, an application for a rezoning to this district shall include a development plan as part of the application.

C. Processing. No permits for development, including grading, shall be issued except in conformance with an approved development plan as provided in section 11-16-4 of this title and with land use permits in section 11-16-1 of this title.

(Ord. 90-112, 1990)

§ 11-7D-2 Permitted uses.

A. Professional and/or medical offices, clinics, studios and office buildings.

B. Banks and savings and loan offices.

C. Business schools, but not including dance halls or trade schools using heavy equipment.

D. Community, civic center and governmental buildings and structures.

E. Health and fitness clubs.

F. Off street parking facilities accessory and incidental to an adjacent commercial use.

G. Any other professional use which the planning commission finds is similar in character to those enumerated in this section and is not more injurious to the health, safety or welfare of the neighborhood because of noise, odor, smoke, vibration, hazard to life or property or other similar causes. A site plan shall be required to be submitted and approved for any comparable use determination by the planning commission. The site plan shall contain the information as required for a land use permit specified in section 11-16-1(C)(1)(a), (C)(1)(b) and (C)(1)(c) of this title.

H. Uses, buildings and structures incidental, accessory and subordinate to permitted uses.

I. Massage establishments, as an accessory use in hotels and motels only, subject to the regulations contained in title 4, chapter 10 of this code.

(Ord. 90-112, 1990; Ord. 96-177, 1996; Ord. 16-317, 2016)

§ 11-7D-3 Conditional uses.

The following uses are permitted with a major conditional use permit:

A. Small animal hospitals, provided all animals are kept within a completely enclosed building designed to reduce odor and the level of noise from such animals to the extent that adjacent properties will

not be adversely affected by reason of such odor or noise.

B. Residences, provided the residential use is a "secondary use" as defined in chapter 3 of this title, to a primary commercial use on the same lot(s). In addition, the maximum residential density allowed shall not exceed 20 units per acre as defined in section 11-6B-4(A) of this title. In addition, the following incentives may be granted for projects that include senior housing, or additional housing units for low and very low income households:

1. Senior Housing Bonus. A floor area bonus of up to 5% would be granted for projects that include apartments reserved for senior citizens.

2. Affordable Housing Bonuses.

a. A floor area bonus of up to 10% may be granted for projects that include at least one housing unit reserved for households of moderate income.

b. A floor area bonus of up to 15% may be granted for projects that include at least one housing unit reserved for households of low or very low income.

3. Time Restriction. All affordable/senior housing units shall be restricted to such use for:

a. Thirty years: if both a density bonus and an additional bonus, such as a floor area bonus or parking reduction is granted; or

b. Twenty years: if only a density bonus is granted.

(Ord. 90-112, 1990; Ord. 07-272, 2007)

§ 11-7D-4 Limitation on uses.

No sales, production, repair or processing shall take place on any site except to the extent necessary for and incidental to operation of the permitted or conditionally permitted uses.

(Ord. 90-112, 1990)

§ 11-7D-5 Lot area requirements.

A. Setbacks for Buildings and Structures.

1. Front. Forty-five feet from the centerline and 15 feet from the right-of-way line of any public street; provided, however, that no portion of a building or structure designed for housing automobiles which opens directly onto a public street shall be located closer than 20 feet to said right-of-way line.

2. Side and Rear. Fifteen feet.

B. Distance Required Between Buildings on the Same Building Site. No portions of a building shall be located closer than 10 feet to another building on the same lot.

C. Building Coverage. No more than 40% of the net area of the property shall be covered with any portion of a building.

D. Height Limit. No building or structure shall exceed a height of 35 feet.

(Ord. 90-112, 1990)

§ 11-7D-6 Additional regulations.

A. Parking. As required in chapter 11 of this title, except the required spaces for offices shall be one parking space for each 200 square feet of floor space.

B. Landscaping. Not less than 10% of the net area of the property shall be devoted to landscaping. Landscaping shall be installed and maintained in accordance with the approved development plan.

C. Storage. Areas for trash shall be enclosed and architecturally screened in such a manner as to conceal all trash or stored material from public view.

(Ord. 90-112, 1990)11-9-4 Lot area requirements.

A. Minimum Lot Size. None.

B. Setbacks for Buildings and Structures.

1. Front. Fifty feet from the centerline and 20 feet from the right-of-way line of any street.

2. Side.

a. Ten feet.

b. On corner lots, the side yard along the street shall conform to the front yard provisions of this district.

3. Rear.

a. Ten feet.

b. For any lot that has a rear boundary which abuts a lot zoned residential, 50 feet.

C. Coverage. No more than 50% of the net area of the property shall be covered by buildings and structures.

D. Height Limit. No building or structure shall exceed a height of 35 feet.

(Ord. 90-112, 1990)

§ 11-9-5 Additional regulations.

A. Parking. As provided in chapter 11 of this title.

B. Landscaping/Screening.

1. Not less than 10% of the net lot area shall be landscaped.

2. All landscaping shall be in conformance with the approved development plan.

3. The side and rear property lines shall be landscaped with a minimum of a five foot-wide planted area and the front property line shall be landscaped with a minimum of a 10 foot-wide planted area.

4. Where any portion of a lot abuts a lot in a residential or commercial district, in addition to the five foot-wide planted area, a masonry wall not less than six feet in height shall be provided along such abutting portion.

5. Outdoor storage areas shall be screened from view of any street by a wall or fence six feet in height. Such wall or fence shall be located not closer than five feet to the street right-of-way line. The space between the wall or fence and the street shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped by a row of trees of a type approved by the planning manager to provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature.

6. Installation and maintenance of said landscaping shall be guaranteed by performance securities as set forth in section 11-12-19 of this title.

~~(Ord. 90-112, 1990; Ord. 22-0355 § 31)~~

Chapter 8
~~I INSTITUTIONAL DISTRICT~~PUBLIC /INSTITUTIONAL DISTRICT

§ 11-8-1 Purpose and intent.

The purpose of the Public Facility/Institutional (PI) is intended to accommodate a variety of public and quasi-public uses, and is characterized by schools, places of assembly, hospitals, and public utility facilities, as defined on the general plan land use designation map and element.

§ 11-8-2 Allowable Land Uses and Permit Requirements

Table 11.8 - Public/Institutional Zone Allowable Land Uses and Permit Requirements[1]		
Land Use	**PI**	**Specific Use Regulations**
Recreation, Education & Public Assembly		
Park, playground (public)	P	
Public Trails	P	
Public or Quasi Public Facility	P	
Community Gardens	P	
Meeting Facility Public or Private	CUP	
Cemetery	CUP	
Services		
Medical Services – Hospital	CUP	
Transportation & Infrastructure		
Parking Facility	P	11-11
Telecommunication Facility	CUP	11-18
Utilities Facility	CUP	11-12-20
Underground Utilities Facility	CUP	11-12-20

1. Permits Required. All uses identified as permitted or "P" may require approval of one or more of the following planning applications (as well as a building permit if a new or modified structure is involved):

a. Zoning Clearance
b. Development Plan

Legend

P Permitted Use
CUP Conditional Use Permit Required

~~A. General. The purpose of the I Institutional District is to provide areas exclusively for public, quasi-public and institutional uses in well designed buildings and attractively landscaped areas. The intent is to establish development standards and landscaping requirements to ensure a park like environment for the uses permitted and compatibility with adjoining residential areas.~~

~~B. Development Plan to Be Included in Application for Rezoning. Unless the planning commission expressly waives the requirement, an application for a rezoning to this district shall include a development plan as part of the application. Upon approval by the city council of the rezoning the development plan may be incorporated into the rezoning ordinance.~~

~~C. Processing. No permits for development, including grading, shall be issued except in conformance with an approved development plan as provided in section 11-16-4 and with land use permits in section 11-16-1 of this title.~~

~~(Ord. 90-112, 1990)~~

~~§ 11-8-2 Permitted uses.~~

§ 11-8-4 Public/Institutional Development Standards.

A. Development standards in the Public Facility/Institutional Zone shall be determined by the Review Authority as part of the development plan application.

~~A. Hospitals, sanitariums, medical clinics, special care homes and similar buildings, when used for the treatment of human ailments.~~

~~B. Charitable and philanthropic institutions for human beings.~~

~~C. Churches, libraries, museums and schools.~~

~~D. Community, civic center and governmental buildings and structures.~~

~~E. Cemetery, crematory or mausoleums.~~

~~F. Off-street parking facilities accessory and incidental to an adjacent institutional use.~~

~~G. Light recreational uses and facilities such as tennis courts, gymnasium, racquetball courts.~~

~~H. Any other institutional use which the planning commission finds is similar in character to those enumerated in this section and is not more injurious to the health, safety or welfare of the neighborhood because of noise, odor, smoke, vibration, hazard to life or property or other similar causes. A site plan shall be required to be submitted and approved for any comparable use determination by the planning commission. Said site plan shall contain the information as required for a land use permit specified in section 11-16-1(C)(1)(a), (C)(1)(b) and (C)(1)(c) of this title.~~

~~I. Uses, buildings and structures incidental, accessory and subordinate to permitted uses.~~

~~(Ord. 90-112, 1990; Ord. 96-177, 1996; Ord. 06-261, 2006)~~

~~**§ 11-8-3 Performance standards.**~~

~~A. All activities, other than incidental loading and unloading, tennis courts and cemeteries shall be conducted wholly within a completely enclosed building.~~

~~B. The volume of sound, measured during calm air conditions, generated by or resulting from any use, other than motor vehicles, operated in any lot shall not exceed 65 decibels at any point along the boundary of or outside of the lot upon which such use is located.~~

~~C. The ground vibration generated by any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.~~

~~D. Except for the heating of buildings, there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles, located upon the lot.~~

~~E. All activities shall be conducted in such a manner so as not to be injurious to the health, safety or welfare of persons residing or working in the neighborhood by reason of hazard to life or property.~~

~~(Ord. 90-112, 1990; Ord. 06-261, 2006)~~

~~**§ 11-8-4 Lot area requirements.**~~

~~A. Minimum Lot Size. Each lot shall have a minimum net lot area of one acre.~~

~~B. Setbacks for Buildings and Structures.~~

~~1. Front. Forty-five feet from the centerline and 15 feet from the right-of-way line of any public street; provided, however, that no portion of a building or structure designed for housing automobiles which opens directly onto a public street shall be located closer than 20 feet to said right-of-way line.~~

~~2. Side and Rear. Fifteen feet.~~

~~C. Coverage. Not more than 40% of the net area of the property shall be covered by buildings or structures.~~

D. Height Limit. No building or structure shall exceed a height of 35 feet.

(Ord. 90-112, 1990)

§ 11-8-5 Additional regulations.

A. Parking. Parking shall be provided as required in chapter 11 of this title, except the required spaces for offices shall be one parking space for each 200 square feet of floor space.

B. Landscaping.

1. Not less than 10% of the net area of the property shall be landscaped. Landscaping shall be installed and maintained in accordance with the approved development plan.

2. In addition, where any portion of a lot abuts a lot in a residential district, the first five feet of the setback shall be landscaped and a masonry wall not less than six feet in height shall be provided.

3. Installation and maintenance of said landscaping shall be guaranteed by performance securities as set forth in section 11-12-19 of this title.

(Ord. 90-112, 1990)

Chapter 9
PARK & OPEN SPACE DISTRICTS ~~M LIGHT INDUSTRIAL DISTRICT~~

§ 11-9-1 Purpose and intent.

This Chapter lists the commercial and industrial zones as established by Section 11-4-2 (Official Zoning Map and Zones) and establishes the types of land uses allowed and development standards in each park and open space district.~~A. General. The purpose of the M Light Industrial District is to provide areas exclusively for light industrial uses. The intent is to encourage sound industrial development by setting forth appropriate areas for these uses and to protect nearby residential, commercial and industrial uses from hazards, noise and other disturbances.~~

~~B. Development Plan Included in Application for Rezoning. Unless the planning commission expressly waives the requirement, an application for a rezoning to this district shall include a development plan as part of the application. Upon approval by the city council of the rezoning the development plan may be incorporated into the rezoning ordinance.~~

~~C. Processing. No permits for development, including grading, shall be issued except in conformance with an approved development plan as provided in section 11-16-4 and with land use permits in section 11-16-1 of this title.~~

~~(Ord. 90-112, 1990)~~

~~§ 11-9-2 Permitted uses.~~

~~A. All uses permitted in the C-3 District.~~

~~B. Building material manufacturing plant, including concrete mixing plant.~~

~~C. Contractors' equipment storage yard or plant or rental of equipment commonly used by contractors.~~

~~D. Fuel yard.~~

~~E. Draying, freighting or trucking yard or terminal.~~

~~F. Public works, public service or public utility service center or electrical substations.~~

~~G. Small boat building, not including ship building.~~

~~H. The following uses when conducted within a completely enclosed building:~~

~~1. The manufacture, compounding, processing, packaging or treatment of bakery goods, candy, dairy products and other food products but excluding such products as fish, meat, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.~~

~~2. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials. bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stone, shell, textiles, tobacco, wood, yarns and paint not employing a boiling process.~~

~~3. The manufacture and maintenance of electrical and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.~~

~~4. The manufacture of furniture.~~

~~5. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping and battery manufacturing.~~

~~6. Blacksmith shop, machine shop, and punch presses excluding drop hammers.~~

~~7. Foundry casting of lightweight nonferrous metal not causing noxious fumes or odors.~~

~~I. Any other light industrial use, building or structure which the planning commission finds is of similar character to those enumerated in this section and is not injurious to the health, safety or welfare of the neighborhood because of noise, odor, dust, smoke, vibration, hazard to life and property or other similar causes. A site plan shall be required to be submitted and approved for any comparable use determination by the planning commission. Said site plan shall contain the information as required for a land use permit specified in section 11-16-1(C)(1)(a), (C)(1)(b) and (C)(1)(c) of this title.~~

~~J. Buildings, structures and uses accessory and customarily incidental to any of the above uses, not including retail sale by manufacturing enterprises.~~

~~K. Head shop.~~

~~L. Hookah bar or lounge.~~

~~(Ord. 90-112, 1990; Ord. 96-177, 1996; Ord. 07-272, 2007)~~

~~§ 11-9-3 Performance standards.~~

~~A. The volume of sound measured outside during calm air conditions, generated by any use on the property shall not exceed 75 dBL at or beyond any point along the property boundary upon which such use is located. However, in no case shall the volume of sound exceed 65 CNEL at the location of any nearby noise sensitive uses, as defined in the noise element of the city's general plan.~~

~~B. The ground vibration inherently and recurrently generated by or resulting from any use, other than motor vehicles, operated on any lot shall not be perceptible without instruments at any point along the boundary of or outside of the lot upon which such use is located.~~

~~C. No offensive odors or fumes, noxious gases, or liquids, heat, glare or radiation generated by or resulting from any use, other than motor vehicles or lighting fixtures, operated on any lot shall be detectable at any point along the boundary of or outside of the lot upon which such use is located.~~

~~D. Except for the heating of buildings, there shall be no smoke or dust generated by or resulting from any use, other than motor vehicles, located upon the lot.~~

~~E. All activities shall be conducted in such a manner so as not to be injurious to the health, safety or welfare of persons residing or working in the neighborhood by reason of danger to life or property.~~

~~(Ord. 90-112, 1990)~~

§ 11-8-2 Allowable Land Uses and Permit Requirements.

Table 11.10 – Park & Open Space Districts Zone Allowable Land Uses and Permit Requirements[1]	

Land Use	P	OS	Specific Use Regulations
Recreation, Education & Public Assembly			
Park, playground (public)	P		
Public Trails	P	P	
Community Gardens	P	P	
Golf courses	CUP	CUP	
Public or Quasi Public Facility	P		
Meeting Facility Public or Private	CUP		
Residential			
Caretakers Residence	CUP		
Transportation & Infrastructure			
Parking Facility	CUP	CUP	11-11
Telecommunication Facility	CUP	CUP	11-18
Utilities Facility	CUP	CUP	11-12-20
Underground Utilities Facility	CUP	CUP	11-12-20

1. Permits Required. All uses identified as permitted or "P" may require approval of one or more of the following planning applications (as well as a building permit if a new or modified structure is involved):

a. Zoning Clearance
b. Development Plan

Legend
P Permitted Use
CUP Conditional Use Permit Required

§ 11-9-2 Allowable Land Uses and Permit Requirements.

A. Development standards in the Park and Open Space Zones shall be determined by the Review Authority as part of the development plan application.

~~§ 11-9-4 Lot area requirements.~~
~~A. Minimum Lot Size. None.~~
~~B. Setbacks for Buildings and Structures.~~
~~1. Front. Fifty feet from the centerline and 20 feet from the right-of-way line of any street.~~
~~2. Side.~~
~~a. Ten feet.~~
~~b. On corner lots, the side yard along the street shall conform to the front yard provisions of this district.~~
~~3. Rear.~~
~~a. Ten feet.~~
~~b. For any lot that has a rear boundary which abuts a lot zoned residential, 50 feet.~~
~~C. Coverage. No more than 50% of the net area of the property shall be covered by buildings and~~

~~structures.~~

~~D. Height Limit. No building or structure shall exceed a height of 35 feet.~~

~~(Ord. 90-112, 1990)~~

~~§ 11-9-5 Additional regulations.~~

~~A. Parking. As provided in chapter 11 of this title.~~

~~B. Landscaping/Screening.~~

~~1. Not less than 10% of the net lot area shall be landscaped.~~

~~2. All landscaping shall be in conformance with the approved development plan.~~

~~3. The side and rear property lines shall be landscaped with a minimum of a five-foot-wide planted area and the front property line shall be landscaped with a minimum of a 10-foot-wide planted area.~~

~~4. Where any portion of a lot abuts a lot in a residential or commercial district, in addition to the five-foot-wide planted area, a masonry wall not less than six feet in height shall be provided along such abutting portion.~~

~~5. Outdoor storage areas shall be screened from view of any street by a wall or fence six feet in height. Such wall or fence shall be located not closer than five feet to the street right-of-way line. The space between the wall or fence and the street shall be landscaped. Areas where stored materials or equipment exceed a height of six feet shall be landscaped by a row of trees of a type approved by the planning manager to provide continuous screening to an approximate height of not less than 20 feet nor more than 40 feet when mature.~~

~~6. Installation and maintenance of said landscaping shall be guaranteed by performance securities as set forth in section 11-12-19 of this title.~~

~~(Ord. 90-112, 1990; Ord. 22-0355 § 31)~~

Chapter 10
~~OTHER DISTRICTS~~Overlay Zones

§ 11-9-1 Purpose and intent.

~~Article A~~
~~REC Recreation District~~

~~§ 11-10A-1 Purpose and intent.~~

~~A. General. The purpose of the REC Recreation District is to provide open space for various forms of outdoor recreation of either a public or private nature. The intent is to encourage outdoor recreational uses which will protect and enhance areas which have both active and passive recreation potential because of their beauty and natural features. Such development should offer recreational uses which compliment and are appropriate to the area because of these features.~~

~~B. Processing. No permits for development, including grading, shall be issued except in conformance with an approved development plan as provided in section 11-16-4 and with land use permits in section 11-16-1 of this title.~~

~~(Ord. 90-112, 1990)~~

~~§ 11-10A-2 Permitted uses.~~

~~A. Outdoor public and/or private recreational uses, e.g., parks, and riding, hiking, bicycling and walking trails.~~

~~B. Golf courses, not including miniature golf.~~

~~C. Structures and facilities required to support the recreational activities, e.g., parking areas, water and sanitary facilities, ranger stations and limited concession facilities.~~

~~D. Any other use which the planning commission determines to be similar in nature to the above uses, but not including fairgrounds, amusement parks and large indoor recreational complexes. A site plan shall be required to be submitted and approved for any comparable use determination by the planning commission. Said site plan shall contain the information as required for a land use permit specified in section 11-16-1(C)(1)(a), (C)(1)(b) and (C)(1)(c) of this title.~~

~~(Ord. 90-112, 1990; Ord. 96-177, 1996)~~

~~§ 11-10A-3 Conditional uses.~~

~~The following uses are permitted with a major conditional use permit:~~

~~A. Swimming and tennis clubs and country clubs.~~

~~B. Zoos.~~

~~C. Residential structures for a caretaker.~~

~~D. Restaurants or snack bars provided such facilities are in conjunction with and accessory to the recreational use.~~

~~E. Public riding stables.~~

~~(Ord. 90-112, 1990)~~

~~**§ 11-10A-4 Lot area requirements.**~~

~~A. Minimum Lot Size. One acre.~~

~~B. Setbacks for Buildings and Structures.~~

~~1. Front. Fifty feet from the center line and 20 feet from the right-of-way line of any street.~~

~~2. Side and Rear. Ten feet from the side or rear property lines, except that: 25 feet from the boundaries of a residentially zoned lot.~~

~~3. Interior Lots. Ten feet from all property lines.~~

~~C. Coverage. Not to exceed 20% of the total net area of the property shall be covered by buildings or structures.~~

~~D. Height Limit. No building or structure shall exceed a height of 25 feet.~~

~~(Ord. 90-112, 1990)~~

~~**§ 11-10A-5 Additional regulations.**~~

~~A. Parking. As provided in chapter 11 of this title.~~

~~B. Landscaping.~~

~~1. Landscaping shall be installed and maintained in accordance with the approved development plan.~~

~~2. Where a lot is adjacent to a lot(s) zoned for residential use, landscaping and/or walls to screen facilities such as tennis courts, concession stands, restrooms and other structures shall be provided.~~

~~(Ord. 90-112, 1990)~~

~~Article B~~

~~RES Resource Management District~~

~~§ 11-10B-1 Purpose and intent.~~

~~The purpose of the RES Resource Management District is to ensure protection of lands that are unsuited for intensive development and have one or more of the following characteristics:~~

~~A. Slopes in excess of 40%.~~

~~B. Valleys surrounded by slopes exceeding 40%.~~

~~C. Isolated table land surrounded by slopes exceeding 40%.~~

~~D. Areas with outstanding resource values, such as environmentally sensitive habitat areas and watershed areas.~~

~~E. The land is publicly owned or development rights have been dedicated to the city.~~

This Section establishes the standards for overlay zones which apply to specific areas of the City or specific lots as approved by the Council. All overlay zones shall be established by Section 11-4-2 (Official Zoning Map and Zones) or as shown in this Section.~~(Ord. 90-112, 1990)~~

11-9-2. Design District Overlay Zones.

A. Purpose. The Design District Overlay (DD) Overlay zone is applied to areas of the City to implement the General Plan Community Character Element. The Design District Overlay is intended to provide orderly development and redevelopment of properties within the boundaries to maintain the existing character-defining features associated with design in Solvang, and provide a cohesive design vision for both public and private development in the city.

B. Applicability. The DD overlay rezoning shall occur shall be adopted by the City Council shall be shown on the Official Zoning Map. Specific Development Standards are listed in Chapter 19 of this Zoning Code. Any amendments shall be processed in accordance with Chapter 17.

C. Review Authority. The City Council is authorized to approve Design District Overlays to ensure compliance with this Section and General Plan goals, policies, and implementation measures.

D. Design District Overlays Established.

1. Design District (DD-1). Ordinance 24-XXX established Design District 1, Solvang Village.

2. Design District (DD-2). Ordinance 24-XXX establishes Design District 2, Mission District.

~~**11-9-3 Specific Plans.§ 11-10B-2 Permitted uses.**~~

A. Purpose. The Specific Plan (SP) Overlay zone may be applied to any area of the City for the purpose of facilitating better designed projects (e.g., innovative site planning, superior architectural design) by allowing flexible and relaxed development standards. The proposed development shall demonstrate that the development is of significantly higher quality than would be achieved through the application of the City's standard development standards.

B. Applicability. The SP overlay rezoning shall occur concurrently with the approval of a specific project. All Specific Plan Overlay zones adopted by the Council shall be shown on the Official Zoning Map and the site specific development standards listed in the Specific Plan.

C. Review Authority. The Council is authorized to approve Specific Plans to ensure compliance with this Section and State Law.

D. Specific Plan Overlay Zones Established.

1. Specific Plan (SP-2). Ordinance 91-122 establishes Specific Plan (SP-2), Village Estates.

~~A. Agricultural grazing.~~

~~B. Cultivated agriculture, e.g., orchards.~~

~~C. Landscaping.~~

~~(Ord. 90-112, 1990)~~

~~§ 11-10B-3 Additional regulations.~~

~~Parking. As provided in chapter 11 of this title.~~

(Ord. 90-112, 1990)

Article C
MHP Mobile Home Park District

§ 11-10C-1 Purpose and intent.

A. General. The purpose of the MHP Mobile Home Park District is to provide areas for mobile homes on nonpermanent foundations in planned developments such as mobile home rental parks and mobile home statutory (air space) condominiums. The intent is to provide affordable housing opportunities which meet the needs of the community. The intent is also to ensure a safe and attractive residential environment by promoting high standards of site planning, architecture, and landscaping design for mobile home developments.

B. Development Plan to Be Included in Application for Rezoning. Unless the planning commission expressly waives the requirement, an application for a rezoning to this district shall include a development plan as part of the application. Upon approval by the city council of the rezoning and development plan, the development plan may be incorporated into the rezoning ordinance.

C. Processing. No permits for development, including grading, shall be issued except in conformance with an approved development plan as provided in section 11-16-4 and with land use permits in section 11-16-1 of this title.

(Ord. 90-112, 1990)

§ 11-10C-2 Permitted uses.

A. Accessory uses, structures and buildings customarily incidental and subordinate to the uses permitted in this district.

B. Mobile homes on nonpermanent foundations located in either a "mobile home park" as defined in chapter 3 of this title, or mobile home statutory (air space) condominium developments.

C. Recreational facilities for the use of the residents of the development.

(Ord. 90-112, 1990)

§ 11-10C-3 Lot area requirements.

A. Minimum Lot Size/Density.

1. The minimum amount of land that may be developed shall be one acre, provided that this minimum land area is adequate to meet the requirements of the MHP District. The minimum mobile home site area shall be 4,000 square feet with a minimum width of 50 feet and a minimum depth of 80 feet.

2. The maximum density for any development shall be seven units per gross acre.

3. To create opportunities for affordable housing, a maximum of 10% of the mobile home sites may be developed for single-wide units. The minimum area for such single-wide sites shall be 2,800 square feet with a minimum width of 35 feet and a minimum depth of 80 feet. The maximum density for projects which utilize this option shall be eight units per gross acre.

B. Setbacks. The following minimum setbacks for buildings and structures shall apply to the perimeters of a mobile home development:

1. Front. Fifty feet from the center line and 20 feet from the right-of-way line of any street.

2. Side and Rear. Fifteen feet from the side or rear property lines of the mobile home development.

(Ord. 90-112, 1990)

§ 11-10C-4 Additional regulations.

A. Parking. In addition to the requirements of chapter 11 of this title, the following regulations shall apply:

1. Two parking spaces shall be provided for each mobile home site. Such parking spaces may be permitted on individual sites or one parking space may be provided on the individual sites and the other parking space may be located in common parking areas located throughout the mobile home development.

2. Storage parking facilities for recreation vehicles (travel trailer, camper, etc.) shall be constructed at the ratio of one storage space for each five mobile home sites. Storage areas shall be screened by landscaping and fencing for security purposes. Minimum dimensions for each storage space shall be 10 feet by 20 feet.

3. Any garage must be set back 15 feet from the front line of a mobile home site.

4. Common parking areas shall be located no closer than 10 feet to any mobile home site.

B. Open Space and Landscaping.

1. A minimum of 15% of the gross area of the mobile home development shall be in common open space, which shall include a recreational area and facilities for the use of the residents of the development. Such facilities shall generally be provided in a central location and may include lawn and picnic areas, swimming pools, tennis courts, etc. Laundry facilities or other nonrecreational uses shall not be included in the common open space. Improved sidewalks, walkways or paths shall link all mobile home sites to the recreational facilities. If the mobile home development is to be developed in phases, the open space/common recreational area must be developed during the first phase of construction.

2. In a mobile home condominium development, title to the common open space, common recreational amenities and private streets shall be conveyed to a nonprofit association of all homeowners within the project area, or any other nonprofit individual or entity on such reasonable terms and conditions as the city council may prescribe subject to conveying to the city the rights to develop such common open space with anything except open space, noncommercial recreational facilities, common parking areas and private streets.

3. Preservation and maintenance of all common open space, common recreational facilities, common parking areas and private streets shall be the obligation of the individual or entity holding title to said areas.

4. Perimeter setback areas which are part of the common open space of the mobile home development shall be landscaped. Unsightly areas within the development such as common parking areas, trash storage areas, etc., shall be thoroughly screened by landscaping.

C. Additional Requirements.

1. Skirting shall be required for all mobile homes.

~~2. Tool sheds and equipment storage structures shall be permitted on each site but shall not be located in any setback area.~~

~~3. All development shall be in compliance with the California Administrative Code, title 25, Housing and Community Development.~~

Chapter 11
OFF-STREET PARKING AND LOADING

§ 11-11-1 Purpose and intent.

The purpose of this chapter is to assure the provision and maintenance of safe, adequate, well designed off-street parking facilities in conjunction with any use or development. The intent is to reduce street congestion and traffic hazards and to promote an attractive environment through design and landscaping standards for parking areas. The standards set forth in this chapter shall be considered minimums, and more extensive parking provisions may be required by the planning commission as a condition of project approval.

(Ord. 90-112, 1990)

§ 11-11-2 Applicability.

A. New buildings. Parking shall be provided in accordance with this Section at the time any main building or structure is erected, or any new land use or new residential unit is established.

B. Existing Buildings and Land Uses. Existing buildings and land uses that are conforming or nonconforming to the requirements of this Section may be changed, altered, or enlarged as follows:

1. Residential Building and Uses.

a. Additions to existing residences which are no greater than 500 square feet are not required to meet the parking standards of this Section, but shall be required to retain the number and type (covered or uncovered) of existing parking spaces.

b. Additions greater than 500 square feet are required to comply with parking standards in this Section; however, the Review Authority may make minor exceptions for parking space dimensions if it can be demonstrated that it is unreasonable or impractical.

2. Non-Residential Buildings and Uses.

a. Additions. Where an addition of floor area creates an increase of 10 percent or more of the existing square footage, additional parking as required in Table 11.X shall be provided for the increase in parking required for the addition.

i. The existing parking shall be maintained.

ii. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition.

b. Change in Use. Where an existing land use is changed to another permitted land use, parking shall be provided in accordance with this Section except as follows.

i. Village Mixed-Use (VMU), Commercial Retail (CR). No additional off-street parking is required for a change in use of an existing structure in the Village Mixed-Use and Commercial Retail (CR) zones, with the exception of lodging, hotel, and short term rentals.

c. Same Use. Where an existing use is proposed to be replaced with the same use that previously occupied the building, no additional parking is required.

C. When constructed. Parking facilities required by this Section shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

~~Unless otherwise provided in the specific, applicable district, the provisions of this chapter shall apply to all appropriate uses and development.~~

~~(Ord. 90-112, 1990)~~

§ 11-11-3 Parking space regulations.

A. Maintenance. No parking area or parking space provided for the purpose of complying with the provisions of this chapter shall thereafter be eliminated, reduced or converted in any manner unless

equivalent facilities approved by the city are provided elsewhere in conformity with this chapter. The permit for the use for which the parking was provided shall immediately become void upon the failure to comply with the requirements of this chapter.

~~B. Recalculation on Change of Use. Upon the change of any use, the number of parking spaces to be provided shall be calculated according to the requirements of this chapter only for the new use. Any previous parking modifications granted by the planning commission, planning manager shall be null and void.~~

~~(Ord. 90-112, 1990; Ord. 22-0355 § 32)~~

§ 11-11-4 Parking space size, location and design.

A. Size.

1. ~~Residential~~ Pparking spaces shall be ~~eight and one-half~~9 ~~(8-1/2)~~ feet wide by ~~sixteen and one-half (16-1/2)~~18 feet long.

~~2. Nonresidential parking spaces shall be nine feet wide by sixteen and one-half (16-1/2) feet long.~~

~~3~~2. Compact Car Spaces. Thirty percent of the required parking for nonresidential uses may be provided as compact car spaces. Compact car spaces shall have a size of eight feet by fourteen and one-half (14-1/2) feet. Every stall designed to accommodate compact cars shall be clearly marked as a compact car stall.

B. Location. Parking spaces shall not be located within required setback areas except as otherwise noted in this Zoning Code and as allowed below.

1. ~~Off-street parking spaces shall not be located in the required front or side yard setback area unless specifically permitted in the applicable district regulations. Provisions shall be made for direct access from the street to each parking space. Such access shall be adequate for standard size automobiles unless the parking area is restricted to compact cars.~~Single Unit Dwellings. Parking may be located within the setback area if the following standards are met:

    a. A minimum of dimension of 9 foot by 18-foot for each space.

    b. All parking spaces are located behind an existing or future sidewalk, as determined by the City Engineer.

    c. Parking shall be located on a paved surface.

2. Multi-Unit Attached and detached dwellings in Residential Zones. Parking may be located within a side setback or rear setback area.

~~2~~3. For all types of dwellings, the required parking spaces shall be provided on the same site on which the dwelling(s) is located.

~~3~~4. For nonresidential structures or uses, the required parking spaces shall be provided within 500 feet of the main building or site, if there is no main building, as measured along streets not including alleys. Off-site parking shall be secured by a recorded document approved by the city attorney. The agreement shall include:

    a. A guarantee from the landowner for access to and use of the shared parking facility; and

    b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

C. Construction and Design.

1. All parking areas shall ~~be graded and have~~include a drainage plan subject to review and approval ~~provided so as to dispose of all surface water without erosion, flooding and other inconveniences or hazards~~by the City Engineer.

2. Uncovered parking areas and driveways shall be paved with a minimum of two inches of asphalt, concrete or equivalent on a suitable base.

3. Parking spaces shall be marked and access lanes clearly defined. Bumpers and wheel stops shall be installed as necessary.

4. For nonresidential uses, parking areas shall be so designed that no vehicle shall be required to encroach into a street, alley or sidewalk when backing out of a parking space.

5. The design of parking areas shall not require the moving of any car to gain access to a required parking space unless the applicable district regulations specifically permit tandem parking.

6. All parking areas serving uses operating at night shall be adequately lighted. Such lighting shall be ~~so arranged as to direct the light away from adjoining residences~~in conformance with Section 11-12-18.

7. The design of parking spaces and the maneuvering space in connection therewith shall be in accordance with the requirements illustrated in the parking diagram, figures 1, 2 and 3, and the parking table on file with the city.

~~(Ord. 90-112, 1990; Ord. 04-242, 2004; Ord. 06-261, 2006)~~

§ 11-11-5 Landscape/screening of parking areas.
Parking area includes the parking spaces and the maneuvering space necessary for use of such spaces.

A. Where nonresidential parking areas abut residentially zoned or developed property, a wall of not less than five feet in height shall be erected and maintained between the parking area and the adjoining residentially zoned or developed property.

~~B. Where trees already exist on the property, the design of the parking area should make the best use of this growth and shade.~~

~~C~~B. Screening shall be provided along each property line consisting of a five foot-wide strip, planted with sufficient shrubbery to effectively screen the parking area, or a solid fence or wall not less than four feet in height. Such fences or walls abutting streets shall be ornamental in texture, pattern or shadow relief. Plantings, fences or walls abutting streets shall not exceed 30 inches in height for a distance of 25 feet on either side of entrances or exits to the property. This requirement for screening may be waived or modified by the planning manager if adjacent property already has provided a solid wall not less than four feet high.

~~D~~C. When the total uncovered parking area on the property (including adjoining parcels over which the property has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this section, as part of a landscape plan:

1. Trees, shrubbery and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands for such trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.

2. All ends of parking lanes shall have landscaped islands.

~~3. Prior to the issuance of a land use permit, performance securities, in amounts to be determined by the planning manager, to guarantee the installation of plantings, walls and fences in accordance with the approved plan, and adequate maintenance of the planting for two years shall be filed with the city clerk. The performance security portion for installation will be released at the time the planning manager approves the installation. The remaining maintenance performance security portion shall be released at the end of the two year period provided the planting has been adequately maintained.~~

~~(Ord. 90-112, 1990; Ord. 22-0355 §§ 33, 34)~~

§ 11-11-6 Driveways.

A. Width, Number and Location. Unless otherwise provided in the specific, applicable districts, the width and number of driveways, in relation to intersections, obstructions, other driveways and property lines, shall be as prescribed by the county resolution on road standards until amended by any subsequent resolution of the city council regulating road standards.

B. Driveway to Side or Rear Parking Areas. A driveway used for access to a parking area on the side or rear of a building shall not be less than 10 feet wide in clear distance between any obstruction to vehicular traffic.

C. Special Requirements. Upon recommendation of the city engineer or the planning manager or upon their own initiative when considering any project, the planning commission may place special requirements on an individual building site that will have the effect of reducing or increasing the number or width of driveways or prescribing their location on the building site when the commission determines that such special requirements either reduce or do not create traffic hazards or street parking problems. Such special requirements shall be final subject to appeal to the city council as provided in section 11-17-5 of this title.

~~(Ord. 90-112, 1990; Ord. 22-0355 § 35)~~

~~**(Ord. 90-112, 1990)**~~

§ 11-11-7 Required number of parking spaces.

A. General Requirements.

1. The minimum number of parking spaces as required in the specific applicable district or specified in this chapter shall be provided and continuously maintained in conjunction with the related use or development.

2. ~~For all development (other than single-family residential) which is subject to the requirements of a development plan, the planning commission shall determine if there is a need to provide for bicycle parking. If such a need exists, the planning commission shall then determine the required number of parking spaces, bike racks and locking devices that shall be provided.~~Bicycle parking shall be provided consistent with the adopted California Building Code.

~~3. For additions to existing developments, the parking requirement shall be based on the total floor area and/or number of employees of all proposed new buildings or structures on the property.~~

~~4~~3. For the purposes of this chapter, gross floor area shall be the measure of total square footage for a project; however, stairways, open, unenclosed corridors, required exit corridors, permanent storage areas, bearing walls and common restrooms shall be excluded.

~~5~~4. Where the standards require any fractional space, the next larger whole number shall be the number of spaces required.

~~6~~5. In the case of mixed uses the total requirement shall be the sum of the number of spaces required for the individual uses computed separately ~~except at the discretion of the planning commission. The planning commission may consider conjunctive uses to determine the number of parking spaces for a multi-or mixed-use project.~~

~~7~~6. Where the parking requirement for a use is not specifically defined in the applicable district or this chapter, the parking requirement shall be determined by the planning manager based upon the requirement for the most comparable use specified herein.

~~8~~7. All parking areas shall provide handicap parking spaces as required ~~under state law.~~by the California Building Code.

9. Modifications to the parking requirements may be granted through issuance of a Conditional Use Permit (11-16-6)~~pursuant to section 11-16-4(G) of this title~~.

B. ~~Residential. Parking spaces to be permanently maintained on the same building site on which the dwelling(s) is located.~~Required Parking Spaces by Land Use:

Table 11. X Required Parking Spaces by Land Use	
Land Use	**Parking Requirement**
Residential	
Accessory Dwelling Unit / Junior Accessory Dwelling Unit (JADU)	1 parking space when not within ½ mile of a transit stop. No parking required when located within ½ mile of a transit stop, or when an ADU is developed within an existing accessory structure, or existing primary residence.
Emergency Shelter	No additional parking is required beyond the standard for residential dwellings in the zone in which the use is located.
Single Unit Dwelling	2 spaces per dwelling unit
Mobile Home Parks	2 spaces per site which may be tandem 1 space for every 3 sites for guest parking
Multi-Unit and Mixed-Use Residential Component	1 space for a one bedroom/studio unit 2 spaces for a two bedroom or more unit 1 space per 5 dwelling units for guest parking
Multiple Detached Dwellings	2 spaces per dwelling unit 1 guest space per 5 dwelling units
Caretaker's Residence	1 space per dwelling unit
Day Care - Small or Large Family Home	None beyond the parking required for the residential dwelling.
Live/Work	Each live/work unit shall provide parking based on the area of non-residential use, or a minimum of two spaces, whichever is greater. The Review Authority may modify this requirement for the use of existing structures with limited parking
Residential Care 1-6 clients	None beyond the parking required for the residential dwelling
Residential Care - 7 or more clients	1 space per 4 bed spaces 1 space per 2 employees
Residential Care Facility for the Elderly	1 space per 4 bed spaces 1 space per 2 employees
Single Room Occupancy Facility	1 space per every 3 units
Transitional & Supportive Housing	None beyond the parking required for the residential

Table 11. X Required Parking Spaces by Land Use	
Land Use	**Parking Requirement**
	dwelling.
Two Unit Dwelling	2 spaces per dwelling unit
Retail	
Adult Business	1 space per 500 square feet of floor area.
Automobile Sales	1 space per 300 square feet of floor area
Bar/Tavern/Live Entertainment/Nightclub	1 space per 300 square feet of floor area and any outdoor use area
Building/Landscape Materials	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area
Retail	1 space per 300 square feet of floor area
Restaurant	1 space per 300 square feet of floor area and outdoor seating area No additional parking is required for sidewalk seating in accordance with Section 11.XX.XX (Sidewalk Seating)
Wine/Distillery Tasting	1 space per 300 square feet of floor area plus 1 space per 1,500 square feet of outdoor use area.
Services	
Animal Care Facility	1 space per 300 square feet of floor area
Business Support Services	1 space per 300 square feet of floor area
Catering Service	1 space per 300 square feet of floor area
Child Day Care – Day Care Center	
Equipment Rental	1 space per 300 square feet of floor area
Financial Institutions	1 space per 300 square feet of floor area
Lodging	1 space per guestroom 1 space per 300 square feet of floor area of ancillary uses/office/lobby
Short Term Rental	1 space for 1 bedroom/studio 2 spaces for 2-4 bedrooms 1 space for each bedroom greater than 4 bedrooms
Maintenance Service – Client Site Services	1 space per 300 square feet of floor area
Medical Services – Clinic/Urgent Care	1 space per 200 square feet of floor area
Medical Services – Doctor Office	1 space per 200 square feet of floor area
Medical Services – Extended Care	1 space per 300 square feet of floor area
Medical Services - Hospital	1 space per 300 square feet of floor area
Mortuary/Funeral Home/Cemetery	1 space per 300 square feet of floor area
Office	1 space per 300 square feet of floor area
Personal Service	1 space per 300 square feet of floor area
Repair Services	1 space per 300 square feet of floor area
Vehicle Rental	1 space per 300 square feet of floor area
Vehicle Repair and Services	1 space per 300 square feet of floor area
Industry, Manufacturing & Processing	
High Technology Uses	1 space per 750 square feet of floor area
Manufacturing, Artisan	1 space per 750 of manufacturing area 1 space per 300 square feet of retail/ancillary/office area
Manufacturing/Processing	1 space per 750 square feet of floor area
Media Production	1 space per 750 square feet of floor area

Table 11. X Required Parking Spaces by Land Use	
Land Use	**Parking Requirement**
Recycling-Processing Facilities	1 space per 1,000 square feet of floor area
Storage-Warehouse	1 space per 1,000 square feet of floor area
Storage-Outdoor	1 space per 1,000 square feet of floor area
Storage – Personal Storage Facility	1 space per 1,000 square feet of floor area
Storage-Vehicles	1 space per 1,000 square feet of site area
Wholesaling and Distribution	1 space per 750 square feet of floor area
Recreational, Education & Public Assembly	
Commercial Recreation Facility - Indoor	Theater/Cinema 1 space per 40 square feet of seating floor area Other: 1 space per 500 square feet of floor area
Commercial Recreation Facility – Outdoor	1 space per 1,000 square feet of lot area
Community Gardens	2 spaces
Health/Fitness Facility	1 space per 300 square feet of floor area
Meeting Facility, public or private	1 space per 4 seats, but not less than 1 space per 40 square feet of floor area of the largest meeting hall
Specialized Education/Training	1 space per 300 square feet of floor area
Studio – Art, Dance, Martial Arts	1 space per 300 square feet of floor area
Transportation & Infrastructure	
Parking Facility	1 space per 300 square feet of office area
Telecommunication Facility	1 space per 300 square feet of office area
Utilities Facility	1 space per 300 square feet of office area

~~0.33 space per unit~~

~~0.5 space per unit~~

~~Single bedroom or studio dwelling unit~~	~~1 space per dwelling unit~~
~~2 bedroom dwellings~~	~~2 spaces per dwelling unit. Such spaces shall be located within 200 feet from the building served by such spaces~~
~~3 or more bedroom dwellings~~	~~2.5 spaces per dwelling unit, located as required for 2 bedroom~~

	dwellings above
Visitor parking	1 space per 5 dwelling units
Mobile homes in mobile parks	2 spaces per site which may be tandem, and 1 space for every 3 sites for guest parking
Boarding and lodging houses	1 space per 4 bed spaces and 1 space per 2 employees
Retirement and special care homes	1 space per guestroom and 1 space per 2 employees
Accessory Dwelling Unit	As required under state law
Emergency shelters	1 space per 7 beds and 1 space per employee

C. Miscellaneous Nonresidential.

Churches, school auditoriums, theaters, general auditoriums, stadiums, mortuaries, lodges, halls and other places of general assembly	-
With fixed seats	1 space per 4 fixed seats
Without fixed seats	1 space per 30 square feet of auditorium floor space
Places of amusement without fixed seats such as halls, skating rinks, etc.	1 space per 300 square feet of assembly area
Schools	-
Day school or nursery	1 space for each 2 employees and 1 space for each 10

	students
Elementary and junior high	1.5 spaces for each teaching section
High	6 spaces for each teaching section
Colleges; art, crafts, music or dancing schools; business, professional or trade school	1 space for each 3 employees and 1 space for each 5 students
Library, museum, similar use	1 space for each 2 employees and 1 space per 300 square feet of gross floor space

D. Commercial. Parking under the following provisions is the minimum required; however, additional parking may be required for retail developments in the TRC District based upon projected demand. All parking required under the following provisions shall be provided on site or shall meet the requirements of section 11-11-4(B)(3) for off-site parking. Notwithstanding the foregoing, an optional in-lieu fee may be paid as provided in section 11-11-9 of this chapter to satisfy some or all of the parking requirements for retail business and general commercial development projects, development projects for restaurants, and food and/or beverage establishments, or projects changing to or intensifying any such type of development.

Hotels/motels	1 space per guestroom and 1 space per 5 employees
Restaurants and food and/or beverage establishments	1 space per 300 square feet of space devoted to patrons and 1 space per 2 employees or compliance with the requirements of section 11-11-9 of this chapter.
Business and professional offices such as banks, lawyers' offices, etc.	1 space per 300 square feet of gross floor area
Retail business and general commercial	1 space per 500 square feet of gross floor area or compliance with the requirements of section 11-11-9 of this chapter.
Furniture and appliance stores, ventilating, building supply, hardware, motor vehicle and machinery sales and service	1 space per 1,000 square feet of gross floor area
Hospitals	1 space per 3 beds and 1 space per 3 employees
Convalescent hospitals,	1 space per 2 beds and 1 space per 3

~~sanatoriums and rest homes~~	~~employees~~
~~Medical clinics, medical and dental offices~~	~~1 space per 200 square feet of gross floor area~~
~~Short-term/vacation rentals~~	~~1 space per bedroom~~

~~E. Industrial.~~

~~Research and development manufacturing and processing~~	~~1 space per 1.5 employees, but in no case less than 1 space per 500 square feet of gross floor area~~
~~Wholesale, warehousing and storage facility~~	~~1 space per 1,000 square feet and 1 space per 4 employees~~
~~Other industrial uses~~	~~1 space per 4 employees~~

~~F. Recreational Facilities.~~

~~Tennis facility~~	~~1.5 spaces per court~~
~~Racquetball facility~~	~~1.5 spaces per court~~
~~Spectator seating~~	~~1 space per 5 seats and 1 space per 35 square feet of seating area~~
~~Facilities such as spas, health facilities, gyms~~	~~1 space per 300 square feet of gross floor area~~
~~Public swimming pool~~	~~1 space per 200 square feet of pool area and 1 space per 500 square feet of area related to the pool and facilities~~
~~Bowling alley~~	~~3 spaces per lane~~

~~G. Agriculture.~~

~~Commercial greenhouse, hothouse or other plant protecting structure~~	~~2 spaces per acre of land in such use~~

11-11-8 Off-street loading facilities.

A. For every building hereafter erected, which is to be occupied by manufacturing, storage, warehouse, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of materials and merchandise, off-street loading spaces shall be provided as follows:

Commercial uses

3,000 or more square feet gross floor area	1 loading space
Industrial uses	
10,000 to 24,999 square feet gross floor area	1 loading space
25,000 to 49,999 square feet gross floor area	2 loading spaces
Each additional 50,000 square feet or major fraction thereof	1 loading space

B. Each loading space shall not be less than 10 feet in width, 30 feet in length, and with an overhead clearance of 14 feet.

C. Such space may not be located in any part of any required front or side yard.

D. Such space shall be so designed that it will not interfere with vehicular circulation or parking nor with pedestrian circulation.

(Ord. 90-112, 1990)

§ 11-11-9 In-lieu parking fees.

A. Purpose. The purpose of the in-lieu parking fee is to implement the objectives of the city's general plan and to mitigate the adverse parking impacts caused by new retail and commercial development, development of new restaurants and food and/or beverage establishments, or a change to or an intensification of any such type of development.

B. Establishment of In-Lieu Parking Fee. The city council hereby creates and establishes an in-lieu parking fee that may be paid by those developers of retail business and general commercial projects, projects developing restaurants and food and/or beverage establishments, or projects changing to or intensifying any such type of development. Developers for such projects must either: (1) provide the number of parking spaces required under section 11-11-7(D); or (2) pay a parking development fee in lieu of providing some or all parking required under section 11-11-7(D). Developers who elect to pay a fee in lieu of providing some or all on-site or off-site parking required by section 11-11-7(D) shall pay the in-lieu parking fee prior to the issuance of a building permit.

The city council has determined that, for those developers who choose not to provide some or all required parking on site or off site pursuant to section 11-11-7(D), such a parking development fee is necessary to: (1) finance the construction of alternative parking facilities within the city; and (2) pay for each such development's fair share of the construction costs of those parking facilities. In establishing the in-lieu parking fee, the city council has found such a fee to be consistent with its general plan.

The city council shall, in a city council resolution: (1) set forth the specific amount of the fee; (2) describe the benefit and impact area on which the fee is imposed; (3) describe the specific parking facilities to be financed; (4) describe the estimated cost of such parking facilities; and (5) describe the reasonable relationship between the fee and the various types of development.

The city council shall review the in-lieu parking fee from time to time, but at least on an annual basis to: (1) identify the purpose to which the in-lieu parking fee is to be put; and (2) determine whether there is a reasonable relationship between the fee and the purpose for which it was charged.

C. Accounting of Funds—Use of Fees. Pursuant to Government Code section 66006, the city council directs that all in-lieu parking fees collected shall be maintained in a specific capital facilities account.

The city shall use the fees in such account, along with any interest earnings, only to:

1. Pay for the city's future construction of the parking facilities described in the resolution enacted pursuant to subsection B of this section; or

2. To reimburse the city for those parking facilities constructed by the city with funds advanced by the city from other sources.

D. Fee Adjustments. An electing developer may apply to the city council for a reduction or adjustment to, or a waiver of, the in-lieu parking fee, based upon the absence of any reasonable relationship or nexus between the parking impacts of the development and either: (1) the amount of the fee charged; or (2) the type of parking facilities to be financed. The application shall be made in writing and filed with the city clerk not later than: (1) 10 days prior to the public hearing on the development permit application for the project; or (2) if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of reduction, adjustment or waiver. The city council shall consider the application at the later of: (1) the public hearing on the permit application; or (2) a separate hearing held within 60 days after the filing of the fee adjustment application. The city council's decision shall be final. If the city council grants a reduction, adjustment or waiver, any change in use within the project shall invalidate such reduction, adjustment or waiver.

~~(Ord. 90-112, 1990; Ord. 04-242, 2004; Ord. 06-261, 2006; Ord. 07-272, 2007; Ord. 10-287, 2010; Ord. 17-327~~

Chapter 12
SUPPLEMENTAL REGULATIONS

§ 11-12-1 Purpose and intent.

The purpose of this chapter is to establish distinct performance and development regulations for certain activities, uses, and structures that are of such a special nature that additional regulations are desired. These regulations are applicable in all districts notwithstanding the regulations of the applicable district.

(Ord. 90-112, 1990; Amd. 2001 Code)

§ 11-12-2 Accessory structures.

A. No accessory structure shall be constructed on a lot until construction of the principal structure has begun, and no accessory structure shall be used unless the principal structure on the lot is also being used.

B. An accessory structure erected as an integral part of the principal structure shall comply in all respects with the use, yard and height requirements applicable to the principal structure.

C. Set-Back Requirements in Non-Residential Districts.

1. Accessory structures shall conform to the height requirements and the front-yard and side-yard setback regulations of the district.

2. An accessory structure may be located in the required rear yard setback provided that all of the following requirements are met:

a. The accessory structure is located no closer than 10 feet to the principal structure;

b. The accessory structure occupies no more than 40% of the required rear yard; and

c. The accessory structure does not exceed a height of 12 feet.

3. This subsection applies to all districts except the following residential districts in chapter 6~~, title 11: R-1/E-1 Single Family Residential District, DR Design Residential District, and PRD Planned Residential Development District~~.

D. Set-Back Requirements in Residential Districts.

1. Accessory structures shall conform to the front-yard setback regulations of the district.

2. Accessory structures shall not exceed ~~24~~ 25 feet in height or the height requirement of the district, whichever is less.

3. An accessory structure may be located in the required rear-yard setback provided that all of the following requirements are met:

a. Accessory structures shall be located to provide the following minimum distance between the accessory structure and the property line:

Accessory Structure Height	Minimum Distance from Rear Property Line
9 feet or less	No minimum distance, provided any ornamental features, including, but not limited to, sills, buttresses, cornices, and eaves, shall not extend over the property

Accessory Structure Height	Minimum Distance from Rear Property Line
	line or cause water to flow across the property line
Greater than 9 feet but not greater than 12 feet	5 feet
Greater than 12 feet	10 feet

b. Accessory structures shall not impede fire access and shall be placed such that:

i. A corridor with a minimum width of three feet is unobstructed from the ground to the sky; and

ii. There is a minimum distance of three feet between adjacent accessory structures.

c. All accessory structures in the rear yard shall collectively occupy no more than 40% of the required rear-yard setback.

4. An accessory structure may be located in the side-yard setback provided that all of the following requirements are met:

a. Accessory structures shall be located to provide the following minimum distance between the accessory structure and the property line:

Accessory Structure Height	Minimum Distance from Side Property Line
9 feet or less	No minimum distance, provided any ornamental features, including, but not limited to, sills, buttresses, cornices, and eaves, shall not extend over the property line or cause water to flow across the property line
Greater than 9 feet but not greater than 12 feet	5 feet
Greater than 12 feet	10 feet

b. Accessory structures shall not impede fire access and shall be placed such that:

i. A corridor with a minimum width of three feet is unobstructed from the ground to the sky; and

ii. There is a minimum distance of three feet between adjacent accessory structures.

c. The cumulative total square footage of all accessory structures in the side yard shall not exceed 200 square feet in each side yard.

5. This subsection applies to all districts in Chapter 6, Title 11: ~~R-1/E-1 Single Family Residential District, DR Design Residential District, and PRD Planned Residential Development District.~~

E. No accessory structure on a corner lot shall be located closer to the street right-of-way or centerline than the principal building on that lot, nor within any front yard setback, except accessory structures may be located in a side-yard of a corner lot closer to the street right-of-way or centerline than the principle building provided the accessory structure is fully screened behind a fence at least six feet in height and the accessory structure is no taller than nine feet.

F. For a corner lot backing on a key lot, no accessory structure shall be located closer than 10 feet to the rear property line.

GE. This section applies to all accessory structures including accessory structures requiring a land use permitzoning clearance pursuant to section 11-16-14(B)(1)(g) and a building permit pursuant to section 10-1-4(G). and Aaccessory structures meeting the requirements of being exempt from land use permits and building permits shall be exempt from this section. , also referred to as exempt accessory structures.

(Ord. 90-112, 1990; Ord. 22-0354 § 7)

§ 11-12-3 Residential usesAccessory Dwelling Unit (ADUs).

A. GuesthousesPurpose.

1. This Section provides standards for accessory dwelling units including junior accessory dwelling units where allowed by this Zoning Code.No guesthouse shall be located on a lot containing less than one acre.

2. To provide for the creation of accessory dwelling units consistent with Government Code Sections 65852.2 and 65852.22 as amended. Implementation of this Section is meant to expand housing opportunities by increasing the number of smaller units available within the cityThere shall be not more than one guesthouse on any lot.

3B. The floor area of such guesthouse shall not exceed 800 square feet.Density. Accessory dwelling units shall not count towards the allowable density of units per acre prescribed in the General Plan and Zoning Code.

C. Permit Requirements. Zoning Clearance shall be required to ensure compliance with this Section prior to or concurrent with issuance of building permits.

D. An accessory dwelling unit (detached or attached) shall have a minimum floor area of 220 square feet and maximum floor area of 1,200 square feet, or less than the square footage of the primary dwelling, whichever is less. Junior accessory dwelling units shall comply with Subsection L.

E. Building Height.

1. A detached accessory dwelling unit shall not exceed 16 feet in height

a. An ADU located within a ½ mile of an existing transit stop or if an existing dwelling is two stories in height shall not exceed 18 feet in height.

2. An attached accessory dwelling unit or an accessory dwelling unit constructed over a garage or carport shall not exceed 25 feet in height. Any portions of the accessory dwelling unit constructed within the zone's standard required building setback areas shall not exceed 16 feet in height.

F. Limitation on Number.

1. A maximum of one accessory dwelling unit and/or one junior accessory dwelling unit is allowed

per lot with an existing or proposed single-unit dwelling consistent with Government Code Section 65852.2.(e).

2. Accessory dwelling units within multi- unit and mixed-use developments shall comply with the following:

a. The maximum number of accessory dwelling units shall not exceed 25% of the number of existing or proposed multi-unit dwellings but shall not be less than one unit

b. The accessory dwelling units may be permitted in either converted portions of a structure that are not used as livable space, (e.g., garages, laundry rooms, etc).

c. A maximum of two detached accessory dwelling units, in addition to the converted portions of a structure, are permitted per lot.

G. Limitation of Use. No accessory dwelling unit shall be utilized as a short-term rental.

H. Utility Connections. Accessory dwelling units shall be connected to City water and sewer services. Separate utility connections and meters are not required if the ADU complies with Government Code Section 65852.2 (e)(1)(A).

I. Development Impact Fee. Payment of development impact fees are required as follows:

1. Accessory dwelling units with floor area of 750 square feet or less shall not pay development impact fees.

2. Accessory dwelling units with floor area greater than 750 square feet shall be charged development impact fees that are proportional, as shown on the Master Fee Schedule.

J. Building Design Standards for Accessory Dwelling Units.

1. Access and Entries.

a. ADU and/or JADU shall have direct exterior access independent of the exterior access of the primary dwelling.

b. if an ADU entry faces a street, the primary entrance oriented towards the street and directly accessible from an adjacent sidewalk (where no sidewalk exists, the connection shall be to the abutting public street) and the entryways shall consist of:

i. A front porch with a minimum depth of five feet, as measured from the building façade to the posts, and a minimum length of eight feet; or

ii. A portico, recess, or stoop measuring at least four feet by four feet which is well defined by a gabled entry, distinct change in roof line or columns, or has some other significant architectural distinction.

2. Massing. The square footage of any story of an ADU constructed above the first story (and not a conversion of existing space) shall have a maximum floor area that is no more than 80 percent of the floor area of the first story.

a. First floor calculation shall include all interior living areas, including interior and exterior staircases, attached garages, and covered porches connected to the first floor.

b. The floor area of upper stories is inclusive of all interior living area with walls; all staircases;

porches, decks, and balconies that are covered by a roof structure; and all cantilevered structures that extend beyond the first-floor footprint that do not extend to the ground, including but not limited to living area, roof decks, bay windows, chimneys, and staircases; as well as any mezzanines, lofts, or other partial floor areas. Maximum cantilevered area shall not exceed three feet.

c. Massing shall be consistent with standards set forth in Section 11-XX-XX for all new structures (ADUs) within the DD-1 and DD-2 overlay zones.

3. Façade Articulation.

a. New detached or attached accessory dwelling units shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.

b. New detached or attached ADUs shall not include blank walls (e.g., without doors or windows) greater than 25 feet in length if visible from the public right-of-way.

c. New detached or attached accessory structures shall provide trim at all exterior window and door openings. In lieu of exterior window trim, windows shall be recessed from a wall plane by a minimum of three inches.

d. For new detached or attached ADUs, vinyl and aluminum siding, T-111 plywood, and exterior insulation finishing system (EIFS) are prohibited.

e. Façade articulation shall be consistent with standards set forth in Section 11-XX-XX for all new structures (ADUs) within the DD-1 and DD-2 overlay zones.

K. Development Standards for Accessory Dwelling Units. ADUs shall comply with all applicable development standards in this Zoning Code and Municipal Code, Chapter 10 Building Regulations, except to the extent they are inconsistent with the following development standards which shall govern when applied to accessory dwelling units.

1. Minimum interior side, street side and rear setbacks shall be four feet for detached or attached accessory dwelling units when the building height does not exceed 16 feet.

2. Existing nonconforming setbacks of permitted structures may be maintained if converted to an accessory dwelling unit.

3. Accessory dwelling units shall be excluded from the calculation of lot coverage.

4. Accessory dwelling units in multi- unit dwellings shall be excluded from the open space requirements.

5. No minimum lot size is required to develop an accessory dwelling unit.

6. Installation of fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary residence, but shall comply with all access requirements in compliance with Municipal Code Chapter 10.

7. Parking shall be required as set forth in Section 11-xx-XX.b.

L. Development Standards for Junior Accessory Dwelling Units. Junior accessory dwelling units shall comply with the requirements of Subsection A through K, except to the extent they are inconsistent with the following development standards which shall govern when applied to junior accessory dwelling

units.

1. Limitation on Use. Junior accessory dwelling units shall be allowed only where the use is limited to an existing or proposed single-unit dwelling.

2. Location. A junior accessory dwelling unit shall be constructed within the walls of the primary unit, including an attached garage.

3. Size of Junior Accessory Dwelling Unit. A junior accessory dwelling unit shall have a maximum floor area of 500 square feet.

4. Interior requirements. A junior accessory dwelling unit shall include at least the following:

a. A cooking facility, a sink, and food preparation counter of no less than 30 inches in width.

b. A separate or shared bathroom with the primary residence.

c. A separate entrance from the main entrance to the primary residence.

5. Occupancy Requirements. Either the junior accessory dwelling unit or the primary dwelling unit shall be owner occupied. A covenant agreement shall be recorded prior to occupancy.

6. Parking shall be required as set forth in Section 11-xx-XX.b.

~~4. No guesthouse shall exceed a height of one story, or two stories if built over another accessory building.~~

~~5. There shall be no kitchen or cooking facilities within a guesthouse.~~

~~6. Guesthouses shall conform to all of the setback regulations set forth in section 11-12-2.~~

~~7. A guesthouse shall be used only by the occupants of the main dwelling or their nonpaying guests or servants and is not to be rented, whether the compensation is paid directly or indirectly in money, goods, wares, merchandise or services.~~

~~B. Temporary Second Dwellings. In any district where an existing structure is to be used for dwelling purposes on a temporary basis during the construction on the same lot of another structure to be used for dwelling purposes, a land use permit for such structure to be constructed may be issued by the planning manager, subject to execution of an agreement by the property owner that said existing structure will be removed, converted or reconverted to a permitted accessory building within three months after commencement of the occupancy of the newly constructed dwelling and subject to the receipt by the city of a performance security in an amount designated by the building official and in form and content acceptable to the city attorney assuring the performance of said property owner's obligations set forth in said agreement.~~

~~(Ord. 90-112, 1990; 22-0354 § 8; Ord. 22-0355 § 38)~~

§ 11-12-4 Animal Keeping~~(Reserved)~~

A. Purpose. The following regulations are intended for animal keeping as allowed in residential zones as shown in Chapters 5 through 9 of this Title.

B. Number of Animals. Not to exceed one horse, mule, goat, cow, swine or other similar size animal shall be permitted for each 20,000 square feet of gross area on each lot provided that not more than three swine or five such other animals shall be permitted on any lot. In no case shall said animals be kept for

commercial purposes.

C. Enclosures. No stable, barn or other large animal enclosure (i.e., paddock) shall be located on a lot, excluding a combination of lots, having a gross area of less than 20,000 square feet. No portion of a stable or barn shall be located closer than: (a) 40 feet to the door or window of any dwelling on another lot; (b) 70 feet to any street centerline and 20 feet to the right-of-way; (c) 15 feet from the rear property line; and (d) 10 feet from the side property lines.

D. There shall not be more than three dogs permitted on any one lot.

E. Small animals (e.g., chickens, birds, ducks, rabbits, bees, etc.) shall be permitted provided that:

1. Such small animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.

2. The keeping of such small animals is not injurious to the health, safety or welfare of the neighborhood and does not create offensive noise or odor as determined by the planning manager.

3. Enclosures for such small animals shall be no closer than 25 feet to any dwelling.

~~**(Ord. 22-0355 § 39)**~~

§ 11-12-5 Home ~~occupations~~Occupations.

A. Purpose. This Section establishes procedures and standards for Home Occupation Permits for legal commercial enterprise conducted by an occupant(s) of a dwelling as specified in this Section. These activities may be acceptable if reviewed and appropriately conditioned in compliance with this Section. ~~Processing. Prior to the commencement of any type of occupation in the home, a home occupation application shall be submitted to the planning division. The planning division shall approve, conditionally approve or deny such application. Upon approval of such application, a land use permit shall be issued for the home occupation.~~

B. Applicability. The Home Occupation Permit is intended to permit and regulate home occupations that are conducted within a legally established dwelling. The Home Occupation Permit is only valid for the person to whom it is issued at the application address. ~~Findings. The planning manager shall approve a home occupation application only if the proposed occupation meets all of the following criteria:~~

C. Review Authority:

1. The Planning Manager is authorized to issue Home Occupation Permits. The Planning Manager or their designee shall approve, conditionally approve, or deny Home Occupation Permits.

2. In conjunction with the Home Occupation Permit, the applicant shall obtain a Business Tax Certificate in compliance with Municipal Code Title 3. This shall be paid annually.

D. Application requirements. An application for a Home Occupation Permit shall be prepared, filed, and by application and checklist provided by the Planning Manager or their designee. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection I below.

E. General standards. Home occupations shall conform to the following standards:

1. The home occupation shall be clearly an accessory use to the full-time use of the property as a residence.

2. A home occupation may have a maximum of one employee on-site in addition to the full-time residents of the dwelling.

3. All home occupation activities shall not occupy more than 25 percent of the total floor area of the dwelling, or a maximum of 500 square feet, whichever is less. A garage or detached accessory structure may be used for home occupation purposes only if the required off-street parking spaces are continually maintained.

4. There shall be no signs posted on the property associated with the home occupation.

5. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.

6. There shall be no motor vehicles used or kept on the premises, except residents' passenger vehicles and/or one (1) commercial vehicle not exceeding an unladen weight of 4,500 pounds. The vehicle shall be parked on-site (i.e., the vehicle shall not be parked on the street) within an allowed parking area.~~1. The home occupation shall be conducted in only one room of the dwelling portion of the building not including garages or converted garages.~~

7. No home occupation activity shall create or cause dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the Planning Manager.

8. Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the property. The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use.

9. The use shall not require any exterior modifications to the structure not customarily found in a dwelling, nor shall the home occupation activity be visible from a public street or surrounding properties.

F. Permitted Uses. The following uses shall be considered permitted:

1. Office-only uses (e.g., professional services, electronic commerce, etc.) where the business activity typically includes phone calls, use of computers, and paperwork.

2. Arts and crafts work (e.g., small handcrafted items, painting, photography, etc.).

3. Repair of small non-hazardous items (e.g., sewing, jewelry, clocks, computer repair, etc.) for mobile businesses where customers do not visit the dwelling.

4. Music, dance, physical and educational instruction limited to one student at a time and no more than three classes per day between the hours of 7:00 a.m. and 8:00 p.m. conducted within the residence (i.e., not within a garage, accessory structure or outdoors).

5. Other uses similar to the above uses as determined by the Planning manager.

G. Prohibited Uses. The following uses shall be prohibited:

1. On-site sales of products or services, unless otherwise specifically allowed in this Section.

2. Automotive and other vehicle repair (e.g., boats, motorcycles, trucks, etc.) and service (body or mechanical), detailing, painting, storage, or upholstery.

3. Welding and machine shop operations, unless on properties larger than 20,000 square feet in size.

4. Personal services and personal services-restricted (as defined in Chapter 3 Definitions).

5. Uses that require explosives, highly combustible materials, or toxic materials.

6. Carpenter, wood working, or cabinet making, unless on properties larger than 20,000 square feet in size.

7. Wood cutting businesses.

8. Medical and dental offices.

9. Veterinary clinics, animal hospitals and animal boarding.

10. Construction contractor facilities and/or outside storage. An office only use is allowed in compliance with Subsection F.1.

11. Adult businesses.

12 Other uses determined by the Director to be similar to those listed above and/or not compatible with residential uses.

H. Notice and hearing. A public notice and hearing shall not be required for the Planning Manager's decision on a Home Occupation Permit.

I. Findings. The Planning Manager may approve a Home Occupation Permit subject to all of the following findings:

1. The proposed use is compatible with the surrounding residential uses.

2. The proposed use is clearly an accessory use to the primary use as a full-time residence.

3. The proposed use does not alter the residential character of the dwelling and property.

4. The proposed use will not constitute a hazard to the public, health, safety, or welfare

~~2. The home occupation shall not require any structural alterations of the dwelling, and the existence of the home occupation shall not be apparent beyond the boundaries of the property.~~

~~3. The home occupation shall be conducted solely by the dwelling occupants.~~

~~4. No displays, delivery of merchandise or advertising signs shall be permitted on the premises.~~

~~5. A maximum of five customers, patients, clients, students or other persons served by the home occupation shall be permitted on the premises simultaneously.~~

~~6. A home occupation shall not create any radio or television interference or create noise audible beyond the boundaries of the premises.~~

~~7. No smoke or odor shall be emitted.~~

~~8. There shall be no outdoor storage of materials related to the home occupation.~~

~~9. No vehicles or trailers except those incidental to the residential use shall be kept on the premises.~~

~~10. The home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, premises or neighborhood.~~

~~C. Exemption to Permit Requirement for Home Occupations. No home occupation permit shall be required for home occupations such as, but not limited to, consultants in management, finance, engineering, publishing, bookkeeping, accounting, phone sales, etc., which meet all of the following:~~

~~1. Findings under subsections (B)(1) through (B)(4) and (B)(6) through (B)(10) of this section.~~

~~2. No clients or customers shall be served at the premises.~~

~~3. No business advertisements, except for business cards and letterhead, may list the home address.~~

~~4. All business transactions occurring on the premises shall occur by telephone, fax, computer modem, written correspondence or other telecommunication medium.~~

~~(Ord. 90-112, 1990; Ord. 10-287, 2010; Ord. 22-0355 § 40)~~

§ 11-12-6 ~~Daycare homes~~Child Day Care – Day Care Center.

A. Small Family Daycare Homes and Large Family daycare homes. Small family daycare homes shall be considered a residential use pursuant to this title, provided that the provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code section 1597.05. No development permit shall be required.

B. ~~Large Family Daycare Homes. Large family daycare homes shall be considered a residential use pursuant to this title, provided that prior to the issuance of a land use permit, the planning manager shall make the following findings:~~

~~1. The provider has obtained a license or a statement of exemption from licensing requirements from the California State Department of Social Services pursuant to Health and Safety Code section 1597.05.~~

~~2. The property is located more than 300 feet from any other large family daycare home and approval will not result in overconcentration.~~

~~3. The noise level, including noise generated by the children, is consistent with the noise element of the general plan.~~ This Section provides standards for the operation of a child day care – day care center where allowed by in this Zoning Code These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.

C. Permit Requirement. A Development Permit shall be approved by the Planning Manager to ensure compliance with this Section and may include conditions requiring compliance with all applicable building codes, fire codes, and operator licensing.

D. Application requirements. The following shall be included in each application for a child day care – day care center in addition to all standard requirements for consideration of an Development Permit:

1. Facility characteristics. The application shall indicate the number of children to be cared for, the number of employees, hours of operation and outdoor playtime. The application and site plan shall clearly show compliance with applicable standards.

2. Site plan. A site plan showing the location and dimensions of existing or proposed structures, including fencing, outdoor play structures and equipment, distance to property line, parking areas and number of spaces both on-site and off-site spaces contiguous to property lines, and access and traffic

circulation.

3. Circulation plan. An accurate traffic circulation plan showing parking, circulation, and onsite drop-off/pick-up areas/spaces.

~~The approval of large family daycare homes pursuant to this section shall be deemed a ministerial action which is exempt from the California Environmental Quality Act. Notice shall be given of the proposed use at least 10 days prior to the date of the planning manager's decision to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family daycare home. No hearing on the application shall be held unless a hearing is requested by the applicant or other affected person. The planning manager's decision may be appealed to the city council pursuant to the provisions of title 1, chapter 6 of this code.~~

E. Development standards. A child day care – day care center shall comply with the following standards.

1. Play areas. Required outdoor play areas shall satisfy the following minimum requirements:

a. A minimum five-foot-high fence/wall shall enclose the play area using materials with finishes and/or colors consistent with other site fences/walls of the development.

b. Located in an area of the site or development where exterior noise levels are 60 dBA or less, including roadway noise levels.

c. Located a minimum of 10 feet from any public right-of-way.

2. Parking, drop-off/pick-up area. Required parking and drop-off/pick-up areas shall be designed to satisfy the following:

a. The minimum number of parking spaces for employees and visitors shall be provided as required by Section 11-XX-XX(b) and shall be located on the same development site as the facility.

b. The minimum number of parking spaces for drop-off/pick-up shall be provided as required by Section 11-XX-XX(b) and shall be located within proximity to the main entrance of the facility. No designated drop-off/pick-up area shall require the user to cross a drive aisle. A sidewalk adjacent drop-off/pick-up area using an assigned curb designation that provides the same number of parking spaces may be utilized at the discretion of the Planning Manager.

§ 11-12-7 Business uses.

A. Location Filming. A temporary ~~land~~ use permit for the use of any property, regulated by this title as background for commercial motion pictures or television may be approved by the planning manager upon written application of the owner of the property or authorized representative, if the planning manager finds that the use will not be detrimental to the public safety, health or welfare. The application shall set forth the location of the property, the name of the owner of the property, the name and address of the filming company, the name of a representative of the filming company who will be on the property during the filming and responsible for compliance with any conditions imposed by the planning manager, the dates of the filming, the hours of the filming, the methods of illumination and the plans for parking the motor vehicles and equipment of the filming company. The planning manager shall have the right to impose reasonable conditions upon the said location filming in order to protect and preserve the public safety, health or welfare. The applicant or any property owner, whose property

is adversely affected by any decision of the planning manager, may appeal the decision to the city council as set forth in title 1, chapter 6 of this code.

B. Parking Lot Sales. In any ~~C-2~~CR or C~~H-3~~ District, the operator of an existing retail store, shop or establishment may apply for a temporary ~~land~~ use permit for a parking lot sale. If the proposed sale when added together with the establishment's other parking lot sales within the same calendar year exceeds four days, a ~~minor~~ conditional use permit shall be required prior to the issuance of a land use permit. If the proposed sale when added together with the establishment's other parking lot sales within the same calendar year does not exceed four days, the application shall be made to the planning manager for a land use permit. The planning manager shall not issue the permit unless a finding is made that the proposed sale will not be detrimental to the public health, safety and welfare and that adequate on-premises pedestrian access and parking will exist during the proposed sale. The planning manager may impose any reasonable conditions in the permit necessary to protect and preserve the public health, safety and welfare.

C. Walk-Up Food Service Windows. No new or expanded walk-up food service window shall be permitted in the ~~TRC~~ Village Mixed Used (VMU) ~~Tourist Commercial~~ District of the city on designated primary streets. This prohibition includes walk-up food service windows affronting ~~public sidewalks and streets~~primary public streets, as determined by the Planning Manager. Notwithstanding the foregoing, walk-up food service windows which provide service to outdoor patios and seating areas on private property, or fronting alleys and secondary streets are permissible in the ~~TRC Tourist Commercial District~~VMU if in the determination of the planning manager the following criteria are met:

1. Adequate space shall be provided for customers in line at the walk-up food service window so that customers in line will not block public sidewalks or be in line on public property. Space for a line to a walk-up food service window is considered adequate when it is located entirely on private property within an outdoor patio or seating area and is a minimum of 10 feet long by five feet wide.

2. Any seating provided in an outdoor patio or seating area served by the walk-up food service window shall not block customers standing in line.

3. The walk-up food service window and the patio or seating area served by the walk-up food service window shall meet all applicable disability access standards consistent with the California Building Code in effect at the time of building permit issuance~~, including those under the Federal Americans with Disabilities Act of 1990~~.

D. Drive-Through Facilities. No new or expanded drive-through facility shall be permitted in any district of the city. Existing financial institution drive-through facilities may be modified to incorporate an automated teller machine (ATM) into the current operation, provided all other drive-through facilities on the site are eliminated.

E. Formula Restaurants. No new or expanded formula restaurant shall be permitted in the ~~TRC Tourist~~Village Mixed-Use (VMU) ~~Commercial~~ District of the city.

F. Vending on Private Property. No person shall sell, provide or serve consumable goods, such as food and beverages, and/or provide or sell non-consumable goods to the general public from a motor vehicle, as defined in the California Vehicle Code, or from any other conveyance, whether motorized or not, on private property in any zone in the city, unless such use is permitted under a special event permit issued pursuant to the applicable provisions of this code.

11-12-8 Special events.
Refer to Title 8, Chapter 9, Special Events.

(Ord. 99-200, 1999; Ord. 23-0371, § 2)

§ 11-12-9 ~~Temporary tract offices in subdivisions~~Live Work Units

A. Purpose. This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Chapters 5 through 9 of this Title.

B. Limitations on use. The non-residential component of a live/work project shall only be a use allowed within the applicable zone. A live/work unit shall not be established or used in conjunction with any of the following activities:

1. 1. Adult businesses;
2. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
3. Welding, machining, or any open flame work; and
4. Any other activity or use, as determined by the Planning Manager to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes

C. Density. Live/work units in commercial zones shall not exceed the maximum density allowed in the applicable zone.

D. Occupancy requirement. The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.

E. Floor area requirements. The minimum net total floor area of a live/work unit shall be 500 square feet.

F. Design Standards.

1. Building form and design. Building form and design shall be applicable to any objective design standard or established overlay zone.

2. Separation and access. Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.

3. Commercial uses. In commercial and industrial zones, the commercial area shall be adjacent and oriented to the primary street frontage to emphasize the commercial activity towards the street.

4. Mixed occupancy structures. If a structure contains mixed occupancies of live/work units and other non-residential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.

G. Operating Requirements.

1. Sale or rental of portions of unit. No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.

2. Hours of operation. The hours of operation of the business in a live/work unit shall be restricted to 7:00 a.m. to 10:00 p.m., except for passive activity that produces noise levels that

are below the maximum acceptable levels in compliance with the City noise standards.

3. Work area. All business operations shall be conducted within the building interior. No outdoor storage shall be allowed unless authorized by the Conditional Use Permit.

4. Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.

5. Nonresident employees. Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the Conditional Use Permit. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to Conditional Use Permit approval, based on an additional finding that the employment will not adversely affect parking in the immediate vicinity of the unit.

6. Client and customer visits. Client and customer visits to live/work units are allowed subject to any applicable conditions of the Use Permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas.

H. Changes in use. After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through Conditional Use Permit approval.

I. Required findings. The approval of a Conditional Use Permit for a live/work unit shall require that the Review Authority make all of the following findings, in addition to those findings required for Conditional Use Permit approval (Section 11-16-7):

1. The proposed use of each live/work unit is compatible with residential activities and will not affect the health or safety of the live/work unit residents consistent with Subsection B. (Limitations on use); and

2. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed; and

3. In industrials zones, a live/work project will not result in an overconcentration of residential dwellings that could potentially limit the available land for manufacturing or other job generating uses.

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~~The planning manager may approve a land use permit for construction of a temporary tract sales office subject to the following conditions:~~

~~A. The office shall be located on one of the recorded lots in the subdivision within which it is located or one of the recorded lots in a subdivision of the same subdivider in the immediate vicinity.~~

~~B. The office shall not be permanently attached to the ground and shall be of such a size that it is readily removable unless it is within some portion of a model home, other than the garage, or unless the planning commission has approved its conversion to a permanent use.~~

~~C. So long as it is used as a sales office, it shall not be used for any purpose other than the sale of lots in the particular subdivision within which it is located or for the sale of lots in a subdivision of the same~~

~~subdivider in the immediate vicinity.~~

~~D. The garage of a model home may be used for the office subject to the deposit with the planning manager of a performance security, in an amount designated by the planning manager guaranteeing the conversion of the tract office to a garage at the expiration of the permit. No occupancy of the model home for dwelling purposes shall be permitted until the office has been removed or a two-car covered garage is provided for the dwelling unit.~~

~~E. The permit shall expire after either: (1) initial sales have been made of all lots within the tract within which it is located or all lots in a subdivision of the same subdivider in the immediate vicinity; or (2) one year after its issuance, whichever is earlier. The permit may be extended by the planning manager upon application of the subdivider for good cause shown.~~

~~F. The applicant shall deposit a fee in an amount established by resolution of city council to assure removal of an office in a separate building after expiration of the permit or any extension thereof. The applicant shall obtain and furnish to the city written permission from the then landowner and all subsequent landowners for the city and its agents to enter upon the land where said office is located to accomplish removal, if the applicant fails to remove the office within 30 days after expiration of the permit or any extension thereof, or after notification from the planning manager if at any time it is determined that the office is unsightly or has become a public or private nuisance.~~

~~(Ord. 90-112, 1990; Ord. 22-0355 § 43; Ord. 23-0373, § 42)~~

§ 11-12-10 Use of trailers and recreational vehicles.

A. Limitation on Use. Except as otherwise expressly permitted in this section, the ~~MHP~~ MHR ~~mobile home park~~zoning district, and in the provisions of the individual districts allowing mobile homes certified under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 USC section 5401 et seq.), no trailer shall be used for any purpose whatsoever.

B. Use of Trailers Other Than for Habitation During Construction in All Districts. In all districts, trailers which have been converted for use as construction offices, tool storage or for particular work such as electrical shops, cabinet shops and other similar uses and which are not used for human habitation during the night are permitted to be maintained on a building site ~~without the requirement of a land use~~with issuance of a temporary use permit during periods of erection of buildings thereon, provided:

1. Building permits have been issued for the buildings.

2. Trailers shall be promptly removed upon completion of construction.

~~3. No more than three such converted trailers shall be located on any one building site.~~

C. Temporary ~~Watchperson Use of Trailers During Construction in All Districts~~office and living quarters. In all districts, during periods of ~~erection~~ construction of buildings upon building sites, a trailer usable for or designed for human habitation may be maintained on such site for use as a ~~watchperson's~~ caretaker's quarters subject to the issuance of a ~~land use~~temporary use permit under section 11-16-~~1~~ 9 of this title, provided:

1. Building permits have been issued for the buildings.

2. Only one such trailer shall be permitted on a site.

3. The trailer shall be promptly removed upon completion of construction or within one year, whichever is earlier.

~~D. Temporary Watchperson Use of Trailers in All Districts. In all districts, a trailer usable for or designed for human habitation may be permitted to be used as a watchperson's quarters for a maximum of two years subject to issuance of a minor conditional use permit under section 11-16-2 of this title and a land use permit under section 11-16-1 of this title, provided:~~

~~1. The trailer is accessory to a permanent building, structure or use.~~

~~2. The permittee complies with the Mobile Home Act.~~

~~3. The trailer complies with setbacks and distances between buildings required for buildings or structures.~~

~~4. The trailer, when added together with other dwelling units on the lot on which the trailer is located, does not exceed the number of dwellings permitted under the applicable district.~~

~~E. Use of Trailers for Various Purposes in All Districts. In all districts, trailers may be permitted pursuant to a major conditional use permit under section 11-16-2 of this title and any land use permit under section 11-16-1 of this title to house any use otherwise permitted under the applicable zoning regulations for a period not to exceed two years for each conditional use permit, provided either: (1) the trailer is accessory to a permanent building already on the same site; or (2) a permanent building is under construction or building permits have been issued for a building on the site to house the use and to replace the trailer, and provided further that the permitted period of use for all permits for the same site under item (1) of this subsection, shall not exceed five years.~~

~~F~~D. Parking and Storage of Trailers and Recreational Vehicles in Residential Zones. It is unlawful to store or park a trailer or a recreational vehicle except on a parking space allowed under section 11-11-4 of this title, when the trailer or recreational vehicle is screened from view from abutting streets by a six foot-high fence. No such storage shall be located in the front yard setback.

1. It is unlawful to park or store recreational vehicles, boats, boat trailers, accessory trailers, stock trailers, farm, construction, industrial equipment or any similar article, vehicle or device on residential lots.

2. Notwithstanding the above, long-term parking or storage of licensed vehicles as mentioned above is allowed in the side and rear yard setback providing they shall not be located so as to impede safe entry to or exit from any residential structure and are screened from view by other lots and the public right-of-way with a six foot solid fence. They are prohibited from being parked in the front yard 20 foot setback.

3. It is unlawful to store junked or derelict, or inoperable recreational vehicles, vehicles, or boats. The use of recreational vehicles for the purposes of living or sleeping is unlawful.

~~G. Temporary Use of Containers. Temporary use of large storage and/or moving containers (e.g., cargo containers, PODs, portable storage trailers, etc.) shall be permitted for up to 14 days provided notification has been given to the planning division.~~

(Ord. 90-112, 1990; Ord. 04-235, 2004; Ord. 10-287, 2010; Ord. 22-0355 § 44)

§ 11-12-11 Mobile homes on foundations.

Where a single unit dwelling is permitted ~~in the applicable districts~~, mobile homes which are certified under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 USC section 5401 et seq.) and constructed on a permanent foundation system, pursuant to Health and Safety Code section 18551, shall be subject to the following requirements.

A. The mobile home shall have a roof overhang unless waived by the design review committee, or, if part of an application considered by the planning commission, unless waived by the planning commission after recommendation by the design review committee, because the absence of a roof overhang would

be appropriate and of good design in relation to other structures on the site and in the immediately affected surrounding area.

B. Roofing and siding shall be nonreflective.

C. Siding shall extend to the ground level.

D. Shall be limited to one mobile/manufactured home, with the exception of the MHR district.

(Ord. 90-112, 1990; Ord. 21-0347 § 4; Ord. 22-0355 § 45)

§ 11-12-12 Swimming pools and spas.

A. Swimming pools, spas and appurtenant structures shall be classified as accessory uses.

B. Pools, spas and appurtenant structures shall not be located in the required front or side yard setback area and shall not be closer than five feet of any other property line.

C. Pools and spas shall be subject to further regulations as specified under the primary plumbing code and the swimming pool regulations of title 10 of this code.

(Ord. 90-112, 1990)

§ 11-12-13 Energy products and facilities.

A. Solar Energy Systems.

1. Definitions. The following definitions shall apply to section 11-12-13(A):

Solar Energy System shall have the same meaning as provided in the Solar Rights Act, Civil Code section 801.5(a), as the same may be amended from time to time.

Specific, Adverse Impact means a significant, quantifiable, direct and unavoidable impact, based on objective, identified and written public health or safety standards, policies, or conditions as they exist on the date the application was deemed complete.

2. Building Permit Application. Applicants shall apply to the building official for a building permit for all solar energy systems. A building permit or use permit consistent with this section and with Government Code section 65850.5 must be obtained prior to installation of any solar energy system. Small rooftop residential solar energy systems may be eligible for expedited review pursuant to section 10-4-1 of this code.

3. Application Review. Consistent with section 65850.5 of the California Government Code, the building official shall review the application for a solar energy system to determine whether it meets all health and safety requirements of local, state, and federal law necessary to ensure that the solar energy system will not have a specific, adverse impact on public health or safety. Such requirements include, but are not limited to:

a. Solar heating systems may be used for the heating of any new swimming pool, spa or hot tub in compliance with the California Plumbing Code and shall be certified by an accredited listing agency as defined in the California Plumbing and Mechanical Codes.

b. A solar energy system for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

c. All solar energy system applications shall reference the requirement to notify the appropriate regional notification center of an excavator's intent to excavate, pursuant to Government Code section 4216 et al. before conducting any excavation related to installation of the solar energy system.

4. Administrative Approval. The building official shall issue a building permit for all solar energy systems for which the building official determines the solar energy system meets all health and safety requirements of local, state, and federal law necessary to ensure that the solar energy system will not have a specific, adverse impact on public health or safety, including criteria enumerated in section 11-12-13(A)(3).

5. Discretionary Approval. If the building official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact on public health and safety, a use permit shall be required. The building official may issue a use permit with appropriate mitigation consistent with section 11-12-13(A)(6) or may deny the application consistent with section 11-12-13(A)(7).

6. Mitigation. The building official may impose conditions on a solar energy system subject to a use permit to mitigate specific, adverse impact on the public health and safety at the lowest possible cost.

7. Findings for Denial. The building official shall deny an application for a solar energy system if the building official determines in written findings based on substantial evidence in the record that: (a) the proposed installation would have a specific, adverse impact on public health or safety; and (b) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The findings shall include the basis for rejection of potential feasible alternatives of preventing the specific adverse impact.

8. Appeal to the Planning Commission. A decision of the building official on an application for a solar energy system may be appealed to the planning commission.

B. Oil and Gas Facilities. No oil and gas drilling, exploratory or production shall be permitted within 500 feet of the surface of the ground. No oil or gas separation plant, oil or gas treatment and processing plant and no oil or gas refinery shall be permitted within the city.

C. Cogeneration Facilities. No cogeneration facilities shall be permitted within the city.

D. Wind Energy Systems. No wind systems, wind turbines or wind farms shall be permitted within the city.

(Ord. 90-112, 1990; Ord. 16-316, 2016; Ord. 21-0347 § 4; Ord. 22-0355 § 46; Ord. 23-0366 § 1)

§ 11-12-14 Fences, walls and gateposts.

In all districts, fences and walls of six feet or less and gateposts of eight feet or less in height are not structures for the purpose of requiring a land use permit, and may be located in the required front, side or rear yard except that corner lots must meet the vision clearance requirements (see section 11-12-15 of this chapter).

A. A maximum of 10% of the total linear length of a wall or fence may be allowed to exceed six feet in height without requiring a land use permit, where topographic or other unavoidable conditions will destroy its architectural integrity if held to six feet in height for its entire length.

B. In all districts other than agricultural districts, fences and walls of more than six feet and gateposts of more than eight feet in height are structures for the purpose of requiring a land use permit under this title and may be permitted in the required front, side or rear yard only under a conditional use permit as provided in section 11-16-2 of this title.

C. The height of walls, fences or gateposts shall be determined by measurement from the natural grade at the lower side of the fence, wall or gatepost.

(Ord. 90-112, 1990)

§ 11-12-15 Vision clearance at intersections.
In all districts, a vision clearance of not less than 10 feet shall be provided on all corner lots.

(Ord. 90-112, 1990)

§ 11-12-16 ~~Lot area regulations.~~Setbacks

A. General Setback Regulations.

~~1. Where a setback line is called for or shown on a recorded subdivision or parcel map or on a development plan in the PRD District under section 11-6C-5(B) of this title, the required setback shall be the setback line shown on the subdivision, parcel map or development plan.~~

~~2. In computing the depth of a rear yard setback or the width of a side yard setback, if such yard abuts upon an alley, and the owner of the yard owns all or 1/2 of the underlying feet of such alley, up to 1/2 the width of such alley may be included in the rear yard or side yard.~~

~~3. On any lot which has been reduced in width or depth below the original dimensions of the lot legally created by a recorded subdivision map or deed prior to October 1, 1960, which reduction was required by the county or city for road widening purposes, the required yards shall be computed on the basis of the original dimensions of the lot as though such road widening had not occurred.~~

~~4. In single-family residential subdivisions wherein all proposed dwellings are to be constructed at one time by the developer and a plot plan showing the location and dimensions of each building and the front, side and rear and setback dimensions of each lot has been filed with the planning division, the planning manager may modify the required front yard setback for not to exceed 50% of the lots on each side of the street in each block, subject to all of the following limitations:~~

~~a. No garage shall be located closer than 10 feet to the street right-of-way line.~~

~~b. No part of the dwelling portion of the building shall be located closer than 15 feet to the street right-of-way line.~~

~~c. No garage shall be so oriented that there is less than 20 feet of unobstructed driveway space within the property on which to park a car outside of the garage.~~

~~d. The average distance of each building from the centerline of the street shall be at least 50 feet. Such average distance shall be determined by multiplying the width of the various segments of the front of the building by the setback distance of such segments from the centerline of the street and dividing the sum of the products by the total width of the building.~~

~~5~~1. Every part of a setback shall be unobstructed from the ground to the sky, except as otherwise provided in this title and except for the ordinary projection of sills, buttresses, cornices, chimneys, eaves and ornamental features but in no case shall such projections exceed three feet. This subsection does not apply to accessory structures in residential districts in chapter 6, title 11, placed in the side-yard or rear-yard in compliance with the requirements of section 11-12-2.

~~6~~2. Fire escapes, balconies and unroofed and unenclosed porches, stairways, or landings may extend into the front or rear yard setback four feet and into a side yard setback three feet when so constructed and placed as not to obstruct light or ventilation of buildings or ready use of said yards for ingress or egress.

3~~7~~. In any area where a building can be legally constructed on or closely adjacent to the right-of-way line of a public street, eaves and roof overhangs, sills, belt courses, fire escapes, balconies and unroofed and

unenclosed porches may project into a street right-of-way no more than 30 inches; provided that all such encroachments shall be at least eight feet above any area used by pedestrians, and at least 14 feet above any area used for vehicular traffic; and provided further, an encroachment permit for such projections is obtained from the city manager.

~~8. Where the elevation of the ground at a point 50 feet from the centerline of any street is seven feet or more below or above the grade of said centerline, the front setback for a private detached garage may be decreased by 40% and the front setback for a dwelling may be decreased by 20% provided the front face of such garage is no closer than 10 feet to the abutting street right-of-way.~~

B. Through, Corner, Interior and Odd Shaped Lots.

1. Through Lots. The side yard setbacks shall extend the full depth of the lot between the street lines and there shall be two front yard setbacks for the purpose of computing setbacks.

~~2. Corner Lots Abutting Two or More Streets.~~

~~a. If a corner lot is less than 100 feet in width, the side yard setback on the street side of such lot shall be not less than 20% of the width of the lot, but in no case shall said yard setback be less than 10 feet.~~

~~b. If a corner lot is 100 feet or greater in width, there shall be two front yard setbacks and both shall conform to the front yard setback requirements of the applicable district.~~

~~c. For a corner lot backing on a key lot, no accessory structure shall be located closer than 10 feet to the rear property line.~~

~~3. Interior Lots. The setback regulations of the applicable district shall not apply to an interior lot but any structure located upon such lot shall have a setback of at least 10 feet from all property lines and the total setback area shall equal the total area of all setbacks required in the applicable district.~~

4<u>2</u>. Odd Shaped Lots. In the case of odd shaped lots, the planning manager shall determine the required setbacks, which widths and depths shall approximate as closely as possible the required widths and depths of corresponding setbacks on rectangular lots in the applicable district.

C. Height. Chimneys; elevator and stair housings; television receiving antennas for individual receiving sets; antennas for amateur radio shortwave sending and receiving sets, for private sending and receiving sets, and for citizens band service not in connection with the business of broadcasting radio or television programs for the general public; flagpoles; monuments; church spires; and similar architectural features and similar structures may be 50 feet in height in all districts subject to special permit regulations and approvals required in other sections of this title.

~~D. Area of Lots.~~

~~1. The lot area or building site area of a lot shall be as defined under chapter 3 of this title; provided, however, that.~~

~~a. In any district in which portions of street right-of-way are specifically excluded, the lot or building site area of a lot shall be exclusive of that portion of the lot lying within a street right-of-way.~~

~~b. For the purpose of computing the lot area or building site area of a lot in any district, any portion of a driveway or easement less than 40 feet in width and reserved for access to a public street, the length of which portion is not adjacent to any front, side or rear yard of said lot or parcel shall be excluded.~~

~~2. For the purpose of computing the lot area or building site area of any lot, the boundaries of such lot shall be the boundaries established by the latest recorded deed, parcel map, subdivision map, etc., provided~~

~~that such recorded document does not create or attempt to create a lot in violation of the provisions of any applicable law or ordinance.~~

~~3. Two or more legal lots, each having insufficient area to meet lot area requirements, may be combined or resubdivided provided:~~

~~a. All other regulations of this title and this code are complied with.~~

~~b. The combined or resubdivided lots are as large or larger than the original lots.~~

~~c. The minimum area of each such lot is 7,000 square feet.~~

~~4. Lots or groups of lots in one ownership, legally created and existing prior to the effective date of any city zoning regulations applicable to such lots, and containing less area than the required lot or building site area of the district in which they are located may be used as building sites for not more than two dwellings per lot if permitted in the district in which the property is located, provided:~~

~~a. Such lots or groups of lots were legally created prior to the effective date of any zoning regulations applicable to such lots.~~

~~b. Such lots or groups of lots having a total combined area in one ownership less than 6,000 square feet exclusive of any portion thereof lying within a street right-of-way may not be used for more than one dwelling per lot.~~

~~c. All other regulations of this title are complied with.~~

~~E. Lot Widths. For the purpose of computing the width of a lot having side lines which are not parallel, the lot width shall be the average width of the lot. An easement or corridor connecting the major portion of an irregularly shaped lot to a street shall not be used for the purpose of computing lot width.~~

11-12-17 Reserved~~Signs~~ ~~and advertising structures.~~

~~Signs and advertising structures are regulated by the sign regulations in chapter 13 of this title and any amendments thereto.~~
~~(Ord. 90-112, 1990)~~

§ 11-12-18 Exterior area lighting.

All exterior lighting shall be used to illuminate areas to provide nighttime safety and security while conserving energy, protecting the night sky, minimizing glare and light trespass, and shall not be directed toward any area zoned or developed for residential, mixed use or hotel/motel uses. Architecturally attractive exterior lighting will protect the beauty of Solvang's natural setting, and enhance its Danish/Northern European architecture and small town character.

A. All exterior lighting fixtures shall be fully shielded (full cutoff), except in the interest of safety. Light fixtures shall be positioned to prevent distribution of light above the horizontal. Pole height and fixtures shall be appropriately scaled for site and use. Closer spacing and/or lower lumen lamps may be required.

1. Exterior lighting shall be architecturally compatible with the character of the city and its neighborhoods and in scale with pedestrians and architecture. Old world lantern style fixtures shall be used in the village area, as approved by the design review committee, except when outside agencies have jurisdiction (e.g., CalTrans).

2. Motion detection sensors and/or timers are recommended to keep lights off when not needed.

3. Year round low lumen lights (strings) illuminating buildings, architectural features, trees and other permanent landscape feature lighting in the city's village area shall be exempt from the requirements of this subsection.

4. Temporary lights used for holiday decoration shall be exempt from the requirements of this subsection.

B. Lighting shall be designed so as not to interfere with vehicular traffic on any portion of a street.

C. Lighting shall conform to electrical permit requirements.

D. The design review committee shall review proposed lighting pursuant to the requirements of this title and the design review committee design guidelines and consistent with the design review committee's duties and responsibilities in section 2-4-4.

In the absence of clear direction, the planning manager is charged to make a final determination as to what constitutes exterior lighting.

(Ord. 06-261, 2006; Ord. 21-0347 § 4; Ord. 22-0355 § 49)

§ 11-12-19 Landscape plans.
Where the provisions of this title require a landscape plan in conjunction with proposed development the following shall apply.

A. The planning manager shall review the landscape plan and may approve, or conditionally approve, said plan.

B. Prior to the issuance of the land use permit for the development, a performance security, in an amount to be determined by the planning manager to guarantee the installation of plantings, walls and fences, in accordance with the approved landscape plan, and adequate maintenance of the planting for a period of two years, shall be filed with the city clerk, if deemed necessary by the planning division.

C. Performance securities for installation will be released by the city clerk at the time of the approval by the planning manager of the installation and the remaining performance security for landscaping maintenance will be released at the end of the two year period by said clerk provided the planting has been adequately maintained.

(Ord. 90-112, 1990; Ord. 22-0355 § 50)

§ 11-12-20 ~~Pipelines~~Underground Utility / Utility Infrastructure~~.~~

A. Applicability. The specific regulations contained within this section shall apply to:

1. All oil transmission and distribution pipelines.

2. All gas transmission and distribution lines excluding public utility gas lines less than 12 inches in diameter.

3. Wastewater pipelines excluding those incidental to and located within an oil production lease area.

~~B. Permitted Districts. Underground pipelines shall be a permitted use in all districts.~~

~~C~~B. Processing. No permits for development, including grading, shall be issued except in conformance with an approved conditional use ~~development plan~~permit as provided in section 11-16-6~~-4~~ ~~and with land use permits in section 11-16-1 of this title.~~ The following information, in place of that listed in section 11-16-~~4~~ 6 of this title, must be filed with a development plan application:

1. A brief statement of the proposed project.

2. A plot plan showing:

a. Property, easement and pipeline right-of-way boundaries.

b. Proposed road construction or modification.

c. Area to be used for construction.

d. Area to be used for access and maintenance during pipeline operation.

e. Existing roads, watercourses and pipelines within the pipeline right-of-way.

f. Location and type of existing and proposed structures within 50 feet of the pipeline right-of-way.

g. Proposed alteration of surface drainages.

3. A contour map showing existing and proposed contours.

4. Measures to be used to prevent or reduce nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare and to prevent danger to life and property.

5. A revegetation and site restoration plan shall be prepared by the applicant which includes provisions for restoration of any biologically important habitats which will be disturbed by construction or operational procedures. Said plan shall be subject to approval by the planning manager during project review.

6. Any other reasonable information as deemed necessary by the planning manager.

7. In addition, for oil and gas pipelines, an updated emergency response plan that addresses the potential consequences and actions to be taken in the event of hydrocarbon leaks or fires shall be submitted. The emergency response plan shall be approved by the city manager and fire department unless said plan has received previous approval by the Public Utilities Commission.

D. Findings Required for Approval ~~of Development Plans~~. In addition to the findings for ~~development plans~~conditional use permit set forth in subsection 11-16-4(F) of this title, no development plan shall be approved unless the planning commission also makes the finding that there are no feasible alternative routes for the pipeline corridor that are less environmentally damaging. Mitigation measures proposed by the applicant to minimize environmental impacts shall be considered in making this finding.

E. Development Standards.

1. The following standards shall apply to all pipeline projects:

a. Except in an emergency, no materials, equipment, tools or pipes shall be delivered to or removed from a pipeline construction site through streets within any residential district between the hours of nine (9:00) p.m. and seven (7:00) a.m. of the next day.

b. After completion of backfilling and compacting of the pipeline ditch, the site shall be returned to grade where practical and the excess soil shall be removed to an appropriate disposal site.

c. During construction of the pipeline, there shall be no permanent blocking of surface drainages.

d. A pipeline corridor shall be sited so as to avoid significant impacts to resources (e.g., aquatic habitats, archaeological areas) to the maximum extent feasible.

e. Where pipeline segments carrying hydrocarbon liquids pass through sensitive resource areas (e.g., aquatic habitats) as identified by the project environmental review, provisions identified in the environmental review shall be applied to minimize the amount of liquids released in the sensitive areas in the event of a spill. The potential for damage in those areas shall be minimized by considering spill volumes, duration and trajectories in the selection of a pipeline corridor. In addition, appropriate measures for spill containment and cleanup (e.g., catch basins to contain a spill) shall be included as part of the required emergency response plan.

2. In addition, the following standards may be applied to the extent deemed necessary by the planning commission:

a. A performance security shall be provided in an amount sufficient to ensure completion of all requirements of the approved revegetation and restoration plan and shall be released upon satisfactory completion.

b. Disturbed areas shall be jointly inspected by the applicant and city staff one year after completion of construction to assess the effectiveness of the revegetation and restoration program. This inspection shall continue on an annual basis to monitor progress in returning the site to preconstruction conditions or until no additional monitoring is deemed necessary to the planning manager. Inspection results shall be submitted annually to the planning manager and additional treatment of the site will be applied as deemed necessary by planning division.

c. Aboveground sections of the pipeline and related facilities excepting those emplaced on a temporary basis for a testing period not to exceed one year, shall be visually compatible with the present and anticipated surrounding by use of any or all of the following measures where applicable: buffer strips; depressions, natural or artificial; screen planting and landscaping continually maintained; and camouflage and/or blending colors.

d. Proposed facilities shall be designed and housed such that the noise generated by the facilities as measured at the property boundaries shall be equal to or below the existing noise level of the surrounding area except under temporary testing or emergency situations. Measures to reduce adverse impacts (due to noise, vibration, etc.) to the maximum extent feasible shall be used for facilities located adjacent to noise sensitive locations as identified in any applicable general plan noise element.

~~(Ord. 90-112, 1990; Ord. 22-0355 §§ 51—53)~~

§ 11-12-21 Hours of construction.

Hours of construction shall be limited to seven-thirty (7:30) a.m. to five-thirty (5:30) p.m. weekdays. No construction shall be allowed on Saturday, Sunday, state or national holidays except as approved in writing by the public works director, or designee, or in the case of an emergency for the immediate preservation of life, health, or property. Notwithstanding the foregoing, an individual property owner or tenant solely (not including any volunteer or paid construction crew) in addition to the above permissible hours of construction may also construct, repair, or remodel his or her real property or any structure on such property, pursuant to obtaining the required permits, during the hours of five-thirty (5:30) p.m. to eight (8:00) p.m. on weekdays and eight (8:00) a.m. to eight (8:00) p.m. on Saturday, Sunday and national legal holidays. All noise or sounds associated with the construction, gardening and/or maintenance activities of said property shall not create any inconvenience or annoyance to the general public beyond the boundary lines of the property.

(Ord. 04-242, 2004)

~~F. Subdivision of Land. Except as otherwise permitted in this title, no lot held under separate ownership at the time of adoption of this title shall be separated in ownership or reduced in size below the minimum~~

~~lot width or area required by the provisions of this title, nor shall any such lot having a width or area less than that required by these regulations be further reduced in any manner.~~

~~(Ord. 90-112, 1990; Ord. 04-242, 2004; Ord. 14-304, 2014; Ord. 22-0354 § 9; Ord. 22-0355 §§ 47, 48)~~

§ 11-12-22 Medical cannabis dispensary.

Medical cannabis uses, as defined and regulated in title 5, chapter 4 of this code are allowed only in the ~~C-3~~CH Zone. Notwithstanding anything to the contrary in this code no cannabis uses as defined in section 5-4-2 of this code other than medical cannabis uses shall be a permitted use in any zone of the city, no conditional use permit shall be issued permitting cannabis uses other than medical cannabis uses, and no medical cannabis uses are allowed in any zone except the ~~C-3~~CH Zone.

§ 11-12-23 ~~Residential density bonus~~Affordable Housing Density Bonuses and Concessions/Incentives.

A. Purpose.

1. Implement the goals, objectives, and policies of the Housing Element for developing housing affordable to various households with very low, low and moderate incomes and units intended to serve seniors, transitional foster youth, disabled veterans, homeless persons, and lower income students.

2. Provide the implementing framework, as it relates to affordable housing density bonuses, and offer concessions and incentives for eligible housing developments that are consistent with the City's commitment to provide for affordable housing.

3. Specify how compliance with the provisions of State Government Code Section 65915 ("State Density Bonus Law") will be implemented, as required by Government Code Section 65915, subdivision (a).

B. General Affordable Housing Provisions.

1. Availability. All designated affordable housing units shall be made available to qualified occupants at the same time as the market-rate housing units are made available within the same project.

2. Income Levels. For the purpose of determining the income levels for Households under this Section, the City shall use the Santa Barabra County income limits found in Title 25, Section 6932 of the California Code of Regulations, and regularly updated and published by the State Department of Housing and Community Development, or other income limits adopted by the City Council.

3. Density Bonus. The granting of a density bonus shall not, in and of itself, be interpreted to require an Amendment to the General Plan, Zoning Code, or other discretionary approval.

4. Affordable Housing Agreement. The owner of the affordable unit shall sign an Affordable Housing Agreement with the City, agreeing to the term, affordability, resale and any other topic deemed appropriate by the City and in conformance with State Density Bonus Law.

5. Additional Applicability. This Section is also applicable to mixed-use development projects that include at least a two-thirds housing component in terms of project square footage. The concessions/incentives available herein apply to the entire project and are not limited to the residential component, unless otherwise specified.

6. Definitions. The definitions found in State Density Bonus Law shall apply to the terms contained in this Section.

7. Interpretations. If any portion of this Section conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Section. Any ambiguities in this Section shall be interpreted to be consistent with State Density Bonus Law.

C. Application Requirements. Any applicant requesting a density bonus and any incentive(s), waiver(s), or parking reductions shall submit a density bonus report that includes the following information:

1. Requested Density Bonus.

a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

b. A tentative map and/or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.

c. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.

d. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known, if any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying dwelling units when the site contained the maximum number of dwelling units, if known.

e. Description of any recorded covenant, ordinance, or law applicable to the site that restricted rents to levels affordable to very low or lower income households in the five-year period preceding the date of submittal of the application.

f. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in State Government Code Section 65915, subdivision (g) can be met.

2. Requested Concession(s) or Incentive(s). In the event an application proposes concessions or incentives for a housing development pursuant to State Density Bonus Law, the density bonus report shall include the following minimum information for each incentive requested, shown on a site plan, if appropriate:

a. The City's usual development standard and the requested development standard or regulatory incentive.

b. Except where mixed-use project is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.

c. If approval of mixed-use project is proposed, reasonable documentation that nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs or rents.

3. Requested Waiver(s). In the event an application proposes waivers of development standards for a housing development pursuant to State Density Bonus Law, the density bonus report shall include

the following minimum information for each waiver requested on each lot, shown on a site plan, if appropriate:

a. The City's usual development standard and the requested development standard.

b. Reasonable documentation that the development standards for which a waiver is requested will have the effect of physically precluding the construction of a development at the densities or with concessions or incentives permitted by State Density Bonus Law.

4. Requested Parking Reduction. In the event an application proposes a parking reduction for a housing development pursuant to Government Code Section 65915, subdivision (p), a table showing parking required by the zoning regulations, parking proposed under Section 65915, subdivision (p), and reasonable documentation that the project is eligible for the requested parking reduction.

5. Child Care Facility. If a density bonus or incentive is requested for a child care facility in a housing development, reasonable documentation that all of the requirements included in Government Code Section 65915, subdivision (h) can be met.

6. Condominium Conversion. If a density bonus or incentive is requested for a condominium conversion, reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.

7. Fee. Payment of any fee in an amount set by resolution of the City Council for determination that the proposed density bonus plan complies with this Section and State Density Bonus Law.

D. Density Bonus.

1. Number of Units. All calculations shall be rounded up for any fractional numeric value in determining the total number of units to be granted, including base density and bonus density, as well as the resulting number of affordable units needed for a given density bonus project. The density bonus units shall not be included in determining the number of affordable units required to quality a housing development for a density bonus pursuant to State Density Bonus Law.

2. Multiple Qualifying Factors. If a housing development qualifies for a density bonus under more than one income category, or additionally as a senior citizen housing development, or as housing intended to serve transitional foster youth, disabled veterans, homeless persons, or lower income students, the applicant shall identify the categories under which the density bonus would be associated and granted. Density bonuses from more than one category can be combined up to the maximum allowed under State Density Bonus law.

3. Lower or Zero Percent Density Bonus. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of required affordable units as outlined in Government Code Section 65915, subdivisions (b), (c), and (f). Regardless of the number of affordable units, no housing development shall be entitled to a density bonus of more than what is authorized under State Density Bonus Law

E. Incentives.

1. Number. Incentives include incentives and concessions as defined in State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law.

2. Financial Assistance. Nothing in this section requires the provision of direct financial incentives for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City, at its sole discretion, may choose to provide such direct financial incentives.

F. Review Procedures.

1. Housing Development. To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law, the Review Authority shall determine whether the application conforms to the following requirements of State law, as applicable:

a. The housing development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of units rented or formerly rented to very low and low income households as required by Government Code Section 65915, subdivision (c)(3).

b. Any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915, subdivision (k)(2).

c. The development standards for which a waiver is requested would have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by State Density Bonus Law.

d. The housing development is eligible for any requested parking reductions under Government Code Section 65915, subdivision (p).

e. If the density bonus is based all or in part on donation of land, all of the requirements included in Government Code Section 65915, subdivision (g) have been met.

f. If the density bonus or incentive is based all or in part on the inclusion of a child care facility, all of the requirements included in Government Code Section 65915, subdivision (h) have been met.

g. If the density bonus or incentive is based all or in part on the inclusion of affordable units as part of a condominium conversion, all of the requirements included in Government Code Section 65915.5 have been met.

2. Exception to Approval of Requested Incentive. The Review Authority shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

a. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for affordable rents, as defined in Health and Safety Code Section 50053; or

b. The proposed incentive would be contrary to State or Federal law; or

c. The proposed incentive would have a specific, adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low and moderate income households. For the purpose of this subsection, specific adverse impact means a significant,

quantifiable, direct, and unavoidable impact based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete.

3. Exception to Approval of Requested Waiver. The Review Authority shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

a. The proposed incentive would be contrary to State or Federal law; or

b. The proposed incentive would have a specific, adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low and moderate income households. For the purpose of this subsection, specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete

4. Agreement Required. If any density bonus, incentive, parking reduction, or waiver is approved pursuant to this Section, the applicant shall enter into an affordable housing agreement or senior housing agreement with the City pursuant to the requirements of this Section.

~~A. Purpose and Intent. This density bonus section 11-12-23 is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with sections 65915 and 65917 of the California Government Code. In enacting this section 11-12-23, it is the intent of the city of Solvang to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the city housing element.~~

~~B. Implementation of State Density Bonus Law. When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the city pursuant to California Government Code section 65915 et seq., the city shall provide the applicant incentives or concessions for the production of housing units and childcare facilities as prescribed in California Government Code section 65915 et seq.~~

~~C. Requests for Specific Incentives or Concessions. Requests for specific incentives or concessions under California Government Code section 65915 et seq., shall be filed with the planning division on forms prescribed by the city. The city shall consider the request concurrently with the underlying development application.~~

~~D. Application Requirements and Review. An application pursuant to this section 11-12-23 shall be processed concurrently with any other application(s) required for the housing development. Final approval or disapproval of an application (with right of appeal to the city council) shall be made by the planning commission unless direct financial assistance is requested. If direct financial assistance is requested, the planning commission shall make a recommendation to the city council who will have the authority to make the final decision on the application.~~

~~An applicant/developer proposing a housing development pursuant to this section 11-12-23, may submit a preliminary application prior to the submittal of any formal request for approval of a housing development. Applicants are encouraged to schedule a preapplication conference with the planning manager to discuss and identify potential application issues, including prospective additional incentives. No charge will be required for the preapplication conference. A preliminary application shall include the following information:~~

1. A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed.

2. The zoning and general plan designations and assessors' parcel number(s) of the project site.

3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout.

4. If an additional incentive(s) is requested, the application should describe why the additional incentive(s) is necessary to provide the target units.

Within 90 days of receipt of the preliminary application the city shall provide to an applicant/developer, a letter which identifies project issues of concern (the maximum financial assistance that the planning manager can support when making a recommendation to the city council), and the procedures for compliance with this chapter. The planning manager shall inform the applicant/developer that the requested additional incentives shall be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives shall be recommended for consideration in lieu of the requested incentives. If alternative or modified incentives are recommended by the planning manager, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.

E. Grant of Concession or Incentive. The city shall grant the concession or incentive requested by the applicant unless the city makes written findings, based upon substantial evidence, as required by California Government Code section 65915(d)(1). The city shall include conditions necessary to meet the purpose and intent of the State Density Bonus Law.

(Ord. 15-312, 2015; Ord. 22-0355 §§ 54, 55)

§ 11-12-24 Minor modifications to zoning ordinance regulations<u>Reserved</u>.

The planning manager may consider and render decisions on matters of slight modification and minor adjustment of zoning standards as deemed appropriate in connection with the efficient administration of the zoning ordinance, provided the modification/adjustment does not increase or reduce a numerical standard by more than 10%, complies with all applicable life/safety codes, and will not adversely affect neighboring properties.

(Ord. 14-304, 2014; Ord. 22-0355 § 56)

§ 11-12-25 Reasonable accommodation.

A. Purpose. the purpose of this section is to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the "Acts") in the application of zoning laws and other land use regulations, policies, and procedures, and to establish criteria to be used when considering such requests.

B. Applicability.

1. Definition of Disability. This section is intended to apply to those persons who are defined as disabled under the Acts. Under the Acts, an individual with a disability is someone who has a physical or mental

impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

2. Eligibility to Request Accommodation. A request for reasonable accommodation may be made by any person with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.

3. Scope of Accommodation. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of his or her choice. Any modification based on this section is a personal accommodation and shall not run with the land. A request for reasonable accommodation is subject to the applicant's compliance with all other applicable regulations. Requests for reasonable accommodation shall be made in the manner prescribed in subsection (C)(1) of this section.

C. Application Requirements.

1. Application. Requests for reasonable accommodation shall be submitted on an application form provided by the planning division, or in the form of a letter, to the planning manager and shall contain the following information:

a. The applicant's name, address and telephone number;

b. Address of the property for which the request is being made;

c. The current actual use of the property;

d. The basis for the claim that the individual is considered disabled under the Acts;

e. The zoning code provision, regulation or policy that is the subject of the applicant's requested reasonable accommodation, and a description of the specific accommodation requested; and

f. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

2. Review with Other Land Use Applications. If the project for which the request for reasonable accommodation is being made requires one or more discretionary approvals (including, but not limited to, conditional use permit, site plan and architectural review, encroachment permit, etc.), then the applicant shall file the information required by subsection A of this section, together for concurrent review with the application for discretionary approval.

D. Review Authority.

1. Planning Manager. Requests for reasonable accommodation shall be reviewed by the planning manager if no discretionary permit approval is required other than the request for reasonable accommodation.

2. Other Review Authority. The planning manager shall delegate requests for reasonable accommodation submitted for concurrent review with another discretionary permit application to such other review as the case may be.

E. Review Procedure.

1. Planning Manager Review. The planning manager shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in

accordance with subsection F of this chapter. The planning manager shall mail a notice of a request for reasonable accommodation to contiguous owners of property, as shown on the latest equalized Santa Barbara County assessment roll, but may include other property owners as determined by the planning manager in his or her discretion. Said notice shall be mailed at least 10 days prior to making a determination.

2. Other Reviewing Authority. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary permit application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with subsection F of this section

F. Findings and Decision.

1. Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on a consideration of the following factors:

a. Whether the housing which is the subject of the request will be used by an individual considered disabled under the Acts.

b. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

c. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.

d. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use or zoning.

e. Whether the requested reasonable accommodation would adversely impact surrounding properties or uses.

f. Whether there are reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.

g. Whether the accommodation would alter the significance of a historic structure.

2. Conditions of Approval. In granting a request for reasonable accommodation, the review authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection (F)(1).

3. Written Decision. The decision on the request for reasonable accommodation shall be in writing, mailed to the applicant, and explain in detail the basis of the decision, including the reviewing authority's findings required by this chapter. All decisions shall give notice of the applicant's right to appeal pursuant to the appeals process set forth in this section.

G. Appeal of Determination.

1. Within 10 days' mailing of the reviewing authority's written decision on a request for reasonable accommodation, the applicant or his or her representative may file an appeal. All appeals must be in writing and contain a statement of the grounds for the appeal. The city will provide reasonable assistance if requested to ensure the appeals process is accessible.

2. A determination by the planning manager to grant or deny a request for reasonable accommodation shall be appealed, if at all, to the planning commission.

3. A determination by the planning commission to grant or deny a request for reasonable accommodation shall be appealed, if at all, to the city council.

(Ord. 15-312, 2015; Ord. 22-0355 §§ 57—60)

§ 11-12-26 Agricultural employee housing.

A. Agricultural employee housing serving six or fewer persons and conforming to the following criteria, shall be subject to a ~~land use clearance under the jurisdiction of the planning manager~~zoning clearance.

1. Persons having the right to occupy employee housing shall be restricted to individuals engaged in agricultural occupations consistent with the standards and limitations prescribed in the employee housing act and its implementing regulations;

2. The physical attributes of design shall conform to the development standards of the underlying zone district (i.e., building height, lot coverage, setbacks, etc.) and adopted community design guidelines of the city; and

3. Off-street parking shall be provided at a ratio of one space for each habitable bedroom, two of which must be covered.

~~B. Agricultural employee housing serving seven or more persons, or projects which do not otherwise qualify for a zoning clearance, may be allowed by minor conditional use permit under the jurisdiction of the planning manager.~~

~~(Ord. 15-312, 2015; Ord. 22-0355 § 61)~~

§ 11-12-27 Shared living arrangements.

Shared living arrangements, including supported living (e.g., in-home supportive services) and licensed community care facilities, may be occupied without regard to familial status, disability or other population segment stipulated in fair housing statutes (e.g., individuals with Alzheimer's, AIDS/HIV and homeless).

(Ord. 15-312, 2015)

§ 11-12-28 ~~Special needs housing.~~Reserved.

~~"Special needs housing," as defined in section 11-3-1 of this title, is allowed by conditional use permit in all zone districts. The development standards for projects requiring a minor conditional use permit shall be those that are specific for the underlying zone district in which the project is located, provided, however, that such development standards may be modified or waived by development plan.~~

§ 11-12-29 Nondiscrimination.

No project shall be denied nor shall any condition be imposed on a project over which the city has discretionary approval with regard to familial status, disability or other population segment stipulated in fair housing statutes (e.g., individuals with Alzheimer's, AIDS/HIV and homeless).

§ 11-12-30 Short-term/vacation rental regulations.

A. Definitions. As used in this chapter:

Transient. Has the same meaning as set forth in section 3-2-1 of this code.

Vacation Rental. Any structure, as defined in the building code adopted in title 10, chapter 1 of this code,

which exists, is constructed, or which is maintained or used upon any premises for the purpose of transient lodging.

B. Application Process. Persons wishing to use a structure as a vacation rental shall do all of the following:

1. Complete a vacation rental certificate request form, which form shall be provided by the planning manager.

2. Submit the following information in support of a vacation rental certificate:

a. The name, address and telephone number of the property owner and a contact person/entity that can be reached via telephone 24 hours a day, seven days a week, to respond to complaints regarding the use of the vacation rental. The contact person/entity shall reside or maintain a physical business address within 25 miles of the vacation rental. A post office box or private mail drop address shall not be deemed to comply with the requirement of maintaining a residence or physical business address. An owner of a vacation rental who resides within a 25 mile radius of the vacation rental unit may designate him or herself as the contact person. Any change in the contact person's address or telephone number shall be promptly furnished to the city.

b. A scaled site plan and floor plan including bedroom locations and dimensions, parking locations and dimensions.

c. A copy of the proposed notice setting forth the name, address, and telephone number of the contact person required in subsection (B)(1)(a) of this section shall be posted inside the vacation rental unit.

d. Proof of written notification to all property owners within 100 feet of any point on the property containing the vacation rental, describing the proposed vacation rental use, including the number of separate vacation rental units, the number of on-site parking spaces and the telephone number of the contact person/entity set forth in subsection (B)(1)(a) of this section.

e. Evidence of a valid transient occupancy registration certificate issued by the tax administrator for the vacation rental pursuant to section 3-2-4 of this code.

f. Acknowledgment that the owner and contact person/entity, if any, have read all this chapter, and acknowledgement of their responsibility to assist in enforcement for payment of transient occupancy taxes.

g. A proposed limitation for the number of overnight and daytime guests.

h. Such other information as the planning manager deems reasonably necessary to administer this chapter.

C. Vacation Rental Standards.

1. Each vacation rental shall provide the number of parking spaces required under section 11-11-7(D) for short-term/vacation rentals.

2. Each vacation rental shall provide for garbage removal as required by this code.

D. Ongoing Requirements for Vacation Rental Operation.

1. The operator of the vacation rental shall, at all times while the property is being used as a vacation rental, maintain a contact person/entity that can be reached via telephone 24 hours a day, seven days a week, to respond to complaints regarding the use of the vacation rental. The contact person shall respond, either in person, or by return telephone call, within three hours of a complaint, and the contact person shall provide the complaining party a proposed resolution to the complaint.

2. The operator or contact person/entity shall use best efforts to ensure that the occupants and/or guests of the vacation rental do not create unlawful noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct, by notifying the occupants of the rules regarding vacation rentals and responding in person when notified that occupants are violating laws regarding their occupancy. Notwithstanding the retention of a separate contact person/entity, the owner of the vacation rental is responsible for compliance with the provisions of this chapter and the failure of an agent, representative, or contact person to comply with this chapter shall be deemed noncompliance by the owner.

3. The operator of the vacation rental shall annually, not later than December 31 of each year, notify in writing all property owners within 100 feet of any point on the property containing the vacation rental, that the property will continue to be used as a vacation rental, or if the vacation rental has been returned to use as a private residence.

4. The operator of the vacation rental shall annually, not later than December 31 of each year, provide in writing to all property owners within 100 feet of any point on the property containing the vacation rental the name, address and telephone number of the contact person required in subsection (D)(1) of this section.

5. A written notice shall be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person required in subsection (D)(1) of this section. The notice shall also set forth the maximum number of occupants permitted to stay overnight in the unit, the maximum number of vehicles allowed to be parked on-site, and the day(s) established for garbage collection. The notice shall also provide the non-emergency telephone number of the Solvang sheriff's department.

6. Any advertising of the vacation rental shall include the vacation rental permit number provided by the city. No signs may be posted at the vacation rental.

7. The number of overnight and daytime guests shall be in accordance with the approved numbers on the vacation rental certificate. In general, the number of overnight guests should be limited to two adults per bedroom and two adults occupying another space in the unit. Daytime guests should not exceed twice the amount of overnight guests.

8. Special events (i.e., weddings and celebrations) shall be limited to three per calendar year, and are subject to written approval and conditions established by the planning manager.

E. Permissible Locations.

1. This section does not amend this code to allow vacation rentals in any residential zone except as indicated in subsection (E)(2) of this section. This section is intended to and does apply to the ~~Tourist Related Commercial (TRC)~~Village Mixed-Use (VMU) Zone.

2. Vacation rentals shall be allowed on the south side of Copenhagen Drive east of Fifth Street. The properties are addressed as follows:

1506 Copenhagen Drive

1510 Copenhagen Drive

1514 Copenhagen Drive

1518 Copenhagen Drive

1522 Copenhagen Drive

1524 Copenhagen Drive

1532 Copenhagen Drive

1540 Copenhagen Drive

1546 Copenhagen Drive

F. Violations and Enforcement.

1. It is unlawful and a misdemeanor for any person to construct for vacation rental use, to convert to vacation rental use, to offer to another for vacation rental use, or to occupy as a vacation rental use any portion of any structure or facility without full compliance with this chapter.

2. In addition to, or in lieu of criminal sanctions set forth in subsection (F)(1) of this section, administrative penalties, including a notice of violation, shall be imposed, and permits shall be revoked, in the manner provided in this subsection (F)(2).

a. The planning manager shall conduct an investigation whenever there is reason to believe that an owner has failed to comply with the provisions of this chapter. Should the investigation reveal substantial evidence to support a finding that a violation occurred, the planning manager shall issue written notice of the violation and intention to impose a penalty and/or revoke the permit. The written notice shall be served on the owner and operator or agent and shall specify the facts which, in the opinion of the planning manager constitute substantial evidence to establish grounds for imposition of the penalties and/or revocation, and specify that the penalties will be imposed and/or that the permit will be revoked within 15 days from the date the notice is given unless the owner and/or operator files with the city clerk the fine amount and a request for a hearing before the city manager. The penalties for violations of this section shall be as follows:

i. Administrative penalty amounts shall be established by resolution of city council and shall not exceed the amounts authorized by Government Code section 53069.4 and Government Code section 36900(d).

ii. In addition to administrative penalties, the planning manager may suspend or revoke the permit as follows: For the first violation within any 12-month period, suspension of the permit for a period not to exceed three months. For a second violation within any 12-month period, suspension of the permit for a period not to exceed six months. For a third violation within any 12-month period, suspension of the permit for a period not to exceed one year.

b. If the owner requests a hearing within the time specified in subsection (F)(2)(a) of this section, the city clerk shall serve written notice on the owner and operator, by mail, of the date, time and place for the hearing which shall be scheduled not less than 15 days, nor more than 45 days of receipt of request for a hearing. The city manager may preside over the hearing or may designate a hearing officer to take evidence and submit proposed findings and recommendations to the city manager. The city manager shall impose the penalties or revoke the permit only upon a finding that a violation has been proven by a preponderance of the evidence, and that the penalty or revocation is consistent with the provisions of this chapter. The city manager shall render a decision within 30 days of the hearing and the decision shall be final.

3. The city manager or designee shall have the authority to impose additional conditions on any permit in the event of any violation of the conditions of the permit or the provisions of this chapter.

~~(Ord. 16-322, 2016; Ord. 22-0355 §§ 62—65; Ord. 22-0362 § 4; Ord. 23-0373, § 43)~~

§ 11-12-31 Archaeological Resources

A. All available measures, including but not limited to purchase of the site, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological and other classes of cultural sites.

B. When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.

C. When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State Native American Heritage Commission.

D. Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.

§ 11-12-32 Hillside Development.

A. In zones designated as open space or recreation on the land use element map, the height, scale and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms, shall be designed to follow the natural contours of the landscape, and shall be sited so as not to intrude into the skyline as seen from public viewing places.

B. Hillside development shall be designed in such a manner as to maintain the natural visual character of the hillsides by integrating architecture and landscaping into the hillside setting; minimize grading impacts; architecturally integrate any structures within the prominent ridge lines designated in the general plan; encourage the contouring of manufactured slopes to blend with natural slopes; encourage the use of innovative designs which adapt to the natural topography; encourage the blending of colors and materials with the hillside environment; and provide for the planting of slopes with appropriate vegetation.

§ 11-12-33 Flood hazards.

The intent of the flood hazard development standards is to avoid exposing new developments to flood hazards and to reduce the need for future flood control protective works and resulting alteration of stream and wetland environments by regulating development within the Federal Emergency Management Agency (FEMA) designated floodplains.

A. All development, including construction, excavation and grading, except for flood control projects and nonstructural agricultural uses, shall be prohibited in the floodway, as determined by the city engineer and county flood control, unless off-setting improvements in accordance with Federal and State regulations are provided. If the proposed development falls within the floodway fringe, development may be permitted, provided creek setback requirements are met and finish floor elevations are above the projected flood elevation as specified in the federal flood insurance rate maps (FIRM).

B. Permitted development shall not cause or contribute to additional flood hazards..

§ 11-12-34 Live Entertainment/Nightclubs.

A. Purpose. This Section provides standards for live entertainment where allowed by Chapter 5 through 9 of this Title. The standards of this Section do not apply to live entertainment associated with Adult Businesses (Section 11-14).

B. Permit requirements. If the live entertainment use meets the standards of this Section, no

Conditional Use Permit application approval is required. If the Planning Manager determines that the live entertainment use may not meet the standards of this Section, approval of a Conditional Use Permit by the Commission is required.

C. Limitations on use. The live entertainment use shall be an accessory use to the primary use and not create any adverse impacts other than those normally associated with the permitted use. The live entertainment should not exceed decibel levels established by Section 11-16-9 (Temporary Use Permit) and shall be in compliance with the City's noise standards.

D. Conditional Use Permit. Live entertainment that is not an accessory use, charges a fee, or does not comply with Subsection C, shall require approval of a Use Permit by the Commission.

§ 11-12-35 Emergency, Homeless and/or Transitional Shelter Uses.

A. Emergency, homeless and/or transitional shelter uses (excepting those as defined in section 11-3-1 of this title and permitted above) shall comply with the following criteria.

1. Not more than 15 persons, exclusive of staff, shall be permitted on the site if the proposed shelter is located on a lot or parcel of land of less than 20,000 square feet. on lots larger than 20,000 square feet, the maximum number of persons, exclusive of staff, shall be 30.

2. On-site parking shall be required at the rate of one space per seven beds and one space per employee.

3. Emergency shelters shall be allowed subject to land use clearance without the requirement of a conditional use permit.

4. The facility must conform to all development standards of the underlying zoning district, except as modified by this section.

5. Emergency shelters are to be available to residents for no more than 180 days (six months). Extensions up to a total of 24 months may be provided if no alternative housing is available.

6. The shelter shall be operated by a responsible agency or organization with experience in managing or providing social services. on site management and appropriate security shall be provided at all times.

Chapter 13
SIGN REGULATIONS

§ 11-13-2 Purpose and intent.

The city has a national and international reputation as a unique and distinctive Danish/Northern European village in a California setting of natural beauty and historic tradition. Solvang possesses a special small town character that draws residents and visitors to the area. The suitability and appropriateness of signage helps to maintain and perpetuate this unique community identity. As a prominent part of the scenery, signage will attract or repel the viewing public and affect the safety of vehicular and pedestrian traffic. Because the city relies on its physical beauty and village design theme to attract tourism and commerce, aesthetic considerations are essential to the economic welfare and future economic significance of the community. Therefore, it is the intent of the city, through this chapter, to protect and enhance the city's character and its economic base through the provision of appropriate and aesthetically attractive signage. It is also the intent to minimize their distracting effect on vehicle drivers by limiting the size, type and location of signs and therefore improve traffic safety.

It is the expressed policy of the city that signs are to be tastefully designed, understated and are to create a harmonious relationship in terms of color, size, materials and appearance with the buildings and the surroundings on which they are placed. It is also the intent to help perpetuate the old world Danish/Northern European design theme in the village area through appropriate and authentically designed signage. Additionally, such signs must serve primarily to identify the legal name of the establishment, organization or business on which they are placed without excessive competition for visual attention (see definition of "sign verbiage").

The city has two distinctly different commercial areas: the village and the Alamo Pintado commercial areas. The village, as shown as the ~~Tourist Commercial (TRC) Zone~~Village Mixed-Use (VMU) District on the city's zoning map, is of a distinct Danish/Northern European theme primarily oriented to the tourist trade with special architectural standards which reflect this theme. Signage in this area must be designed in character with the old world vernacular. The Alamo Pintado commercial area is distinctively different. This area functions primarily for the needs of the local Solvang and Santa Ynez Valley community. The architectural style is not characterized by any particular theme except to be well landscaped, set back and well integrated architecturally. Since these areas function differently and maintain their own architectural character, the style of signage shall reflect the individual design character of these areas.

These sign regulations are also based upon the city's responsibility to protect the general public's health, safety and welfare. The city finds that it is in the interest of aesthetics, economic development, traffic safety, and pedestrian safety to enact these sign regulations. These regulations will:

A. Maintain and improve the aesthetic environment and overall community appearance to foster the city's ability to attract sources of economic development and growth;

B. Encourage the effective use of signs as a means of communication in the city and reduce possible traffic and safety hazards from confusing or distracting signs;

C. Implement quality sign design standards that are consistent with the city's general plan, zoning ordinance and appearance review guidelines;

D. Enable fair and consistent enforcement of these sign regulations;

E. Minimize possible adverse impacts of signs on private and public property in order to maintain property values and to maintain a positive city image;

F. Enhance traffic safety by ensuring that signage does not distract, obstruct or otherwise impede traffic circulation and to safeguard and preserve the health, property, and public welfare of Solvang residents

through prohibiting, regulating, and controlling the density, location, and maintenance of signs;

G. Permit noncommercial signage wherever other signage is permitted within this chapter subject to the same standards and total maximum allowances for a site of each sign type specified in this chapter.

(Ord. 12-300, 2012)

§ 11-13-8 Sign standards within the ~~TRC~~ VMU (Village Area).
The following standards shall be applied to signs in the ~~TRC~~ VMU Zone District, notwithstanding the standards established by sections 11-13-7 and 11-13-10 of this chapter:

Standards for Exterior Commercial Signs in the Village Area	
Maximum square footage of signage allowed	1 square foot per linear foot of dominant building frontage and 1/2 of a square foot per linear foot of subordinate building frontage. Not less than 12 square feet.
Sign colors	Consistent with eighteenth century Danish/Northern European design theme. Day-Glo and neon colors are not permitted.

Types of Signs Allowed	**Maximum Size Per Sign**	**Maximum Letter Height**	**Included in Overall Maximum Square Footage**	**Design Review Committee Review Required**	**Information**
Wall sign	7 sq. ft.	8″	Yes	Yes	A wall sign placed in the space between windows shall not exceed more than 2/3 the height of the window, or major architectural details related thereto.
Projecting sign	7 sq. ft.	8″	Yes	Yes	Must have 7′ of clearance from the sidewalk and project no more than 4′ beyond building façade.

Standards for Exterior Commercial Signs in the Village Area					
Hanging or under canopy sign	7 sq. ft.	8″	Yes	Yes	Must have 7′ of clearance from the sidewalk.
Awning signs	None	5″	No	Yes	Letter height for 2 descriptive words = 3″.
Window lettering	n/a	6″	Yes	Yes	Shall not exceed 25% of window area. Limited to a single pane. Limited to business name and logo.
Accessory sign	1 sq. ft.	n/a	No	No	A separate unit displaying information. Must not be attached to another sign.
Symbol sign (projecting)	3 sq. ft.	n/a	No	Yes	Lower edge of sign must be at least 7′ from finished grade and project no more than 3′ beyond building façade.
Chalkboard changeable menu	6 sq. ft.	n/a	No	Yes	Primary food/beverage businesses only.
Menu display case	18″ x 24″	n/a	No	Yes	Primary food/beverage businesses only.
Umbrellas and	n/a	5″	Yes (50%)	Yes	Up to 50% of umbrellas

Standards for Exterior Commercial Signs in the Village Area					
umbrella sign					may include logo/lettering with BAR approval.
Ground sign	30 sq. ft. 6′6″ maximum height	8″	Yes	Yes	For businesses with dominant frontage of 50′ or more only.
Pole sign	50 sq. ft. 13′0″ maximum height	8″	Yes	Yes	For businesses with dominant frontage of 100′ or more only.
Directory sign	If proposed as a ground sign, 6′6″ maximum height	8″	No	Yes, except individual business signs.	For multiple occupancy buildings/shopping complexes only.
Flat silhouette cutout sign	As determined by the BAR	8″	No	Yes	See section 11-13-7(A)(17) of this chapter for specific regulations.

(Ord. 12-300, 2012)

§ 11-13-9 Sign standards outside the ~~TRC~~ VMU Zone District.

The following standards shall be applied to signs in the all commercial and industrial~~C-2, C-3, PO, I and M~~ Zoning~~e~~ Districts, except the VMU, notwithstanding the standards established by sections 11-13-7 and 11-13-10 of this chapter.

Standards for Exterior Commercial Signs Outside the Village Area	
Maximum square footage of signage allowed	1 square foot per linear foot of dominant building frontage and 1/2 of a square foot per linear foot of subordinate building frontage. Not less than 12 square feet.

Types of Signs	Maximum Size Per	Maximum Letter	Included in Overall	Design Review	Information

Standards for Exterior Commercial Signs Outside the Village Area					
Allowed	**Sign**	**Height**	**Maximum Square Footage**	**Committee Review Required**	
Wall sign	12 sq. ft.	10″	Yes	Yes	A wall sign placed in the space between windows shall not exceed more than 2/3 the height of the window.
Projecting sign	12 sq. ft.	10″	Yes	Yes	Must have 7′ of clearance from the sidewalk and project no more than 4′ beyond building façade.
Hanging or under canopy sign	12 sq. ft.	10″	Yes	Yes	Must have 7′ of clearance from the sidewalk.
Awning signs	None	5″	No	Yes	Letter height for 2 descriptive words = 3″.
Window lettering	n/a	6″	Yes	Yes	Shall not exceed 25% of window area. Limited to a single pane. Limited to business name and logo.
Accessory sign	1 sq. ft.	n/a	No	No	A separate unit displaying information. Must not be attached to

Standards for Exterior Commercial Signs Outside the Village Area

					another sign.
Symbol sign (projecting)	3 sq. ft.	n/a	No	Yes	Lower edge of sign must be at least 7′ from finished grade and project no more than 3′ beyond building façade.
Chalkboard changeable menu	6 sq. ft.	n/a	No	Yes	Primary food/beverage businesses only.
Menu display case	18″ x 24″	n/a	No	Yes	Primary food/beverage businesses only.
Umbrella sign	n/a	5″	Yes (50%)	Yes	Up to 50% of umbrellas may include logo/lettering with BAR approval.
Ground sign	50 sq. ft. 6′6″ maximum height	10″	Yes	Yes	For businesses with dominant frontage of 50′ or more only.
Pole sign	50 sq. ft. 13′0″ maximum height	10″	Yes	Yes	For businesses with dominant frontage of 100′ or more only.
Directory sign	If proposed as a ground sign, 6′6″ maximum	10″	No	Yes, except individual business signs.	For multiple occupancy buildings/shopping complexes

Standards for Exterior Commercial Signs Outside the Village Area	
height	only.

(Ord. 12-300, 2012)

§ 11-13-11 Standards for temporary signs.

A. Temporary Signs Requiring a Sign Permit. The following signage requires a land use clearance from the planning division to ensure size and time restrictions, as noted. Sale and noncivic event sign permits may be issued annually.

Type	Time Limit
~~TRC~~ VMU Zone District (Village Area)	
Grand Opening Signs. Signs announcing the opening of a new business, which in the aggregate do not exceed 10 sq. ft. in size or 25% of the window area, whichever is greater. Such signs shall be erected for no more than 30 days prior to the scheduled opening of the business and shall be removed no later than 30 days after the opening of the business.	60 days.
Sale or Other Temporary Window Signs. A temporary window sign such as a "Sale" sign not exceeding 6 sq. ft., or 50% of the window area of each façade, whichever is greater, is permitted. Professional design of the sign is encouraged. The decision of the planning manager may be appealed to the design review committee. The planning division shall be notified at least 24 hours in advance of each display date.	7 consecutive days and not more than 28 total days per year.
Noncivic Event Sign. 1 temporary noncivic event sign announcing a special event may be permitted. The decision of the planning manager may be appealed to the design review committee. The planning division shall be notified at least 24 hours in advance of each display date. The following size limitations shall apply. A. Businesses with up to 50 linear feet of dominant building frontage shall be allowed a sign of 6 sq. ft., B. Businesses with between 50 to 100 linear feet of dominant building frontage shall be allowed a sign of 12 sq. ft., and C. Businesses with over 100 linear feet of dominant building frontage shall be allowed a sign of 18 sq. ft.	3 consecutive days per event and not more than 36 total days per year.
Commercial Zone Districts (Outside Village Area)	
Grand Opening Signs. Signs announcing the opening of a new business, which in the aggregate do not exceed 10 sq. ft. in size or 25% of the window area, whichever is greater. Such signs shall be erected for no more than 30 days prior to the scheduled opening of the business and shall be removed no later than 30 days after the opening of the business.	60 days.
Sale or Other Temporary Window Signs. A temporary window sign not	30 consecutive days and

Type	Time Limit
exceeding 4 sq. ft., or 25% of the window area of each façade, whichever is greater, is permitted. The planning division shall be notified at least 24 hours in advance of each display date.	not more than 60 total days per year.
Noncivic Event Sign. 1 temporary noncivic event sign announcing a special event may be permitted. The decision of the planning manager may be appealed to the design review committee. The planning division shall be notified at least 24 hours in advance of each display date. The following size limitations shall apply. A. Businesses with up to 50 linear feet of dominant building frontage shall be allowed a sign of 6 sq. ft., B. Businesses with between 50 to 100 linear feet of dominant building frontage shall be allowed a sign of 12 sq. ft., and C. Businesses with over 100 linear feet of dominant building frontage shall be allowed a sign of 18 sq. ft.	3 consecutive days per event and not more than 36 total days per year.

B. Temporary Signs Not Requiring a Sign Permit (Exempt). The following temporary signs are exempt and may be displayed without a sign permit provided they meet the specified requirements. Also see section 11-13-4 "Exempt Signs," of this chapter.

Type	Time Limit	Size Limit	Location and Number
Civic Event Sign. Any civic event sign. Signs may be erected not more than 30 days prior to the event and shall be removed within 24 hours after the time of the event.	30 days	24 sq. ft.	1 such sign per lot.
Community or Charitable Event Sign. 1 temporary sign placed in a window advertising or announcing a civic event or function, a community service or an activity of a charitable or nonprofit organization.	None	6 sq. ft.	1 sign per event or function.
Fundraising Event Sign. 1 temporary sign announcing a fundraising event.	None	6 sq. ft.	1 sign per event, placed in a window or a planter.

§ 11-13-19 Definitions.
For the purpose of this chapter, the following words and phrases shall have the meanings respectively

Village Area. As defined in the design review committee guidelines as approved by the city council and with the zoning designation of ~~TRC~~VMU.

Chapter 16
PERMIT PROCEDURES

§ 11-16-1 Permit Application Filing and Processing

A. The purpose of this Section is to set forth permit procedures and requirements for the preparation, filing, and processing of development applications required by this Zoning Code. The development review process is designed to provide a consistent and efficient method for the City to implement its General Plan and other adopted goals, policies, and standards.

B. Authority for Land Use Decisions. Table 11.X identifies the Review Authority responsible for reviewing and making decisions on each type of Planning Application required by this Zoning Code.

Table 11.X Review Authority

Type of Action	Code Section	Review Authority			
		Planning Manager	DRC	Planning Commission	City Council
General Plan Amendment	11-17-3	Recommend	No Action	Recommend	Decision
Zoning Code Amendment	11-17-3	Recommend	Recommend [1]	Recommend	Decision
Development Permit	11-16-5	Recommend	Recommend	Decision	Appeal
Conditional Use Permit	11-16-6	Recommend	No Action	Decision	Appeal
Variance	11-16-8	Recommend	No Action	Decision	Appeal
Specific Plan	11-16-9	Recommend	Recommend[1]	Recommend	Decision
Zoning Clearance[2]	11-16-4	Decision[2]	--	--	--
Short Term Rental Permit	11-12-30	Decision	No Action	Appeal	Appeal
Temporary Use Permit	11-16-9	Decision	No Action	Appeal	Appeal
Interpretations	11-2-5	Decision	No Action	Appeal	Appeal
Sign Permit	11-13-X	Recommend	Decision	No Action	Appeal

Note:
1. Zoning Code amendments that include design standards, building form, etc., shall be reviewed and recommended by the DRC.
2. The Planning Manager's decision under a Zoning Clearance is a ministerial action and not subject to an appeal.
3. The Review Authority responsible for reviewing and making decisions on each type of permit shall be responsible for making any applicable CEQA determination. A CEQA determination may be appealed to the Council.

C. Application Review.

1. Determination of completeness. The Planning Manager or their designee shall review each application for completeness and accuracy before it is considered officially filed. The Planning Manager's determination of completeness shall be based on the Department's submittal requirements including checklists, and any additional instructions provided by the Planning Manager.

   a. Notification of Applicant. As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing that the application is complete and has been accepted for processing or that the application is incomplete and that additional information shall be provided to complete the application process.

   b. Appeal of determination. Where the Planning Manager has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Planning Manager is not required, the applicant may appeal the determination in compliance with Section 11-17-5 (Appeals).

c. Time for submittal of additional information. When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur.

d. Expiration of application. If an applicant fails to provide the additional information specified in the incompleteness letter within one year, the application shall expire and be deemed withdrawn. At which time, the Planning Manager may authorize a partial refund based upon the pro-rated costs to-date at the time of withdrawal. After the expiration of an application, development approval shall require the submittal of a new, complete application, together with all required deposits and/or fees.

e. Environmental information. After an application has been accepted as complete, the Planning Manager may require the applicant to submit additional information needed for the environmental review of the development.

D. Application Fees.

1. Fee schedule. The Council shall establish a schedule of fees for the processing of the applications required by this Zoning Code, which shall be listed in the City's Master Fee Schedule. Fees are intended to allow recovery of all costs incurred by the City in processing development applications.

2. Timing of payment. The City will not process an application until all required fees or deposits have been paid. If at any time during the review process deposits are insufficient to cover the City's costs of processing the application, the City shall cease processing until additional funds are submitted.

3. Refunds and withdrawals. Application fees cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Fees are not refundable in the event of denial by the Review Authority. In the case of a withdrawal, the Planning Manager may authorize a partial refund based upon the pro-rated costs to-date at the time of withdrawal.

§ 11-16-2 Indemnification

A. Applicant agreement. At the time of submitting a development application, the applicant shall agree to defend, indemnify, and hold harmless the City and its agents, attorneys, employees, and officers, from any action, claim, loss, or proceeding brought against the City or its agents, employees, and officers to attack, set aside, void, or annul a discretionary land use approval of the City. The required indemnification shall include damages awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with the action.

B. City notification of applicant. In the event that an action, claim, or proceeding referred to in Subsection A. above is brought, the City shall promptly notify the applicant of the existence of the action, claim, or proceeding and shall cooperate fully in the defense of the action, claim, or proceeding.

C. City participation in defense. Nothing in this Section shall prohibit the City from participating in the defense of any action, claim, or proceeding, if the City elects to bear its own attorney's fees and costs.

§ 11-16-3 Pre-Application Review / Conference

A. An applicant may submit a pre-application review with the Planning Manager before completing and filing a planning application for major development applications (e.g., residential subdivisions greater than 5 units, mixed-use projects, large non-residential projects, etc.), or to ensure conformity with

objective design standards prior to building permit submittal for projects that may be approved with a Zoning Clearance (Section 11.16.4).

B. The purpose of the review for a pre-application project is to:

1. Inform the applicant of development and design standards as they apply to the proposed development;

2. Review the City's permit process, possible development alternatives, or modifications; and

3. Identify information and materials the City typically requires for similar applications, and any necessary technical studies and information relating to the environmental review of the development (if applicable).

4. Allow for a presentation to the Review Authority to receive feedback on a conceptual project design.

C. The purpose of the review for a project that requires a Zoning Clearance is to provide verification that the proposed project is in conformance with objective development and design standards or identify which standards are not in compliance with the Zoning Code. The applicant may re-submit for an additional review and pay the required fee as established in the Master Fee Schedule.

D. Failure by City staff to identify all required studies or all applicable standards does not constitute a waiver of those studies or standards.

E. The pre-application review shall not be construed as either a recommendation for approval or denial of the application by the City.

F. Application content. All development applications shall be filed with the Department on a City application form, together with all required fees and/or deposits and all other information and materials specified in the Department's handouts and/or checklists submittal requirements for the specific type of application and any additional instructions provided by the Planning Manager. The Department will prepare required forms and checklists.

G. Eligibility. An application may only be filed by the owner of the property, an authorized agent of the owner, a person acting in compliance with a purchase contract or other written consent, or the Planning Manager on behalf of the Council.

H. SB 330 Preliminary Application. The SB 330 Preliminary Application review process was established under the State's Housing Crisis Act of 2019 and is a specific type of review by the Planning Manager. The process provides early identification of all standards and requirements applicable to a project, offering a vesting of standards relative to the time an SB 330 Preliminary Application is submitted. A review under this procedure is subject to all requirements and information and materials listed on the City's SB 330 Preliminary Application. The availability of this type of review shall sunset on January 1, 2030, unless extended by the State legislature. The preliminary application review process is at the option of a project proponent and may only be implemented when all requirements are satisfied, including all timeframes required for submittal of a formal application. The following outlines the process to be followed:

1. In compliance with Government Code Section 65941.1, a proponent of a multiunit residential development or mixed-use development with a residential component has the option of submitting a Preliminary Application. All of the information listed in City's SB 330 Preliminary Application

form and payment of the Preliminary Application processing fee shall be submitted to the City.

2. If the City determines that the Preliminary Application for the development project is incomplete, the project proponent must submit the specific information needed to complete the application within 90 days of receiving the City's written identification of the necessary information. If the project proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect, and if any portion of the ministerial design review was completed or approved, it shall be deemed null and void.

3. After submittal of all of the information required, if the project proponent revises the project to change the number of residential units or square footage of construction changes by 20 percent or more, excluding any increase resulting from Density Bonus Law, the development proponent must resubmit the required information so that it reflects the revisions.

4. The project proponent shall submit a formal application for a development project within 180 calendar days of submitting a complete preliminary application. If the City determines that the formal application for the development project is incomplete, the project proponent shall submit the specific information needed to complete the application within 90 days of receiving the City's written identification of the necessary information. If the project proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect, and any such ministerial design review approval shall be deemed null and void.

5. If the applicant revises the project between the Preliminary Application phase and the formal application phase such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the project shall not be deemed to have submitted a Preliminary Application, in satisfaction of State and City requirements, until the project proponent resubmits the required information.

§ 11-16-~~1~~ 4 ~~Land use permits.~~Zoning Clearance

A. Purpose. This Section provides a procedure for issuing Zoning Clearances, which are used to verify that a proposed land use or structure complies with the allowed uses and development standards applicable to the type of use or the zone of the subject parcel. ~~Purpose and Intent. This section establishes procedures and findings for the issuance of land use permits which are required for all uses and developments permitted under the regulations of this title. A land use permit is the final permit required by the planning division. The intent of this section is to ensure that development proposals conform to the provisions of this title, the general plan and any conditions set by the city.~~

B. Applicability. Zoning Clearance is required to verify that all requirements of this Zoning Code have been satisfied for any permitted ("P") land use allowed by Chapters 5 through 9 of this Title and where no discretionary permit approval to establish the use or development is required. In addition, the following require Zoning Clearance:

1. Additions to existing dwelling units.

2. Additions to existing multi-unit dwellings.

3. A "reconfiguration" of an architectural feature which does not modify the previously approved theme or plan for an approved planning application.

4. Restriping of a parking lot which does not decrease the number of parking spaces required for an

approved development project nor change the vehicle circulation patterns, unless otherwise required to comply with Americans with Disabilities Act (ADA) requirements.

5. Color and material board changes that are consistent with the original approval for a completed residential, commercial, or industrial development project.

6. As otherwise required by this Zoning Code.

C. Review Authority. Zoning Clearance is conducted by the Planning Manager or their designee and not subject to an appeal.

D. An application for Zoning Clearance shall be prepared, filed, and processed in compliance with Section 11-16-1 (Permit Application Filing and Processing) to comply with the following:

1. A Zoning Clearance shall be filed concurrently with the Building Permit application, if applicable. An applicant may file a Pre-Application (Section 11-16-3) for a preliminary assessment of whether a contemplated project would comply with the objective development and design standards of the Zoning Code.

2. No person shall alter, install, occupy, or use any newly constructed or modified structure, or change or occupy any newly initiated or modified use, or type or class of use without first applying for and obtaining the required Zoning Clearance.

E. Notice and Hearing. A public notice and hearing shall not be required for the Planning Manager's decision on Zoning Clearances.

F. Approval. The Planning Manager shall issue the Zoning Clearance after first determining that the proposed development or improvement:

1. Complies with all of the applicable provisions, requirements, and standards for the category of use and the zone of the subject parcel;

2. Demonstrates compliance with any previously issued conditions of approval affecting the use on the subject parcel;

3. Demonstrates compliance with the Zoning Code and other applicable City standards; and

4. Is consistent with the General Plan and any applicable specific plan or overlay zones.

G. Conditions of Approval. The Planning Manager's decision on a Zoning Clearance shall not impose any conditions of approval.

§ 11-16-5 Development Permit.

A. Purpose. This Section establishes procedures for Development Permits for new development and major additions to ensure that all development and design standards are met that may be appropriate on particular sites and/or may need to be carefully designed to avoid or minimize potential negative impacts on the surrounding area.~~1. Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, change of use or rebuilding of any building, structure or improvement within the city wherein permits are required under the provisions of this title, a land use issued by the planning manager unless other regulations of this title specifically indicate such permit is not required or the activity is included in one of the following exemptions:~~

B. Applicability. The following types of projects require approval of a Development Permit (a Conditional Use Permit approval may also be required for a defined land use within this Zoning Code):

1. Residential development projects with two or more dwelling units.

2. Mixed-use development projects.

3. New non-residential development or redevelopment.

4. Additions to non-residential buildings greater than 500 square feet, or requesting an additional story.

5. Conversion of a residential dwelling to a commercial use.

6. As required by other Sections of this Zoning Code.

C. Review Authority. The Planning Commission is authorized to approve, conditionally approve, or deny Development Permit applications. When required, the Design Review Committee will make applicable recommendations.~~a. Repair and maintenance activities that do not result in addition to, or enlargement or expansion of, the object of such repair or maintenance activities.~~

D. Application requirements. An application for a Development Permit shall be prepared, filed, and processed in compliance with Section 11-16-1 (Permit Application Filing and Processing).

E. Notice and hearing. Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 11-17-4 (Public Hearing Notices) for Planning Commission meeting only.

F. Findings. The Commission may approve a Development Permit application only after making all of the following findings:

1. The proposed development is consistent with the General Plan, this Zoning Code, and other City goals, policies, and standards, as applicable.

2. For non-residential development, the subject site is physically suitable in terms of design, operating characteristics, shape, size, and topography.

3. The development will not constitute a hazard to the public, health, safety, or welfare

G. Conditions of Approval. In approving a Development Permit, the Planning Commission may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F (Findings).

~~b. Fences and walls of six feet or less and gateposts of eight feet or less in height.~~

~~c. Installation of irrigation lines.~~

~~d. Public works facilities constructed by the city.~~

~~e. Buildings or structures having an aggregate value of less than $500.~~

~~f. Underground gas pipelines less than 12 inches in diameter, and similar installations erected, installed or maintained by public agencies or public service or utility districts or companies.~~

g. Exemptions. One-story detached accessory buildings used as tool and storage sheds, playhouses, doghouses, gazebos, pergolas and similar structures, provided that such buildings do not exceed 12 feet in height, and the building does not exceed 120 square feet in area and do not include plumbing or electrical facilities. All structures, which are determined to be exempt from a land use permit, are required to conform to the setbacks of the applicable zone district or section 11-12-2, as applicable.

2. Notwithstanding any provision of the specific district regulations to the contrary, where there is no development plan requirement, no land use permits shall be required for grading which is any of the following:

a. Grading which does not require a permit under title 10, chapter 5 of this code.

b. Grading involving less than 1,500 cubic yards of cut or fill on slopes of less than 30%. Provided, however, that a land use permit shall be required for grading which:

i. Has the potential to change or adversely affect an intermittent or perennial stream or regional watercourse.

ii. Would adversely impact paleontological, archaeological or uniquely important cultural resources.

iii. Could adversely affect exceptional wildlife values.

iv. Is proposed to be located within 300 feet and in the visible area of a public park, or area designated as recreational or open space on the applicable general plan land use maps.

v. Necessitates the removal of three or more trees. These trees must be greater than 17 inches in circumference measured two feet above the ground.

A land use permit shall be required prior to issuance of a grading permit (unless exempt); however, the requirements of this section shall not be construed to alter the provisions and regulations of title 10, chapter 5 of this code.

C. Contents of Application.

1. As many copies of a land use permit application as may be required shall be submitted to the planning manager. Said application shall include the following:

a. A site plan which shall indicate clearly and with full dimensions the following information, if applicable:

i. North arrow and scale of drawing.

ii. Site address.

iii. Lot dimensions and boundaries.

iv. All proposed and existing buildings and structures and their locations, size, height and use.

v. Distance from proposed structures to property lines, centerline of the street or alley and existing structures.

vi. Walls and fences: location, height and materials.

vii. Names and widths of streets (right-of-way) abutting the site.

viii. Off-street parking: location, dimensions of parking area, number of spaces, arrangement of spaces and internal circulation pattern.

ix. Access: pedestrian, vehicular, service; and delineations of all points of ingress and egress.

x. Signs: location, size, height and method of illumination.

xi. Loading spaces: location dimensions and number of spaces.

xii. Lighting: general nature, locations and hooding devices.

xiii. Proposed street dedications and improvements.

xiv. All applicable easements.

xv. Landscaping, if required.

xvi. Method of sewage disposal. Show position of septic tanks and leach lines, if applicable.

xvii. For commercial and industrial projects indicate where applicable:

(A) Number of motel or hotel units.

(B) Seating capacity or square footage devoted to patrons.

(C) Total number of employees.

b. Source of water supply.

c. Any other information that the planning manager may require.

D. Processing.

1. A land use permit shall not be issued until all necessary approvals, except building permits, have been obtained.

2. For a development requiring a public hearing and final action by the planning commission or planning manager, the planning manager shall not issue a land use permit until after expiration of the 10-day appeal period provided under title 1, chapter 6 of this code.

3. If a land use permit is requested for property subject to a resolution of the city council initiating a rezoning, a land use permit shall not be issued while the proceedings are pending on such rezoning unless the proposed buildings or structures would conform to both the existing zoning of such property and the said rezoning initiated by the city council or unless a development plan was approved by the planning commission before the adoption of said resolution.

E. Findings Required for Approval of a Land Use Permit. A land use permit shall be issued only if all of the following findings are made:

1. That the proposed development conforms to the applicable policies and provisions of this title and any applicable general plan.

2. That the proposed development is located on a legally created lot as determined by the city engineer.

3. That the subject property is in compliance with all laws, rules and regulations pertaining to

zoning uses, subdivisions, setbacks and any other applicable provisions of this chapter, and such zoning violation processing fees and/or fines as established from time to time by the city council have been paid. This section shall not be interpreted to impose new requirements on legal nonconforming uses and structures.Prior to issuance of a land use permit, the city shall make the finding, based on information provided by environmental documents, staff analysis and the applicant, that adequate public or private services and resources (i.e., water, sewer, roads, etc.) are available to serve the proposed development. The applicant shall assume full responsibility for costs incurred in service extensions or improvements that are required as a result of the proposed project. Lack of available public or private services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the general plan

F. Expiration.

1. A land use permit shall expire one year from the date of issuance if the use, building, or structure for which the permit was issued has not been established or commenced.

2. Prior to the expiration of such one year period, the planning manager may grant one extension of one year for good cause shown.

§ 11-16-2 6 Conditional use permits.

A. Purpose. This Section establishes procedures for Use Permits for developments and uses that may only be appropriate on particular sites and/or may need to be carefully designed to avoid or minimize potential negative impacts on the surrounding area.Purpose and Intent. The purpose of this section is to provide for uses that are essential or desirable but cannot be readily classified as principally permitted uses in individual districts by reason of their special character, uniqueness of size or scope, or possible effect of public facilities or surrounding uses. The intent of this section is to provide for discretionary review of these uses.

B. Applicability. A Conditional Use Permit is required to authorize land uses as specified in Chapters 5 through 9 of this Title or as required by other Sections of this Zoning Code.Applicability. The provisions of this section shall apply to those uses listed under subsections D and E of this section and those uses listed in the "uses permitted with a conditional use permit" section in the various districts.

C. -Review Authority. The Planning Commission is authorized to approve, conditionally approve, or deny Use Permit applications.Jurisdiction.

D. Application requirements. An application for a Use Permit shall be prepared, filed, and processed in compliance with Section 11-16-1 (Permit Application Filing and Processing).

E. Notice and hearing. Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 11-17-4. (Public Hearing Notices) for Planning Commission meeting only.

F. 1. The planning manager shall have jurisdiction of all minor conditional use permits and extensions of time thereof and shall hold any necessary public hearings therefor; except as otherwise provided for in subsection (E)(3) of this section, the planning commission shall have jurisdiction of all major conditional use permits and extensions of time thereof.

2. In the event an application is under the jurisdiction of both the planning commission and the planning manager, the planning commission shall have sole jurisdiction.

D. Minor Conditional Use Permits. The following uses may be permitted in any zone district in which they are not otherwise permitted with a minor conditional use permit, provided the planning manager can make the findings set forth in subsection H of this section:

1. Buildings, structures and uses of a public works nature, except airports.

2. Fences and walls over six feet in height.

3. Sale of agricultural products grown on the premises, subject to the additional requirements set forth in subsection (K)(5) of this section.

4. Special care homes, subject to the provisions of subsection K of this section.

5. Antennas for amateur radio operation and dish antennas unless completely screened from public view. Such determination of public view shall be made by the planning manager.

6. Uses, buildings and structures accessory and customarily incidental to the above uses.

E. Major Conditional Use Permits. The following uses may be permitted provided the planning commission can make the findings set forth in subsection H of this section.

1. Except in the AG District, the following uses may be permitted in any zone district in which they are not otherwise permitted, with a major conditional use permit:

Clinic.

Conference center.

Hospital, sanitarium, nursing home and rest home subject to the provisions of subsection K of this section.

Library.

Uses, buildings and structures accessory and customarily incidental to the above uses.

2. The following uses may be permitted in any zone district in which they are not otherwise permitted, with a major conditional use permit:

Animals, use of property for animals different in kind or greater in number than otherwise permitted in this title.

Cemetery.

Charitable and philanthropic institutions (except when human beings are housed under restraint).

Club facilities.

Congregate care facility (serving more than six individuals).

Country club.

Educational facilities, including nursery schools and day nurseries.

Electrical substations subject to requirements of this title.

Golf courses and driving ranges.

Helistops.

Hostel.

Master television antenna system, subject to the provisions of subsection K of this section.

Mausoleum.

Monastery.

Mortuary accessory to a cemetery and subject to subsection K of this section.

Museum.

Polo fields and playing fields for outdoor sports.

Single room occupancy.

Stable, commercial (including riding and boarding).

Water diversion projects.

Uses, buildings, and structures accessory and customarily incidental to the above uses.

3. The following uses may be permitted in any zone district in which they are not otherwise permitted, with a major conditional use permit. However, for the uses set forth in this subsection only, the planning manager shall have authority to issue the major conditional use permit, provided the planning manager can make the applicable findings set forth in subsection H of this section. Such uses must obtain architectural approval from the design review committee if other uses in the same zone would be required to obtain such approval. Notwithstanding anything to the contrary in this section, a public hearing on the application for a major conditional use permit shall not be required for uses authorized in this subsection. However, in conformity with section 11-17-4 of this title, a notice shall be given at least 10 days prior to the date of the planning manager's consideration of the application for a major conditional use permit. The planning manager may approve, conditionally approve, or deny the application:

Church.

F. Contents of Application.

1. As many copies of a conditional use permit application as may be required shall be submitted to the planning division. Said application shall contain all or as much of the submittal requirements for a development plan as are applicable to the request.

2. In the case of a conditional use permit application in a zone district subject to the development plan requirements where the proposed conditional use is not part of a permitted use, a development plan will not be required in addition to obtaining a conditional use permit.

3. Where a conditional use permit application is submitted in conjunction with a development plan for the property, the conditional use permit shall be processed as part of the development plan.

G. Processing.

1. Upon receipt of the required copies of the conditional use permit application, the planning division shall process the application through environmental review.

2. After a determination has been made, the conditional use permit application shall be referred to the development review committee for review and recommendation to the planning commission or planning manager.

3. The planning commission, planning manager shall then consider the requested conditional use permit at a noticed public hearing and either approve, conditionally approve or deny the request. Notice of the time and place of said hearing shall be given in accordance with section 11-17-4 of this title.

4. The action of the planning commission or planning manager shall be final subject to appeal to the city council as provided under title 1, chapter 6 of this code.

5. Conditional use permits may be granted for such period of time and upon such conditions and limitations as may be required to protect the health, safety and general welfare of the community. Such conditions shall take precedence over those required in the specific zone districts.

6. Any amendments to a conditional use permit shall be processed in the same manner as specified for approval of the original conditional use permit.

H. Findings Required for Approval. A conditional use permit application shall only beThe Planning Commission may approve a Conditional Use Permit approved only after making all of the following findings:or conditionally approved if all of the following findings are made:

1. The proposed development is consistent with the General Plan, this Zoning Code, and other City goals, policies, and standards, as applicable.

2. For non-residential uses, the subject site is physically suitable in terms of design, operating characteristics, shape, size, and topography.

The type, and intensity of use being proposed will not constitute a hazard to the public, health, safety, or welfare.1. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.

2. That significant environmental impacts are mitigated to the maximum extent feasible.

3. That streets and highways are adequate and properly designed.

4. That there are adequate public services, including, but not limited to, fire protection, water supply, sewage disposal and police protection to serve the project.

5. That the project will not be detrimental to the health, safety, comfort, convenience and general welfare of the neighborhood and will be compatible with the surrounding area.

6. That the project is in conformance with the applicable provisions and policies of this title and the general plan.

7. That the conversion of the residential structure into a commercial use shall not detract from the residential character of the property, nor from the neighborhood, which may require additional landscaping, screening, architectural design and paving normally above what exists on the property.

I. Time Limit.

1. At the time the planning commission or planning manager approves a conditional use permit, a time limit may be established within which construction must commence or the use must begin. The time limit shall be a reasonable time based on the size and nature of the proposed development or use. If no date is specified, the time limit shall be one year from the date of approval. Said time may be extended by the planning manager for good cause shown, provided a

written request, including a statement of reasons for the time extension request, is filed with the planning manager prior to the expiration date.

2. A conditional use permit shall become null and void and be automatically revoked if the use permitted under the conditional use permit is discontinued for a period of more than one year. Said time may be extended by the planning commission or planning manager one time for good cause shown, provided a written request, including a statement of reasons for the time extension request, is filed with the planning manager prior to the expiration date.

3. J. Revocation. If any of the conditions of the conditional use permit are not complied with, the planning commission or planning manager, after written notice to the permittee and a noticed public hearing, may revoke the conditional use permit.

K. Additional Requirements. In addition to the provisions set forth above, the following uses shall be subject to additional requirements as set forth below:

1. Master Television Antennas. Any conditional use permit granted by the planning commission for master television antenna or antennas shall become effective only upon approval by the city council. Any and all conditions reasonably related to the public health, safety and welfare and not in conflict with general laws may be imposed on conditional use permits granted as provided in this title, including, among other things, regulation of height, general appearance and location of guy wires; provided, however, that in all cases the following express conditions shall apply whether expressly set out in the conditional use permit or not:

a. No part of any master television antenna or antennas, nor the cables or lines or other appurtenances thereto, shall be permitted to encroach into, under, over, or upon, or cross under or over any public streets in the city unless either a franchise or an encroachment permit shall first have been obtained from the city and no such encroachment or crossing shall be permitted to be so maintained except pursuant to the terms of a valid existing franchise or encroachment permit from said city.

b. Cables and lines and other appurtenances of master television antenna or antennas which are owned and operated by a nonprofit organization or entity may be permitted to use public streets in the city pursuant to encroachment permits after first obtaining a conditional use permit as provided herein. All such encroachment permits and all conditional use permits granted hereunder shall automatically terminate and become null and void in the event any master television antenna or antennas or any part thereof, or cables, lines or other appurtenances thereto, or parts thereof owned and operated by a nonprofit organization or entity shall be transferred to or operated by any person or entity organized or operating for profit-making purposes. This provision shall not be deemed to prevent the acquisition or operation of such master television antennas or parts thereof as set out hereinabove, by any person or entity organized or operating for profit-making purposes, which shall first have obtained a valid franchise and a valid conditional use permit as provided herein for such purposes.

c. Transmission of television and radio frequency modulation signals shall be by coaxial cable conforming to federal communications commission standards to prohibit radiation interference, unless otherwise expressly permitted by the city council upon satisfactory evidence that no such radiation interference is likely to result.

d. All master television antenna systems shall be so designed, constructed and oriented as to be able to receive all local television and radio frequency modulation station signals which include the master television antenna system within their class "A" signal areas as the same are designated by the Federal Communications Commission.

2. Hospitals and Similar Uses. In the cases of hospitals, sanatoria, convalescent homes and other similar

buildings and facilities for the treatment of human ailments where facilities are provided for keeping patients overnight or longer, the following provisions shall apply:

a. The public hearing before the planning commission on an application for a building or facility covered by this section shall not be scheduled until the planning division has referred the application to the Santa Barbara subarea advisory council of the health systems agency, Ventura-Santa Barbara or to its successor or successors.

b. The action of the planning commission, instead of being final shall be a recommendation to the city council, that it approve, conditionally approve or deny the request for a conditional use permit based upon the determination of the planning commission of compliance with subsection H of this section.

3. Mortuaries, Crematories and Funeral Homes. Subject to the issuance of a conditional use permit, mortuaries, crematories and funeral homes may be permitted in the following locations:

a. Within cemeteries operating under a valid land use permit; or

b. On any parcel of land abutting such a cemetery if zoned for such uses.

In all such locations, the planning commission shall impose conditions requiring that the architectural design of all buildings and structures be compatible with neighboring residential buildings, that signs are unobtrusive and that adequate off-street parking space is provided for funeral procession assembly areas.

4. Handicraft Industries. A conditional use permit may be issued under the provisions of this section for the manufacture in C-2 and C-3 Districts of handicraft items, jewelry, notions and other items on a small scale, and involving no effects on surrounding property which would constitute a greater nuisance than those created by other uses permitted in the district in which such manufacture is allowed.

A conditional use permit for such use may only be issued subject to the provisions of this section and to the following conditions and to any further conditions which, in the opinion of the planning commission, are necessary to protect the public peace, health, safety and general welfare, to maintain property values in the neighborhood and to safeguard essential community services and values such as traffic circulation, sewage disposal, water supply, fire protection and neighborhood character:

a. All manufacturing activities shall be conducted within a completely enclosed building having a total gross floor area of not to exceed 2,500 square feet.

b. All storage of materials and equipment shall be screened from view from surrounding properties by a solid fence approved by the planning commission.

c. No fumes, noxious gases, objectionable odors, heat, glare or radiation generated by or resulting from such use shall be detectable at any point upon the boundary of the property upon which the use is located.

d. The use shall create no objectionable noise or vibration.

e. No smoke or dust shall be created except from the heating of buildings.

5. Agricultural Products. Sale of agricultural products grown on the premises.

a. The premises shall consist of two or more contiguous acres.

b. If a building or structure is required for the sale of such products, the sale shall be conducted either within an existing accessory building or from a separate stand not to exceed 200 square feet of sales and storage area except that if the premises consist of five or more contiguous acres, such building shall not exceed 600 square feet. The building or structure shall be located no closer than 20 feet to the right-of-way line of any street; this requirement shall apply in lieu of any other setback requirements of the zone district or the sign regulations. Only one stand shall be allowed on the premises.

c. New structures shall be approved by the design review committee.

d. If required, a building permit shall be obtained.

e. Signs advertising the sale of agricultural products shall conform to chapter 13 of this title.

f. A minimum of two permanently maintained on-site parking spaces shall be provided, which shall not be located closer than 20 feet to the right-of-way line of any street.

g. Prior to the issuance of a land use permit, a permit for the sale of agricultural products shall be obtained from the department of health care services pursuant to California Administrative Code title 17, section 13653.

(Ord. 90-112, 1990; Ord. 94-150, 1994; Ord. 96-176, 1996; amd. 2001 Code; Ord. 07-272, 2007; Ord. 21-0347 § 4; Ord. 22-0355 §§ 89—96)

§ 11-16-3 7 Variances.

A. Purpose and Intent. The purpose and intent of this section is to allow variances from the strict application of the regulations on land, buildings and structures of this title where, because of exceptional conditions such as the size, shape, unusual topography or other extraordinary situation or condition of such piece of property, the literal enforcement of this title would impose practical difficulties or would cause undue hardship unnecessary to carry out the intent and purpose of this zoning ordinance.

B. Applicability. A Variance may be granted to waive or modify any requirement of this Zoning Code except the following: allowed land uses, residential density, specific prohibitions (for example, prohibited signs), or procedural requirements.Applicability.

1. The provisions of this section shall apply to all zone districts.

2. In no case shall a variance be granted to permit a use or activity which is not otherwise permitted in the district in which the property is located.

3. Variances may only be granted from the regulations on land, buildings and structures, and no variances may be granted from the procedural regulations of this title.

C. Review Authority. The Planning Commission is authorized to approve, conditionally approve, or deny Variance applicationsJurisdiction.

1. Upon making the findings required under this section, the planning manager may approve or conditionally approve variances to the regulations contained in this title (and shall hold any required public hearings thereon) up to the following respective percentages of the applicable required feet, parking spaces, square footage or in the case of building height, permitted feet:

Minimum lot or building site area or widthup to 10%

~~Front, rear, side yard setback~~ ~~up to 50%~~

~~Building height~~ ~~up to 10%~~

~~Parking~~ ~~up to 20%~~

~~Landscaping~~ ~~up to 10%~~

~~Distance between buildings~~ ~~up to 50%~~

~~2. Jurisdiction of the Planning Commission. Upon making the findings required under this section, the planning commission may approve or conditionally approve variances to any regulations on land, buildings, and structures, except for the regulations within the jurisdiction of the planning manager as set forth in subsection (C)(1) of this section.~~

~~3. In the event an application is under the jurisdiction of both the planning commission and the planning manager, the planning commission shall have sole jurisdiction.~~

~~D. Application. As many copies of the variance application as may be required shall be submitted to the planning manager. Said application shall contain full and complete information as required pertaining to the request.~~

~~E. Processing.~~

~~1. An application filed pursuant to this section that is inconsistent with the use and/or density requirements of this title or any adopted general plan must be accompanied by an application to make the project consistent. The planning division may refuse to accept for processing any application the planning manager finds to be inconsistent with the adopted or pending general plan.~~

~~2. The planning commission or planning manager shall hold at least one noticed public hearing on the requested variance and either approve, conditionally approve, or deny the request. Notice of the time and place of said hearing shall be given in the manner prescribed in section 11-17-4 of this title except the publishing of said notice in a newspaper of general circulation shall not be required.~~

~~3. The planning commission or planning manager, in granting said variance may require such conditions as deemed necessary to assure that the intent and purpose of this title and the public health, safety and welfare will be promoted.~~

~~4. The planning commission's or planning manager's action is final, subject to appeal to the city council as provided in title 1, chapter 6 of this code.~~

D. Application requirements. An application for a Variance shall be prepared, filed, and processed in compliance with Section 11-16-1 (Permit Application Filing and Processing).

E. Notice and hearing. Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with Section 11-17-4. (Public Hearing Notices)

F. Findings Required for Approval. A variance shall only be approved if all of the following are made:

1. Because of special circumstances applicable to the property, including, but not limited to, size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

2. The granting of the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other property in the vicinity and zone in which such property is situated.

3. That the granting of the variance will not be in conflict with the intent and purpose of this title or any applicable general plan.

4. The applicant agrees in writing to comply with all conditions imposed by the city in the granting of the variance.

G. Conditions of Approval. In approving a Variance, the Commission may impose conditions of approval to ensure that the development will comply with the findings required by Subsection F. ~~(Ord. 90-112, 1990; Ord. 22-0355 §§ 97—99)~~

§ 11-16-~~4~~ 8 Temporary Use~~Development plans~~Permit.

A. Purpose. This Section establishes procedures and standards for Temporary Use Permits for the short-term activities specified in this Section. These are activities that may not comply with particular standards of the applicable zone, but may otherwise be acceptable because of their temporary nature, if reviewed and appropriately conditioned in compliance with this Section.

B. Applicability. A Temporary Use Permit is required to permit the short-term activities specified in this Section.

C. Review Authority. The Planning Manager or their designee is authorized to issue Temporary Use Permits. The Planning Manager shall approve, conditionally approve, or deny Temporary Use Permits

D. Application requirements. An application for a Temporary Use Permit shall be prepared, filed, and processed in compliance with Section 11-16-1 (Permit Application Filing and Processing).

E. Exempt short-term activities. The following activities are allowed without a Temporary Use Permit, but may require other permits as specified.

1. Construction yards - On-site. On-site contractor's construction yard for an approved construction project including storage or cargo containers. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the project construction, whichever occurs first.

2. Fund-raising events. a. Fund raising events (e.g., bake sales, yard sales, car washes, etc.) conducted on property within a non-residential zone, limited to a maximum of two days per month for each sponsoring organization. b. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.

3. Garage sales. Garage sales may be held in up to four (4) times a year in residential zoned properties.

4. Public right-of-way. Activities conducted within the public right-of-way that are authorized by an Encroachment Permit.

5. Special Events. A Special Events Permit shall be required in compliance with Municipal Code Section 8-9 (Special Events) if an event is anticipated or planned to be attended by more than 100 people on private property or within public right-of-way or property. The Planning Manager may

defer such determinations to the City Manager.

6. Meeting halls or public assembly facilities. Events that occur at permanent meeting halls or public assembly facilities.

F. Allowed short-term activities. A Temporary Use Permit may authorize the following short-term activities within the specified time limits, but in no event for more than 12 months. Other activities that are proposed to occur for no more than 12 months, but do not fall within the categories defined below shall instead comply with the Development Permit requirements and development standards that otherwise apply to the property.

1. Events. Art and craft exhibits, carnivals, circuses, fairs, festivals, flea markets, food events, open-air theaters, outdoor entertainment/sporting events, promotional events, rummage sales, swap meets, and other special events, that will have less than 100 people at any one given time. Events of more than 100 attendees shall be considered a special event and shall refer to section 8.-9 (Special Events).

2. Amplified Music. Amplified Music that is an accessory use to the primary use shall be allowed if the following criteria is met:

   a. The use does and not create any adverse impacts other than those normally associated with the permitted use.

   b. Shall be in compliance with the City's noise standards.

   c. Does not charge a fee for entry.

   d. Amplified Music shall be limited to the hours of 12 p.m. to 8 p.m., and shall not exceed 80 decibels (dB) on Friday, Saturday, and Sunday, as measured from the edge of the property line, and 70 decibels Monday through Thursday.

   e. Other conditions as imposed by the Planning Manager consistent with subsection I.

3. Seasonal sales lots. Seasonal sales activities (e.g., Christmas tree lots, pumpkins, agricultural products grown on the premises, etc.) including temporary residence/security trailers.

4. Model homes & sales office. A model home(s) and/or sales office associated with a residential project. This may include off-site directional signs located on private property with written permission from the property owners. The maximum sign area shall be 36 square feet for each sign and a maximum sign height of six feet.

5. Temporary structures. A temporary classroom, office, or similar structure (not for storage), including a manufactured or mobile unit, may be approved as an accessory use for a maximum of 12 months.

6. Temporary storage containers. A temporary storage or cargo container not associated with an active building permit may be approved for a maximum of 30 days. The storage container shall be located on-site.

7. Temporary office and living quarters. A trailer or mobile home used as a temporary work and/or living quarters when associated with an active construction site.

8. Construction yards - Off-site. Off-site contractors' construction yards, for an approved non-City construction project. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the project, whichever occurs first.

9. Similar short-term activities. A short-term activity that the Director determines is similar to the other activities listed in this Section, and compatible with the applicable zone and surrounding land uses.

G. Notice and hearing. A public notice and hearing shall not be required for the Director's decision on a Temporary Use Permit.

H. Findings. The Planning Manager may approve a Temporary Use Permit subject to making all of the following findings:

1. The location, operation and time period of the temporary use will not constitute a hazard to the public interest, health, safety, or general welfare.

2. The operation of the temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics.

3. The proposed lot is adequate in size and shape to accommodate the temporary use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject lot.

4. The proposed lot is adequately and safely served by streets having sufficient capacity and improvements to accommodate the quantity of traffic that the temporary use will or could reasonably be expected to generate.

5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at an acceptable off-site location.

I. Conditions of Approval. In approving a Temporary Use Permit application, the Planning Manager may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Subsection H. This may include conditions from other City departments (e.g. Public Works, Parks) and other outside agencies (e.g. Santa Barbara County Fire Department, Santa Barbara County Sheriff) that may have a direct effect on the operation of the temporary use. Conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:

1. Regulating the length of time for operations, operating hours and days.

2. Provision for adequate temporary pedestrian and vehicular circulation, and parking facilities.

3. Regulation of nuisance factors including mitigation of glare or direct illumination, dirt, dust, noise, odors, smoke, trash, and vibration on adjacent lots.

4. Regulation of temporary structures and facilities, including placement, height, size, and location of equipment.

5. Provision to meet City building and fire code requirements.

6. Provision for sanitary and medical facilities, as appropriate.

7. Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal.

8. Provision for police/security and safety measures, as appropriate.

9. Regulation of signs.

10. Other conditions that would ensure that the operation of the proposed temporary use would be conducted in an orderly manner, and in full compliance with the purpose of this Section.

~~A. Purpose and Intent. The purpose of a development plan is to provide discretionary action for projects allowed by right within their respective zoning districts which, because of the type, scale or location of the development, require comprehensive review.~~

~~B. Applicability. No permit shall be issued for any development, including grading, for any property located in a zone district in which a development plan is required until a development plan has been approved as provided below in this section with the exception that as provided in section 11-7A-1(B)(1) the planning manager may waive the requirements of this section if the project involves only a minor alteration, addition or replacement to an existing structure, and/or the additional enlargement of the outdoor patio or seating area of a restaurant, bar, cocktail lounge or wine tasting establishment, and where there is a previously approved development plan on file with the city and the project is in substantial conformance with such development plan.~~

~~C. Contents of a Development Plan. As many copies of a development plan as may be required shall be submitted unless otherwise specifically waived by the planning manager, the information submitted as part of the development plan shall include the following:~~

~~1. A plot plan of the proposed development drawn to scale showing.~~

~~a. Gross acreage and boundaries of the property;~~

~~b. Location of areas of geologic, seismic, flood and other hazards;~~

~~c. Location of areas of all existing and proposed structures, their use and square footage of each structure;~~

~~d. Location of areas of prime scenic quality, habitat resources, archaeological sites, water bodies and significant existing vegetation;~~

~~e. All interior circulation patterns including existing and proposed streets, walkways, bikeways and connector roads and other major highways;~~

~~f. Location of all utilities easements;~~

~~g. Location and use of all buildings and structures within 50 feet of the boundaries of the property;~~

~~h. Location and amount of land devoted to public purposes, open space, landscaping and recreation;~~

~~i. Location and number of parking spaces; and~~

~~j. All easements.~~

~~2. Contour map showing topography including existing natural contours and proposed grading lines.~~

~~3. Proposed drainage system.~~

4. Preliminary floor plans.

5. Preliminary building elevations.

6. Preliminary landscaping plans.

7. Statistical information including the following:

a. Number and type of dwelling units in each building, i.e., single-family dwelling, condominium, apartment, etc., and number of bedrooms in each unit.

b. Square footage and percentage of total net land area of the property devoted to landscaping and open space.

c. Total number of parking spaces and parking ratio parking spaces per building square foot, number of employees or dwelling units, whichever is applicable.

d. Total square footage of gross floor area of all stories and percent of total net land area of the site covered by buildings.

e. Estimated number of potential residents in each residential category.

f. Number of employees and number of proposed new employees, if applicable.

g. Average slopes, if parcel contains slopes of 30% or more.

8. A statement and design showing how the proposed development conforms to the architectural theme in the area, including the following architectural detail:

a. Description of plans showing overall building shapes, as well as parts of any structure, building, walls, screens, towers or signs in existing or permitted structures in the areas;

b. Provisions for harmonious relationship with existing and proposed adjoining developments and conformance with the design motif and theme of the area;

c. Provisions for harmony of materials, colors and composition of all sides of a structure or building;

d. Provisions for consistency and unity of composition and treatment of exterior elevations;

e. Provisions for the materials on the exterior face of the building or structure (wood, concrete, brick, stone);

f. Provisions for adequate landscaping in proportion to the project and the site, with due regard to preservation of specimen, landmark or other healthy trees; selection of a size and type of planting which will be appropriate to the project and will grow on the site; and provisions for maintenance of all plantings;

g. Provisions for site layout, orientation and location of structures, buildings and signs in appropriate and well-designed relationship to one another with consideration given to open spaces, topography, definition of pedestrian and vehicular areas and exterior building lighting;

h. Provisions for open space suitably landscaped;

i. Provisions of design of signs and lighting and other advertising media to harmonize and be subordinate to the building it serves;

j. Provisions for mechanical and electrical equipment and trash storage should be concealed and integrated in the total design concept;

k. Provisions for parking and loading areas to be attractively landscaped and otherwise screened, and landscaping between property lines and parking areas;

l. Provisions for storage areas to be defined as to height limits and architectural screening where exterior of structure;

m. Provisions for the location, color and screening of roof features shall be integrated into the overall design; and

n. Provisions for landscaping to soften large expanses of paved areas.

9. A statement of intent with respect to the establishment of utilities, services and facilities including water, sewage disposal, fire protection, police protection, schools and transportation, i.e., access, proximity to public transit or provision of bike lanes, etc.

10. Measures to be used to prevent or reduce nuisance effects, such as noise, dust, odor, smoke, fumes, vibration, glare, traffic congestion and to prevent danger to life and property.

11. If development is to occur in stages, the sequence and timing of construction of the various phases.

12. Proposed public access to recreational areas, trails or streets to be dedicated to the city.

13. Any other data requested by the planning manager.

D. Processing of a Development Plan.

1. Any application filed pursuant to this section that is inconsistent with the use and/or density requirements of this title or any applicable general plan must be accompanied by an application to make the project consistent. The planning manager may refuse to accept for processing any application that is inconsistent with the general plan.

2. Upon receipt of the development plan, the planning manager shall process the plan through environmental review. The plan may be concurrently referred to the development review committee and design review committee for review. However, action on the project cannot be taken until the environmental review process is completed.

3. After a determination and/or preparation of the final environmental document, the planning manager shall refer the development plan to the design review committee and then to the development review committee for review and recommendation to the planning commission.

4. The planning commission shall hold at least one noticed public hearing then certify the environmental impact report or approve the negative declaration. The planning commission shall then consider the development plan and approve, conditionally approve or deny the plan. The planning commission's action shall be final, subject to appeal to the city council.

5. If the development plan is in conjunction with a rezone application, the planning commission may make a determination on the development plan subject to city council action on the rezoning. The planning commission shall at the same time make a recommendation to the city council on the rezone.

6. A revised development plan shall be processed in the same manner as the original plan. When approved by the planning commission, such revised plan automatically supersedes any previously approved plan.

E. Plans for Land Use Permit Issued by the Planning Manager. As many copies of the development plan as may be required shall be submitted to the planning manager. The information submitted shall consist of the following:

1. All information and maps required under subsection C of this section.

2. Dimensioned building elevations, including overall building height.

3. Floor plans of each floor of each building indicating total gross and net floor area of each building.

4. Detailed landscaping and irrigation plan indicating existing and proposed trees, shrubs and ground cover, and delineating species, size and placement.

5. Proposed homeowners' association (if applicable), indicating CC&Rs, deeds and restrictions and methods of open space maintenance.

6. The proposed method of fulfilling all conditions of approval required on the development plan approval, including any improvement security as required by title 1, chapter 7 of this code.

7. Any other data requested by the planning manager.

F. Findings Required for Approval.

1. A development plan shall be approved only if all of the following findings can be made:

a. That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the density and intensity of development proposed.

b. That adverse impacts are mitigated to the maximum extent feasible.

c. That streets and highways are adequate and properly designed.

d. That there are adequate public services, including, but not limited to, fire protection, water supply, sewage disposal and police protection to serve the project.

e. That the project will not be detrimental to the health, safety, comfort, convenience and general welfare of the neighborhood and will not be incompatible with the surrounding areas.

f. That the project is in conformance with the applicable provisions of law, including this title and is consistent with the general plan.

g. That the development will not materially or adversely aggravate the parking and traffic conditions in the area.

h. That the project will not conflict with any easements required for public access through, or public use of, a portion of the property.

2. The planning manager shall issue a land use permit for a development plan only if the following findings are made:

a. Such plan is in substantial conformance with the approved development plan.

b. Such plan is in conformance with all applicable provisions and policies of the general plan, with law and this title.

G. Conditions, Restrictions and Modifications.

1. At the time the development plan is approved, the building height limits, distance between buildings, setback, yard, parking, building coverage, landscaping or screening requirements specified in the applicable zone district may be modified when there is a finding that such modifications are justified.

2. As a condition of approval of the development plan the planning commission may impose any appropriate and reasonable conditions or require any redesign of the project as they may deem necessary to protect the persons or property in the neighborhood, to preserve the neighborhood character, natural resources of scenic quality of the area, to preserve the theme or motif of the city, to preserve or enhance the public peace, health, safety and welfare, or to implement the purposes of this title.

3. The planning commission may require as a condition of approval of any development plan, the preservation of trees existing on the property and adequate parking.

H. Time Limit. Final development plans shall expire three years after approval unless, prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The planning commission may, upon good cause shown, grant time extensions for one year periods.

I. Development Review Committee to Recommend. The development review committee of the city shall review and make recommendations on all development plans and shall include with the same proposed findings and recommended conditions that may be adopted by the city.

J. Public Hearings. Public hearings shall be held on all development plan approvals, when required by Government Code section 65905 and, in such case, notice shall be given as required by Government Code section 65091.

(Ord. 92-134, 1992; Ord. 97-186, 1997; Ord. 20-0344 § 2; Ord. 20-0345 § 2; Ord. 21-0347 § 4; Ord. 22-0355 §§ 100—104)

§ 11-16-5 9 Specific plans.

A. Purpose and Intent.

1. These regulations are based on the recognition that one parcel or a group of parcels of land which may be in separate ownership are suitable for a specific use or combination of uses, and should be planned as a unit to ensure protection of valuable resources and allow maximum flexibility in site planning.

2. The purpose of the specific plan is to allow for a more precise level of planning for an area than is ordinarily possible in the general plan land use element and to provide for a mixture of uses through comprehensive site planning.

3. This section is adopted to guide the preparation of specific plans pursuant to the provisions of Government Code sections 65450 through 65457.

B. Applicability.

1. A specific plan shall not be considered adopted until a site development plan as described in subsection (C)(2) of this section, together with the required accompanying data, have been approved by ordinance by the city council after consideration at a noticed public hearing and a recommendation by the planning commission.

2. At the time of adoption of the specific plan, the city council shall determine whether the existing zoning on the property is consistent with the specific plan. If the city council finds that it is not consistent, then either the city or proponent of the specific plan shall initiate rezoning of the parcel(s) to bring the zoning into conformance with the specific plan.

3. After the city council adopts the specific plan, no construction shall commence on properties requiring a specific plan until a development plan, as provided in section 11-16-4 of this chapter has been approved.

C. Contents of Specific Plans.

1. As many copies of a specific plan as may be required shall be submitted to the planning manager.

2. Unless specifically otherwise authorized in writing by the planning manager, the information submitted as part of the specific plan shall consist of a site development plan including a map or maps drawn to scale and other supplemental information indicating:

a. Acreage and approximate boundaries of the property;

b. Contour maps showing topography and areas proposed for major regrading;

c. Approximate width and location of proposed streets and their connector roads and other major highways on surrounding property;

d. Location of areas of geologic, seismic, flood and other hazards;

e. Location of areas of prime scenic quality, habitat resources, archaeological sites, water bodies and areas with significant existing vegetation;

f. Location of all proposed structures including, but not limited to, residential (distinguishing between the various types of residential structures, i.e., single-family dwelling, duplex, apartment, condominium, etc.), industrial and recreational structures, description of the general dimensions and square footage of each of these structures, and an indication of the total number of and estimated total population for each type of dwelling unit;

g. Location and amount of open space for use by prospective residents and the public;

h. Location and description of proposed recreational facilities;

i. Location of parking areas;

j. A statement of intent with respect to establishment of utilities, services and facilities, including water, sewage disposal, fire protection, police protection and schools;

k. If development is to occur in stages, a general indication of the sequence and time of construction of the various phases;

l. Text of the specific plan requirements applicable to the area involved;

m. Any other supplementary data requested by the planning manager.

D. Processing.

~~1. After receipt of the specific plan, the planning manager shall process the plan through environmental review. The plan may be concurrently processed to the development review committee, design review committee and planning commission for a preliminary review and input on the project.~~

~~2. After a determination and/or preparation of the final environmental document, the planning manager shall refer the specific plan to the development review committee and design review committee for review and recommendation to the planning commission.~~

~~3~~1. The planning commission shall hold at least one noticed public hearing to consider the specific plan. Notice of time and place of said hearing shall be given in accordance with the procedures set forth in section 11-17-4 of this chapter. Any hearing may be continued from time to time.

~~4~~2. ~~If the planning commission recommends approval, with or without modifications, the matter shall be referred back to the planning division and city attorney for the preparation of an ordinance adopting the specific plan.~~ The planning commission's recommendation on the specific plan shall be transmitted to the city council accompanied by a statement of the planning commission's reasons for such recommendation.

~~5~~3. The city council shall hold at least one noticed public hearing before adopting the proposed specific plan. The notice of time and place of said hearing shall be given in the same time and manner as provided for the giving of notice of the hearing by the planning commission. Any hearing may be continued from time to time.

~~6. The city council shall not make any change or addition to any proposed specific plan thereto recommended by the planning commission until the proposed change or addition as been referred to the planning commission for a report and a copy of the report has been filed with the city council. Failure of the planning commission to report within 40 days after the reference or such longer period as may be designated by the city council shall be deemed to be a recommendation for approval of the proposed change or additions. It shall not be necessary for the planning commission to hold a public hearing on the proposed change or addition.~~

~~7~~4. The adoption of the specific plan shall be by ordinance.

~~8~~6. After adoption of a specific plan, no permits shall be issued for construction, erection or moving in of any building, nor for grading, nor for any use of land ~~which requires a land use permit until a development plan as required under the applicable zoning district has been approved.~~unless completion of required additional entitlements as specified by the Specific Plan and/or zoning ordinance.

~~9~~7. Subsequent amendments to the specific plan shall be processed in the same manner as specified for adoption of an original specific plan.

E. Findings Required for Approval. A specific plan shall not be adopted unless all of the following findings are made:

1. The specific plan is in conformance with and will implement all applicable general plan policies and incorporates any other conditions specifically applicable to the parcels that are set forth in the plan.

2. The specific plan will not be detrimental to the health, safety, comfort, convenience and general welfare of the neighborhood.

3. The specific plan will not adversely affect necessary community services such as traffic circulation, sewage disposal, fire protection and water supply.

4. The specific plan represents sound community planning and will provide a measure of public benefit as determined by the city council.

(Ord. 90-112, 1990; Ord. 91-121, 1991; Ord. 92-134, 1992; Ord. 97-186, 1997; Ord. 21-0347 § 4; Ord. 22-**0355 §§ 105, 106)**

~~§ 11-16-6 Prior permit compliance on application.~~

~~A. Purpose and Intent. This section establishes a requirement that any applicant for a tentative map, a major or minor conditional use permit, a major or minor variance, a development plan or an application that~~

~~is to be reviewed by the design review committee must show on any such application that the applicant is in full compliance with all conditions on each and every previously issued tentative map, major or minor conditional use permit major or minor variance, development plan or application reviewed by the design review committee, as long as such is being used by the applicant and is subject to the jurisdiction of the city.~~

~~B. Applicability.~~

~~1. All application forms that are required by and processed through the planning division for applications listed in subsection A of this section shall include a section to be filled in by the applicant that requires the applicant to state whether the applicant uses any of the permits listed in subsection A of this section from the city. If the answer is yes, then the applicant shall provide the following information about all such permits:~~

~~a. The date of the permit.~~

~~b. The type of permit.~~

~~c. The permit number.~~

~~d. Whether the permit is currently valid.~~

~~e. Whether the applicant is in full compliance with the permit, if it is still valid and in effect.~~

~~2. The planning division shall review the information provided by the applicant pursuant to subsection (B)(1) of this section and any other information deemed necessary by the planning division to verify the information provided by the applicant.~~

~~3. After the review and verification by the planning division, if the applicant is found to not be in full compliance with all conditions for such permits previously issued by the planning division, the planning division shall so notify the applicant in writing within 30 days of the submission of the application. The application shall be deemed to be incomplete until the applicant is in full compliance with all conditions of all such permits and no further processing of the new application shall occur until the planning division has adequate proof of full compliance.~~

~~4. For purposes of this section, applicant shall also include any entity in which any individual who is involved in the project which is the subject of the new permit applicant owns or holds an interest which is 50% or greater in a project which has previously been issued a permit listed in subsection A of this section.~~

~~C. Appeal.~~

~~1. Once an applicant has been notified in writing that the application is incomplete pursuant to subsection B of this section, then the applicant shall have the right to appeal the determination of the planning division by requesting a hearing conducted by the city manager.~~

~~2. The appeal filed pursuant to subsection (C)(1) of this section shall be filed with the city manager within 30 days of the date that the planning division's notice to the applicant is dated, or mailed, whichever date is later.~~

~~3. The appeal shall include any and all information and documentation that the applicant will submit to the city manager in support of applicant's claim that the planning division's determination is incorrect. Applicant shall submit a copy of the appeal to the planning division at the same time as filing with the city manager.~~

~~4. Within 10 days of the filing of the appeal by the applicant, the planning division shall submit any and all information and documentation to the city manager and applicant which the planning division relied on in support of the determination made pursuant to subsection (B)(3) of this section.~~

~~5. The city manager shall notify the applicant and the planning division of a date for a hearing of the appeal within 30 days of the date the appeal is filed. The hearing date shall not be more than 60 days from the date the appeal was filed.~~

~~6. The hearing shall be held at a place and a time designated by the city manager, the hearing may only be continued at the request of the applicant. The applicant and the planning division shall submit their respective evidence and documentation at the hearing.~~

~~7. The city manager shall issue a decision on the appeal in writing within 10 days after the hearing and such decision shall be final.~~

~~(Ord. 95-158, 1995; Ord. 21-0347 § 4; Ord. 22-0355 §§ 107, 108)~~

§ 11-16-~~7~~ 10 Small residential rooftop solar systems.

A. Definitions.

Association. A nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

Common Interest Development. Any of the following:

a. A community apartment project.

b. A condominium project.

c. A planned development.

d. A stock cooperative.

Electronic Submittal. The utilization of one or more of the following:

a. E-mail;

b. The internet;

c. Facsimile.

Reasonable Restrictions. On a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

Restrictions That Do Not Significantly Increase the Cost of the System or Decrease its Efficiency or Specified Performance.

a. For water heater systems or solar swimming pool heating systems: an amount exceeding 10% of the cost of the system, but in no case more than $1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, as originally specified and proposed.

b. For photovoltaic systems: an amount not to exceed $1,000 over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10% as originally specified and proposed.

Small Residential Rooftop Solar Energy System. All of the following:

a. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

b. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and all state and city health and safety standards.

c. A solar energy system that is installed on a single-or duplex-family dwelling.

d. A solar panel or module array that does not exceed the maximum legal building height as defined by the city.

Solar Energy System. Either of the following:

a. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

b. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

Specific, Adverse Impact. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

B. Purpose. The purpose of this section is to adopt an expedited, streamlined solar permitting process that complies with the solar rights act and AB 2188 (chapter 521, statutes 2014) to achieve timely and cost effective installations of small residential rooftop solar energy systems. This section encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city and expanding the ability of property owners to install solar energy systems. This section allows the city to achieve these goals while protecting the public health and safety.

C. Applicability.

1. This section applies to the permitting of all small residential rooftop solar energy systems in the city.

2. Small residential rooftop solar energy systems legally established or permitted prior to the effective date hereof are not subject to the requirements of this section unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like kind replacements shall not require a permit.

D. Solar Energy System Requirements.

1. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the city local fire department or district (and utility director, if applicable).

2. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

3. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

E. Duties of Building Department and Building Official.

1. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible city website.

2. Electronic submittal of the required permit application and documents (by e-mail, the internet, or facsimile) shall be made available to all small residential rooftop solar energy system permit applicants.

3. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature. The city building department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

4. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and

standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

5. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code sections 65850.55, 66015, 66016, and State Health and Safety Code section 17951.

F. Permit Review and Inspection Requirements.

1. The city building department shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption of this section. The building department shall issue a building permit or other nondiscretionary permit (the same day for over the counter applications or within one to three business days for electronic applications of receipt of a complete application) and meet the requirements of the approved checklist and standard plan. A building official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the city planning commission.

2. Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.

3. If a use permit is required, a building official may deny an application for the use permit if the official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the city planning commission. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

4. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

5. The city shall not condition approval of an application on the approval of an association, as defined in section 4080 of the Civil Code.

6. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

7. Only one inspection shall be required and performed by the building department for small residential rooftop solar energy systems eligible for expedited review.

8. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two business days of a request and provide a two hour inspection window.

9. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this section.

(Ord. 16-316, 2016)

§ 11-16-11 Permit Implementation.

A. This Section provides requirements for the implementation of the development applications or approvals required by this Zoning Code.

B. Effective Date of Permits. The approval of a discretionary planning application for a development shall become effective after the 10th working day following the date of application approval by the Review Authority, where no appeal of the Review Authority's action has been filed in compliance with Section 11-17-5 (Appeals).

C. Applications Deemed Approved. A development application deemed approved in compliance with Government Code Section 65956(b) shall be subject to all applicable provisions of the General Plan, this Development Code, and other applicable City policies and standards before a building permit is issued or a land use not requiring a building permit is established.

D. Permits to Run with the Land. Unless otherwise specified, development applications and approvals granted in compliance with this Chapter shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure to which it applies, with the exception of Home Occupation Permits.

§ 11-16-12 Performance Guarantee.

A. Deposit of Security.

1. The Review Authority or the Planning Manager may require the execution of a covenant or other agreement to deposit security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval.

2. The security shall, as required by law or otherwise at the option of the City, be in a form which includes but is not limited to cash, a certified or cashier's check, letter of credit, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the City Manager.

3. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Planning Manager.

4. Security required in compliance with this Section shall be payable to the City of Solvang.

B. Release of security. Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

C. Failure to comply.

1. Upon failure to perform any secured condition(s), the City may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs.

2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.

§ 11-16-13 Time Limits and Extensions

A. Time Limits.

1. Unless a condition of approval or other provision of this Zoning Code or Municipal Code establishes a different time limit, any permit or approval not exercised within 24 months of

approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B.

2. If a development is to be constructed in approved phases, each subsequent phase shall be exercised within 24 months from the date that the previous phase was exercised, or the permit shall expire and become void, except where an extension of time is approved in compliance with Subsection B.

3. The permit shall not be deemed "exercised" until the applicant has substantially commenced construction of the approved development or actually commenced the allowed use on the site in compliance with the conditions of approval.

B. Extensions.

1. Filing and review of request.

a. Time for filing. The Applicant shall file an application for an extension of time with the Planning Manager or their designee before the expiration of the permit, together with the filing fee required by the City's Master Fee Schedule. The permit shall be automatically extended for 60 days, or until the application for the extension is approved, conditionally approved, or denied, whichever occurs last.

b. Evidence to be provided. The Review Authority shall determine whether the applicant has made a good faith effort to exercise the permit. The burden of proof is on the applicant to establish that circumstances beyond the control of the applicant (e.g., demonstrated problems with completing the acquisition of the lot, poor weather during periods of planned construction, financial circumstances, etc.) have prevented exercising the permit.

c. Public hearing. If the original approval required a public hearing, the Review Authority shall hold a public hearing on a proposed extension of time, after providing notice of the public hearing in compliance with Section 11.17.4. (Public Hearing Notices). If the original approval did not require a public hearing, the Planning Manager may approve the extension of time.

2. Action on extension request.

a. A permit may be extended for three additional 12-month periods beyond the expiration of the original approval; provided, the Review Authority finds that there have been no changes in the conditions or circumstances of the site or development.

b. If a project requires the issuance of a permit by the federal or state governments, or a local agency other than the City in order to be constructed, additional extensions may be granted beyond the extensions allowed in subsection 2.a, if the review authority can make a finding the delay in the project was not caused by the Applicant’s actions or failure to use due diligence in pursuing the required permits necessary to move forward with construction of the project.

§ 11-16-14 Changes to Approved Entitlements or Developments

A. Application

B. Notice and hearing. If the matter originally required a noticed public hearing, the Review Authority shall hold a public hearing in compliance with Section 11-17-4. (Public Hearing Notices), except for

the minor changes outlined in Subsection C. below.

1. A development or new land use allowed through a permit or approval granted in compliance with this Zoning Code shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the Review Authority, except where changes to the development are approved in compliance with this Section.

2. An Applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Requested changes may involve changes to one or more conditions imposed by the Review Authority or actual changes to the development (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the Applicant or approved by the Review Authority.

3. Changes shall not be implemented until first approved by the applicable Review Authority, and may be requested either before or after construction or establishment and operation of the approved use.

C. Minor changes by Planning Manager. The Planning Manager may authorize minor changes to an approved development application or other approval only if the changes:

1. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the development;

2. A basis for conditions of approval for the development; or

3. A specific consideration by the Review Authority (e.g., the Planning Manager, Commission, or City Council) in approving the permit; and

4. Do not involve expansion of the use of more than 10%, complies with all applicable life/safety codes.

§ 11-16-15 Permit Revocation

A. Permit Revocations. The City's action to revoke a permit or approval shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval.

1. Ten days before the public hearing, notice shall be mailed or delivered to the applicant being considered for revocation and the property owner of the site.

2. Exceptions.

a. Temporary Use Permits.

B. Hearing and notice required. The Commission shall hold a public hearing to revoke a permit or approval granted in compliance with the provisions of this Development Code. The hearing shall be noticed and conducted in compliance with Section 11-17-4. (Public Hearing Notices).

C. Findings.

1. Permits. A Conditional Use Permit or other development application or approval (except a Variance, see Subsection 2., below) may be revoked by the Planning Commission, if it makes any one of the following findings:

a. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require revocation.

b. The permit or other approval was granted, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval.

c. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated.

d. The approved use or structure has ceased to exist or has been suspended for a period in excess of 12 months.

e. An improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.

2. Variances. A Variance may be revoked by the Commission, if the Commission makes any one of the following findings, in addition to any one of the findings specified in Subsection 1, above:

a. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance.

b. One or more of the conditions of the Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance.

Chapter 17
ADMINISTRATION AND ENFORCEMENT

§ 11-17-1 (Reserved)

§ 11-17-2 ~~Fees~~Reserved.

~~The city council shall establish by resolution a schedule of fees for processing the various applications required by this title. All required fees shall be paid at the time of filing the application with the planning manager and no processing shall commence until the fee is paid.~~

~~(Ord. 90-112, 1990; Ord. 22-0355 § 109)~~

§ 11-17-3 Ordinance text amendments/rezones.

A. Purpose and Intent. The purpose and intent of this section is to establish the procedures by which changes may be made in both the text of this title and the zoning maps whenever such changes are warranted by the community welfare, the public necessity and good zoning and planning practices.

B. Applicability. These procedures shall apply to all proposals to change any property from one district to another or to amend the text of this title.

C. Zoning Ordinance Text Amendments.

1. Initiation. Proposals to amend the text of this title may be initiated by:

a. Resolution of the city council.

b. Resolution of the planning commission.

c. Any interested person may request such initiation in writing.

2. Processing.

a. As many copies of an ordinance amendment application as may be required shall be submitted to the planning manager if initiated by a person or persons other than the city council or planning commission.

b. Any application filed pursuant to this section that is inconsistent with the use and/or density requirements of this title or the adopted general plan must be accompanied by an application to make the project consistent. The planning division may refuse to accept for processing any application that is inconsistent with the general plan.

c. The planning manager shall process the application through environmental review.

d. After a determination and/or preparation of the final environmental document, the planning commission shall hold at least one noticed public hearing on the certification of the environmental impact report or approval of the negative declaration and the proposed amendment.

e. Notice of the time and place of said hearing including a general explanation of the matter to be considered and a general description of the area affected shall be given at least 10 calendar days before the hearing in the following manner.

i. Notice shall be published in a newspaper.

ii. Notice shall be mailed to the applicant.

iii. Notice shall be mailed to any person who has filed a written request therefor and has supplied the city with self-addressed, stamped envelopes.

3. Action.

a. The planning commission's action on the environmental documents and recommendation on the rezoning shall be transmitted to the city council. Such recommendation shall include the reasons for the recommendation.

b. Upon receipt of the recommendation of the planning commission, the city council shall hold at least one public hearing. Notice of the time and place of said hearing shall be given in the manner as prescribed above in subsection (C)(2)(e) of this section.

c. The city council may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed amendment by the council not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within 40 days after the reference, or such longer period as may be designated by the city council, shall be deemed to be a recommendation for approval of the proposed modification.

D. Rezones (Zoning Map Amendments).

1. Initiation. Proposals to change the zoning on any property from one district to another may be initiated by:

a. Resolution of the city council.

b. Resolution of the planning commission.

c. Any interested person may request such initiation in writing.

2. Processing.

a. As many copies of a rezone application as may be required shall be submitted to the planning manager if initiated by a person or persons other than the city council or planning commission.

b. Any application filed pursuant to this section that is inconsistent with the use and/or density requirements of this title or the general plan must be accompanied by an application to make the project consistent. The planning division may refuse to accept for processing any application that is inconsistent with the general plan.

c. The planning manager shall process the application through environmental review.

d. After a determination and/or preparation of the final environmental document, the planning commission shall hold at least one noticed public hearing on the certification of the environmental impact report or negative declaration and the proposed rezoning.

e. Notice of the hearing shall be given according to section 11-17-4(B) of this chapter except that in the event that the number of owners to whom notice would be sent pursuant to section 11-17-4(B) of this chapter is greater than 1,000, the city may provide notice by placing a display advertisement of at least one-eighth (1/8) page in a newspaper of general circulation, published and circulated in the city.

3. Action.

a. The planning commission's action shall be transmitted to the city council in the form of a written recommendation, which shall include the reasons for such recommendation.

b. Upon receipt of the recommendation of the planning commission, the city council shall hold at least one public hearing on the matter. However, if the planning commission has recommended against the rezone, the city council shall not be required to hold a public hearing or take any further action on the matter unless within 10 days after the planning commission makes its determination, the applicant or other interested person files a written request for such hearing with the city clerk. Notice of the hearing shall be given in the manner as prescribed in subsection (D)(2)(e) of this section.

c. The city council may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed amendment by the city council not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within 40 days after the reference, or such longer period as may be designated by the city council, shall be deemed to be a recommendation for approval of the proposed modification.

E. Findings Required for Approval of Text Amendment or Rezone. In order for the planning commission to recommend approval or for the city council to approve a rezone or text amendment request, the following findings shall be made by the planning commission and city council:

1. The request is in the interests of the general community welfare.

2. The request is consistent with the general plan, the requirements of state planning and zoning laws and this title.

3. The request is consistent with good zoning and planning practices.

(Ord. 90-112, 1990; Ord. 22-0355 §§ 110, 111)

§ 11-17-4 Public hearing notices.

A. Purpose and Intent. The purpose of this section is to set forth the minimum requirements for providing notice of a public hearing.

B. Notice of Public Hearing. For all projects that require a noticed public hearing, notice of the time and place of said hearing shall be given at least 10 calendar days before the hearing in the following manner unless specifically stated otherwise in this title:

1. Notice shall be published in a newspaper of general circulation in the city, and circulated in the area affected by the project.

2. Notice shall be mailed to any person who has filed a written request~~therefor and has supplied the city with self-addressed, stamped envelopes.~~

3. Notice shall be mailed to the applicants.

4. Notice shall be mailed to the owners of the affected property and the owners of the property within 300 feet of the exterior boundaries of the affected property. The names and addresses used for such notice shall be those appearing on the equalized city assessment roll, as updated from time to time.

5. Additional Noticing Methods. The city may also require public noticing in any manner it deems necessary or desirable, including, but not limited to, posted noticing on project site.

~~C. Large Family Childcare Permits. For large family childcare permits, not fewer than 10 days prior to the date on which the decision will be made on the application, the planning manager shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100 foot radius of the exterior boundaries of the proposed large family daycare home. No hearing on the application for a permit issued pursuant to this subsection shall be held before a decision is made unless a hearing is requested by the applicant or other affected person.~~

~~D~~C. Contents of Notice. The notice shall contain the following information:

1. The date of filing of the application and the name of the applicant.

2. The planning manager number assigned to the application.

3. A description of the project and its location.

4. The place, date and general time of the hearing.

5. The procedure for the submission of public comments in writing before the hearing.

6. The procedure for public comments at the hearing.

(Ord. 90-112, 1990; Ord. 07-272, 2007; Ord. 19-0336, 2019; Ord. 22-0355 §§ 112, 113)

§ 11-17-5 Appeals.

A. Purpose and Intent. The purpose of this section is to provide procedures and to establish criteria for appeals to the planning commission and the city council.

B. Appeals to the Planning Commission.

1. The decisions of the planning manager on the issuance, revocation or modification of land use permits may be appealed to the planning commission by the applicant or any interested person adversely affected by such decision. The appeal, which shall be in writing, and accompanying fee must be filed with the city clerk within 10 calendar days or the date of the decision of the planning manager.

2. The appellant shall state specifically in the appeal how the decision of the planning manager is inconsistent with the purpose of this title, or the error or abuse of discretion committed.

3. Prior to the hearing on said appeal, the planning manager shall transmit to the planning commission copies of the permit application including all maps and data and a statement setting forth the reasons for the decision.

4. The planning commission hearing shall be de novo and the commission shall affirm, reverse or modify the decision of the planning manager at a public hearing. At least 10 calendar days before the public hearing, written notice of the time and place of such hearing including a general description of the matter to be considered shall be published a newspaper of general circulation in the city and circulated in the area affected by the application and shall be mailed and delivered to:

a. Any person who has filed a written request therefor and has supplied the city with self-addressed, stamped envelopes;

b. The applicant(s);

c. The appellant(s);

d. The owner(s) of the subject property.

C. Appeals to the City Council.

1. The decisions of the planning manager (except where the same is appealable to the planning commission under subsection B of this section), or planning commission, may be appealed to the city council pursuant to title 1, chapter 6 of this code by the applicant or any interested party adversely affected by such decision.

2. The decisions of design review committee on signs or other applications for which the design review committee is the final decision making body may be appealed to the city council pursuant to title 1, chapter 6 of this code by the applicant or any interested party adversely affected by such decision. The design review committee's advice and recommendations to the planning commission on an application that will be reviewed and approved, disapproved or conditionally approved by the planning commission are not separately appealable from the planning commission's final decision on such application.

3. At least 10 calendar days before the public hearing and including a general description of the matter to be considered, notice shall be published in a newspaper of general circulation in the city and shall be mailed or delivered to:

a. Any person who has filed a written request therefor and has supplied the city with self-addressed, stamped envelopes;

b. The applicant(s);

c. The appellant(s);

d. The owners of the subject property.

4. Appellants shall be entitled to raise and appeal to the city council only issues that were raised before the officer, board or commission whose decision is being appealed.

(Ord. 90-112, 1990; Ord. 99-201, 1999; Ord. 21-0347 § 4; Ord. 22-0355 § 114)

§ 11-17-6 Reapplications.

No application shall be accepted nor acted upon if within the past one year, substantially the same application has been made and denied by the planning commission, the design review committee, the planning manager or the city council, unless the city council permits such reapplication because of an express finding that one or more of the following applies:

A. That new evidence presented which was unavailable or unknown to the applicant at the previous hearings and which could not have been discovered in the exercise of reasonable diligence by the applicant.

B. That there has been a substantial and permanent change of circumstances since the previous hearings, which materially affects the applicant's real property.

C. That a mistake was made at the previous hearings which was a material factor in the denial or denials of the previous application.

(Ord. 90-112, 1990; Ord. 21-0347 § 4; Ord. 22-0355 § 115)

§ 11-17-7 Enforcement and penalties.

A. Applicability. The provisions of this section shall apply entirely to this title.

B. Investigation. The planning manager, is hereby authorized to investigate all reported or apparent

violations of any of the provisions of this title. If a violation is determined to exist or to be impending, the planning manager is hereby authorized to take such measures as he or she deems necessary or expedient to enforce and secure compliance with the provisions of this title.

1. Planning Manager Defined. As used in this section, the term planning manager refers to the planning manager and also to any person employed by the city or any person employed by the person, firm or entity to do planning and zoning for the city who is authorized by the planning manager to act on his or her behalf.

2. Cooperation of Other Officials. The planning manager may request, and shall receive, the assistance and cooperation of other officials of the city to assist in the discharge of their duties.

3. Right of Entry and Inspection. The planning manager may enter at all reasonable times any building, structure or premises in the city for the purpose of carrying out any act necessary to perform any duty imposed by this title. Upon request the planning manager shall provide adequate identification. Except under exigent circumstances, an inspection warrant shall be obtained if entry is refused.

4. Liability. The planning manager or any other person charged with the enforcement of this title, if acting in good faith and within the course and scope of his or her employment, shall not thereby be liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as the result of, or by reason of, any act or omission occurring in the discharge of his or her duties. Any suit brought against the planning manager, or his or her agents or employees, because of such act or omission performed in the enforcement of any provision of this title shall be defended by the city attorney.

C. Work Stoppage. Where any building construction work is being done contrary to the provisions of this title, the planning manager may order the work stopped by giving notice in writing and serving such notice and order on any persons engaged in doing or causing such work to be done. Any such persons, their agents, employees or servants, shall forthwith stop such work until such time as recommencement is authorized by the planning manager.

D. Tax Bill Collection. In the event any fees assessed in connection with the processing or approval of development of any property pursuant to this title remain unpaid at the time specified for fixing the tax rate of the city, the amount due for such fees may be added to and become a part of the annual taxes levied against the land, provided: (1) the property is owned, controlled or was in possession of the same person who owned, controlled or was in possession of it during the time such fees were imposed; or (2) the only transfer made of the property since the date such fees were imposed have been transfers by gift, descent or devise. Such fees so added shall constitute a lien on the property. If the taxes are divided and made payable in two installments, the unpaid fees shall be added to and become a part of the first installment. The city council shall include in the statement of tax rate transmitted to the authorities the amount of such fees to be levied against the land, and such fees shall be included in the tax bill.

E. Any person, whether acting as principal, agent, employee or otherwise, who violates the provisions of this title or any rule, regulation, order or permit issued hereunder, shall be subject to an administrative citation and penalties pursuant to title 6, chapter 5, article A of this code.

F. Referral for Legal Action. If unable to otherwise enforce the terms of this title, the planning manager shall refer the matter to the city attorney for appropriate legal action.

G. Legal Actions.

1. Civil Actions.

a. Public Nuisance. Any building or structure which is set up, erected, constructed, altered, enlarged,

converted, moved or maintained contrary to the provisions of this title, and any use of any lands, buildings or premises established, conducted, operated or maintained contrary to the provisions of this title, shall be and the same is hereby declared to be unlawful and a public nuisance.

b. Injunctive Relief. Whenever, in the judgment of the planning manager, any person has engaged in or is about to engage in any act or practice which constitute or will constitute a violation of any provision of this title or any rule, regulation, order, or permit issued thereunder, and at the request of the planning manager, the city attorney may make application to the superior court for an order enjoining such act or practice, or for an order directing compliance, and upon a showing by the planning division that such person has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other order may be granted.

c. Abatement. In the event that any person shall fail to abate a violation hereunder after notice of same and opportunity to correct or end the violation, the planning manager may request the city attorney to apply to the superior court of this county for an order authorizing the city manager, city manager's designee, or planning manager to undertake those actions necessary to abate the violation and requiring the violator to pay for the costs of such undertaking.

2. Civil Remedies and Penalties.

a. Civil Penalties. Any person, whether acting as principal, agent, employee or otherwise, who wilfully violates the provisions of this title or any rule, regulation, order or permit issued hereunder, shall be liable for a civil penalty for each day that the violation continues to exist.

b. Costs and Damages. Any person, whether as principal, agent, employee or otherwise, violating any provisions of this title or the rules, regulations, orders or permits issued hereunder, shall be liable to the city for the costs incurred and the damages suffered by the city, its agents and agencies as a direct and proximate result of such violations.

c. Procedure. In determining the amount of the civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting a violation, the nature and persistence of such conduct, the length of time over which the conduct occurred, the assets, liabilities and net worth of the violator, whether corporate or individual, and any corrective action taken by defendant.

3. Criminal Actions and Penalties.

a. Infractions. Any person, whether as a principal, agent, employee or otherwise, violating any provisions of this title, or the rules, regulations, orders or permits issued hereunder, shall be guilty of an infraction, and upon conviction thereof, shall be punished as provided in section 1-3-2 of this code.

b. Misdemeanors. Any offense which would otherwise be an infraction may, at the discretion of the city attorney, be filed as a misdemeanor if the defendant has been convicted of two or more violations of any of the provisions of this title within the 12-month period immediately preceding the commission of the offense or has been convicted of three or more violations of any of the provisions of this title within the 24month period immediately preceding the commission of the offense. Upon conviction of a misdemeanor, the punishment shall be in accordance with section 1-3-3 of this code.

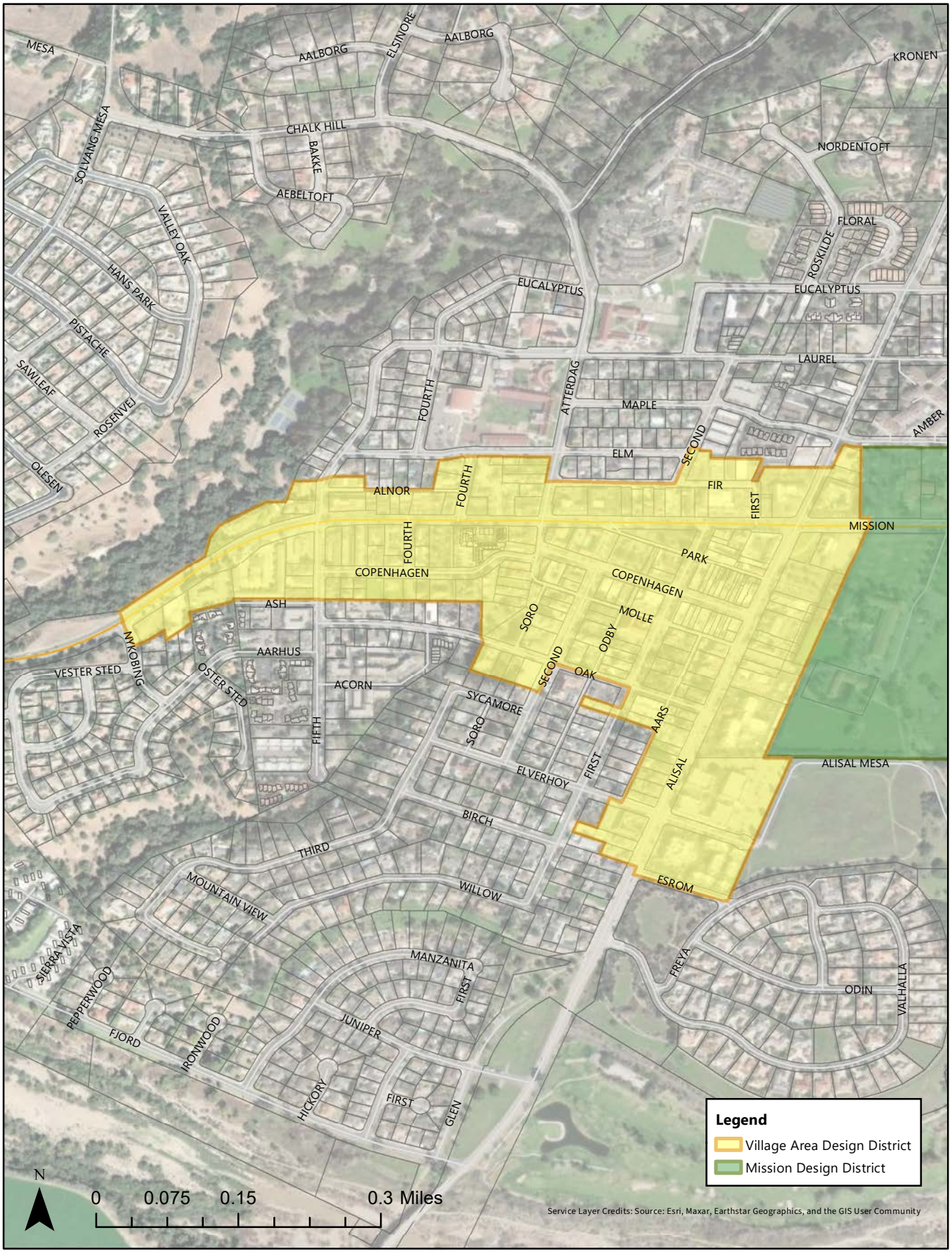
c. Violations. Each and every day during any portion of which any violation of this title or the rules, regulations, orders or permits issued hereunder, is committed, continued or permitted by such person shall be deemed a separate and distinct offense.

H. Cumulative Remedies and Penalties. The remedies or penalties provided by this title are cumulative to each other and to the remedies or penalties available under all other laws of this state.

(Ord. 91-123, 1991; amd. 2001 Code; Ord. 22-0355 §§ 116—119; Ord. 23-0373, § 45)

Design Districts Village Area Design District

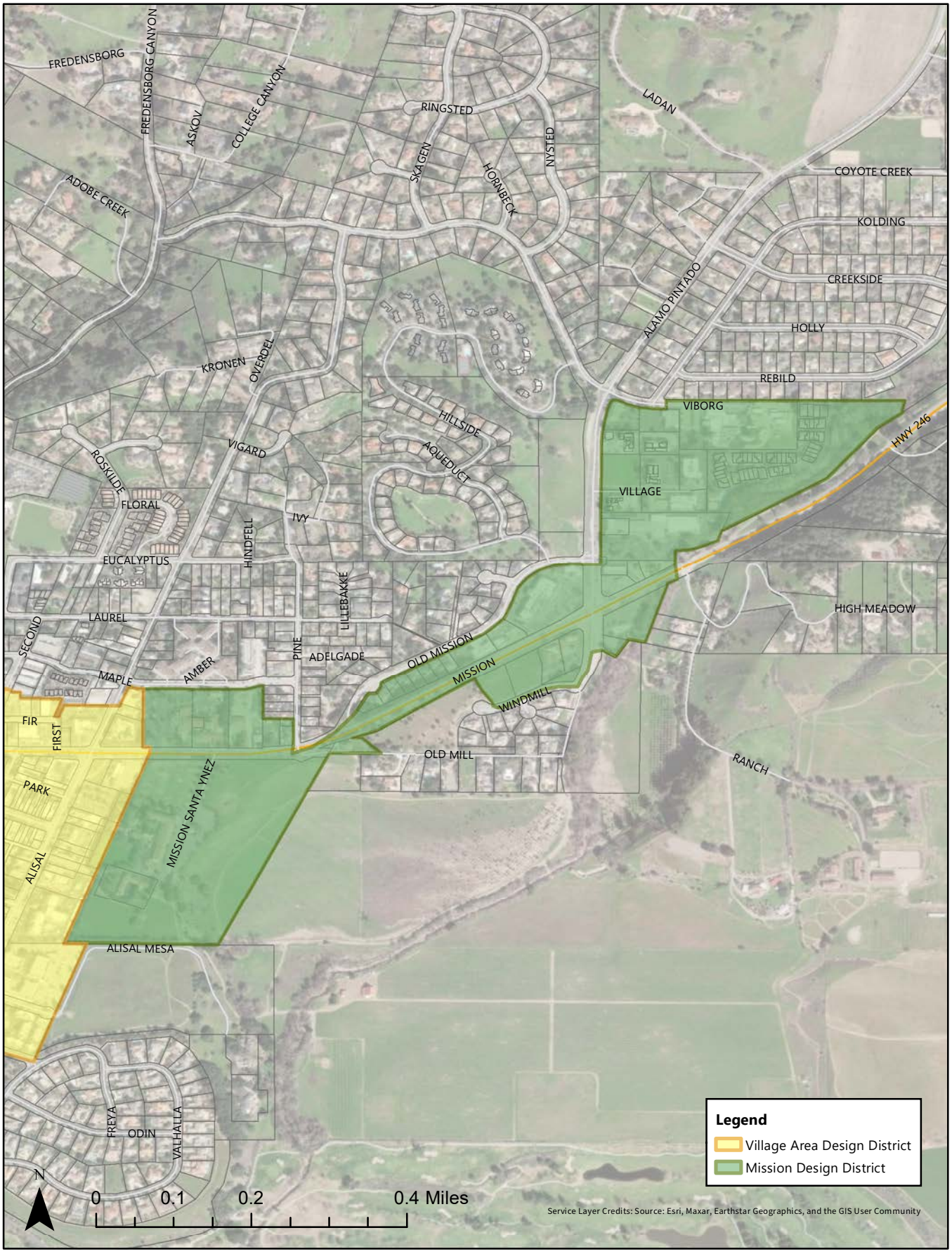
June 17, 2024



Source: City of Solvang, 2022; Mintier Harnish, 2024.

Design Districts Mission Design District

June 17, 2024



Source: City of Solvang, 2022; Mintier Harnish, 2024.

Comments and Questions of the Board of the Village Collection Owner's Association Regarding Draft ADU Ordinance, July 1, 2024

4 General Questions:

1. Are the current draft provisions all that the City plans to issue regarding ADUs, or will other provisions be issued outside the Zoning Regulations?

2. The City's earlier (2020) draft ADU ordinance voiced a desire to shape ADUs in Solvang so as to preserve the City's architectural and historical integrity to the extent allowed under state law, but this is missing from the current draft. What is the City's position now?

3. State law requires local ADU ordinances to designate the areas where ADUs are permitted, and, implicitly, where they are not. Is Solvang planning to do this, or will ADUs be permitted in any residential area, or at least those zoned for single family homes? An aspect of this is 2-story ADUs or ADUs on top of garages. Are these to be allowed everywhere, or only in certain areas?

4. Will the draft, or ordinance as adopted, be submitted for review by the California Department of Housing and Community Development, which has reviewed other cities' ADU regulations? The draft contains provisions similar to those in other ordinances that Sacramento has already rejected. For example, the draft requires the counter of an efficiency kitchen to be at least 30" wide (§ 11-12-3.L.4.a). Buellton tried to impose a similar minimum (15 sf), but Sacramento rejected it as too restrictive, since state law requires only a counter of "reasonable size."

4 Specific Questions Regarding the Draft

1. Regarding JADUs, state law requires the filing of a "deed restriction" that runs with the land, which prohibits selling the JADU separately from the primary dwelling. The draft does not require this, and mentions only that a "covenant agreement" requiring owner occupancy of either the primary dwelling or the JADU must be recorded; the draft does not mention the required separate sales restriction.

The draft's language is confusing and should be revised to require a deed that includes the separate sales restriction. Further, any relevant HOA should be given standing to enforce it.

2. The question then arises whether the same prohibition on separate sales, and corresponding deed requirement, should be imposed in the case of ADUs. State ADU law prohibits such separate sales, with 2 minor exceptions (i.e., in the cases of (i) certain condos (65852.2(a)(10)) and (ii) ADUs built by nonprofit corporations and sold to low income buyers (65852.26)). Accordingly, many cities do include this prohibition and deed requirement for ADUs, including San Luis Obispo and Buellton, as do HOAs in their own ADU regulations. Our own CC&Rs (§ 5.02(n)) prohibit subdivision of our lots, so we support such a prohibition and deed requirement.

3. For purposes of the square footage minimums and maximums, how is square footage calculated? For tax purposes, it is calculated based on the entire footprint of the structure including the thickness of the exterior walls. We recommend the same approach here in order to avoid abuses. The restrictions should also clarify whether porches, stoops, steps, patios, solar panels, etc., are included in the calculation. The City's concern should be with the entire footprint of the ADU on the lot.

4. How should California's Solar Mandate, which applies to detached ADUs, be implemented for ADUs in Solvang? The draft is silent on this. The Mandate accords a fair amount of flexibility in its implementation depending, for example, on a city's geographic location, the climate zone, available surface area on the ADU, etc., so different cities adopt their own requirements. For example, what should be Solvang's square footage threshold above which solar is required? Guidance in the ordinance would be helpful.

Note: We have many more questions and comments than we have time for today. We hope that we will have the chance to engage with the City on the ADU ordinance going forward before it is adopted.