



EXHIBIT B

DRAFT ZONING CODE ORDINANCE UPDATES – REDLINED

CHAPTER 20.200 ESTABLISHMENT OF ZONES

Section 20.200.010 Purpose of Chapter

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

Section 20.200.020 Establishment of Zones and Map

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

- A. **Zones Established.** The City shall be divided into Base Zones and Overlay Zones, as established and delineated by the Zoning Map; all Zones and Overlays are identified in Table 20.200-1.
1. Mixed Use Zones are delineated in further detail on and regulated by the "Regulating Plan" (Figure 20.225-2).
 2. Overlay Zones may be combined with any Base Zone, as determined by the applicable Chapter in this Zoning Ordinance (for base zones see Chapters 20.210 through 20.250, for overlay zones see Chapters 20.255 through 20.265).
 3. Specific Plan Area Zones identify areas of the City where a Specific Plan has been adopted by ordinance, or areas that require the adoption of a Specific Plan prior to development to implement the General Plan and regulate development through the land uses and standards established by the applicable Specific Plan. Refer to the applicable Specific Plan document on file with the City for further information.
- B. **Zone Mapping.** The Zoning Map and Regulating Plan may, for convenience, be divided into parts, and each part may, for purposes of identification, be subdivided into sections. Zoning Map sections may be separately and successively adopted by means of an amendment to this Zoning Ordinance; as adopted, such parts shall become part of this Zoning Ordinance. See Chapter 20.530 (Amendments) for amendment procedures.
- C. **Planned Residential Development (land use).** Planned Residential Development (PRD), as regulated by Chapter 20.435 (Planned Residential Development), can be used as a residential planning tool in conjunction with any R-1 Zone to achieve a compact development configuration at a density of one (1) to eight (8) dwelling units per acre (du/ac). The use of the PRD in a single-family residential Zone can achieve the General Plan land use designation Low-Density Residential (LDR).

Table 20.200-1
Zone Details and General Plan Consistency

Zones	Zone Symbol	Density/ Floor Area Ratio (FAR)	General Plan Land Use Classification	Zoning Chapter Reference
Agricultural Zones				

Agricultural-1	A-1	0.125-1.0 du/ac	Agriculture/Residential (AG)	20.210
Agricultural-2	A-2	0.125-1.0 du/ac	Agriculture/Residential (AG)	20.210
Agricultural-3	A-3	0.05-0.25 du/ac	Agriculture/Residential (AG), Hillside Residential 1 (HR1)	20.210
Residential Zones				
Estate	R-1-20	1.0-2.0 du/ac	Rural Residential (RR)	20.215
Residential-Low	R-1-10	2.0 ₁ -4.0 du/ac	Very Low Density Residential (VLDR)	20.215
Residential-1	R-1-7.5	4.1-8.0 du/ac	Low Density Residential (LDR)	20.215
Residential-2	R-2	8.1-12.0 du/ac	Low Medium Density Residential (LMDR)	20.215
Residential-3-10	R-3-10	12.1-20.0 du/ac	<u>Medium Density Residential 1 (MDR1)</u> <u>Medium Density Residential 2 (MDR2)</u> Medium High Density Residential (MHDR)	20.215
Residential-3-6	R-3-6	20.0 ₁ -30.0 du/ac	<u>Medium High Density Residential (MHDR)</u> Medium Density Residential 1 (MDR1) Medium Density Residential 2 (MDR2)	20.215
Residential Manufactured Home Park	R-MHP	<u>4.1-12</u> <u>du/ac.</u> <u>Refer to</u> <u>Ch.</u> <u>20.245</u> 8.0 <u>du/ac</u>	Low Density Residential (LDR) <u>Low Medium Density Residential (LMDR)</u>	20.245
Planned Residential Development	PRD	1.0-8 _{30.0} du/ac <u>Refer</u> <u>to</u> <u>underlying</u> <u>zone</u>	Very Low Density Residential (VLDR)	20.435
Commercial Zones				
Commercial	C	0.7 FAR	Commercial (C)	20.220
Neighborhood Commercial	NC	0.30 FAR	Neighborhood Commercial (NC)	20.220
Office Professional	OP	1.50 FAR	Office Professional (OP)	20.220
Senior Residential	SR	1.0 FAR	Commercial (C)	20.220
Mixed use Zones				
Mixed Use-1	MU-1	20.0 ₁ -30.0 du/ac FAR 1.75	Mixed Use 1 (MU ₁)	20.225
Mixed Use-2	MU-2	30.1-45.0 du/ac FAR 2.25	Mixed Use 2 (MU ₂) High Density Residential (HDR)	20.225
Mixed Use-3	MU-3 (SP)	1.5 FAR	Mixed Use 3 (MU ₃) (Non-Residential)	20.225, 20.250

Mixed Use-4	MU-4 (SP)	1.5 FAR	Mixed Use 4 (MU-4) (Non-Residential)	20.225, 20.250
Industrial Zones				
Business Park	B-P	1.2 FAR	Business Park (BP)	20.230
Light Industrial Manufacturing	L-I	0.6 FAR	Light Industrial (LI)	20.230
Industrial	I	0.5 FAR	Industrial (I)	20.230
Industrial-2	I-2	0.5 FAR	Industrial (I)	20.230
Special Purpose Zones				
Public- and Institutional	P-I	3.0 FAR	Public/Institutional (P-I)	20.240
Open Space	O-S	n/a	Open Space (OS), Parks (P)	20.240
Specific Plan Area	SPA	Varies	High Density Residential (HDR), Specific Plan Area (SPA)	20.250
Transitional Zones				
I/B-P	I/B-P	Varies	BP	20.235
I/L-I	I/L-I	Varies	LI	20.235
I/C	I/C	Varies	C	20.235
I/I (SP)	I/I (SP)	Varies	I (SP)	20.235
I/MU-1	I/MU-1	Varies	MU1	20.235
I/MU-4	I/MU-4	Varies	I and MU4	20.235
L-I/L-I & NC	L-I/L-I & NC	Varies	LI and NC	20.235
L-I/I	L-I/I	Varies	I	20.235
L-I/MU-1	L-I/MU-1	Varies	MU1	20.235
L-I(DZ)/MU-1	L-I(DZ)/MU-1	Varies	MU1	20.235
L-I/NC	L-I/NC	Varies	C	20.235
L-I/OP	L-I/OP	Varies	OP	20.235
C & I/MU-3	C & I/MU-3	Varies	MU3	20.235
Overlay Zones				
Flood Damage Prevention	FL	Per Zone	n/a	20.255
Ridgeline Overlay Zone Ridgeline Protection and Management	ROZ RPM	Per Zone	n/a	20.260
Airport Overlay	AO	Per Zone	n/a	20.265

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

Section 20.200.030 Interpretation of Zone Boundaries

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

- A. **General Boundaries.** Zone boundaries approximately following property lines or right-of-way (ROW) lines shall be construed to follow proximate property lines or ROW lines.
- B. **Scale.** When Zone boundaries do not follow property lines or where a boundary divides a property, the scale of the Zoning Map shall be used to determine the location of the boundaries, unless the boundaries are indicated by dimensions.

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- C. **Centerline Boundaries.** Zone boundaries shown within a ROW and not following the outside of the ROW(s) shall be construed to follow the centerline of such ROW.
- D. **Unclassified Areas.** Dedicated circulation ROW, utility, or maintenance easement/corridors; creek easements; railroad ROWs; or similar non-occupancy uses shown within a designated Zone shall be deemed to be unclassified and used only for purposes lawfully allowed. In accordance with the provisions of Chapter 20.340 (Off-Street Parking and Loading), off-street vehicle parking may be permitted within such unclassified street or railroad ROW(s).
- E. **Vacated Areas.** Vacated or abandoned non-occupancy uses identified in Section 20.200.030.D (Unclassified Areas) shall be treated in one (1) of the following ways:
1. Revert to the identified Zone;
 2. Where no Zone is identified by the Zoning Map, the vacated ROW or non-occupancy use shall acquire the Zone classification of the adjacent property to which it reverts; or
 3. The Director may determine the applicable Zone, and City Council approval and adoption of such Zone by ordinance shall be required.

CHAPTER 20.205 LAND USE AND DEVELOPMENT APPROVAL

Section 20.205.010 Purpose of Chapter

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

Section 20.205.020 Applicability

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

Section 20.205.030 General Requirements

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

- A. **Allowable Land Uses.** Table 20.205-1 identifies the permit types and review references applicable to all Zones. Land use tables for each Zone identify allowed land uses within that Zone, consistent with Table 20.205-1 permit types.
- B. **Permit Conditions and Approval Requirements.** Prior to the establishment or construction of any land use or structure, the applicant shall do the following:
- Meet the approval process, acquire all Zone requirements, and meet all procedural elements set forth in Table 20.205-1 and Chapter 20.500 (Permits and Application Process).
 - Comply with all applicable federal, state, and local laws applicable to the establishment, construction, and operation of the land use or structure.
 - Comply with all regulations of the applicable Zone, development standards of this Zoning Ordinance, and all other applicable general or use-specific provisions of this Zoning Ordinance.
 - Land uses and structures shall only be proposed, established, or constructed on a legally created parcel created in compliance with the Subdivision Map Act and the City's Subdivision Ordinance.

Table 20.205-1
General Land Use Permit Types and Processes

Symbol	Permit Requirement	Procedure Section
P	Permitted subject to compliance with all applicable provisions of this Zoning Ordinance.	20.500 (Permits and Applications Process)

DP	Permitted subject to Director review, condition, and determination.	20.510 (Director's Permit)
CUP	Conditional use, subject to review and approval of a Conditional Use Permit.	20.520 (Conditional Use Permits)
A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	20.500 (Permits and Applications Process)
T	Temporary event /or use , subject to review and approval of a <u>Temporary event/or use or a and a</u> Director's Permit.	20.455 (Temporary Events), Municipal Code Section 12.28
---	Use not allowed.	20.205.030.C (Unlisted and Similar Compatible Uses)

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

- C. **Unlisted or Similar Compatible Uses.** Any land use not specifically listed in the permitted uses table of the applicable Zone shall be prohibited, except as modified by this section.
- The Director shall have the authority to determine whether the proposed use may be permitted based on the finding that the proposed use meets all of the following:
 - Is substantially similar in character and activity to a listed permitted use.
 - Is compatible with the purpose and intent of the Zone.
 - Has similar traffic, noise, light, and odor impacts as a listed permitted use.
 - Will not be a nuisance to or hinder the full development of an existing use.
 - Would be consistent with the General Plan and any applicable Specific Plan.
 - Technical evidence and scientific means, when available, shall be considered in determining the form and intensity of performance standards typically associated with any identifiable type of the use in question. When the Director makes findings in writing that a proposed unlisted use is similar and compatible to a listed use, the proposed use will be treated in the same regulatory and permitting manner as the "similar use," and shall be subject to all applicable standards and requirements of this Zoning Ordinance.
 - These unlisted or similar compatible use provisions shall not apply to permitted land uses in the MU-3 (SP) or MU-4 (SP) Zone. Permitted land uses in these Zones are not identified by this Zoning Ordinance and shall be identified during the required Specific Plan process.
- D. **Prohibited Uses.** For the purpose of conserving public health, safety and general welfare, land uses listed in this section are prohibited within any Zone in the City. These uses shall be prohibited outright and not subject to the Director's discretion. The City is a community in the larger North County area and within the San Diego County metropolitan region, which comprises a broader economic area for industry and commerce. The combination of San Diego County's zoning requirements and the zoning requirements of the various cities within the county provide full provision for all types of uses necessary for development. The following land uses and business activities are prohibited in all Zones within the City:
- Automotive wrecking yards
 - Hookah retailers or lounges
 - Salvage and scrap yards
 - Swap meets

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- Commercial Cannabis Activity
 - Cannabis Cultivation, Outdoor

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

Section 20.205.040 Limitation of Land Use

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

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

CHAPTER 20.210 AGRICULTURAL ZONES

Section 20.210.010 Purpose of Chapter

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

- A. Provide for private and commercial activities related to agriculture, horticulture, and animal keeping in a setting that insulates said activities from impacting surrounding uses.
- B. Accommodate for rural residential development on large lots in a manner compatible with agricultural and horticultural uses.
- C. Protects the viability of the productive agricultural industry of the City.

Section 20.210.020 Description of Agricultural Zones

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

- A. **Agriculture 1 (A-1) Zone.** To provide a low-intensity Agricultural Zone that is consistent in character with larger residential areas. This Zone is suitable for low-density residential hillside development. The A-1 Zone is intended to implement and be consistent with the Agricultural Residential (AG) land use designation of the General Plan.
- B. **Agriculture 2 (A-2) Zone.** To provide lands for medium-intensity horticulture and agriculture for the production of plants and crops and raising of animals. This area may be suitable for the inclusion of bed and breakfasts and other low-intensity commercial compatible uses, provided there are appropriate setbacks from residential uses. The A-2 Zone is intended to implement and be consistent with the Agricultural Residential (AG) land use designation of the General Plan.
- C. **Agriculture 3 (A-3) Zone.** To provide lands suitable for intensive crop production and processing and animal use, and may be suitable for renewable energy facilities. This is the most intensive agricultural Zone. The A-3 Zone is intended to implement and be consistent with the Hillside Residential 1 (HR1) land use designation of the General Plan.

Section 20.210.030 Applicability

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

Section 20.210.040 Allowable Agricultural Uses and Permit Requirements

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

Table 20.210-1
Permit Requirement Types and Processes

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

Note: Any land use authorized through a permit approval process identified may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by the Municipal Code. For unlisted and similar uses, see Section 20.205.030.C (Unlisted and Similar Compatible Uses). All uses, including, but not limited to, "P", "DP" and "CUP" must pay applicable Public Facilities Fees and annex into all applicable Community Facilities Districts.

- B. **Agricultural Land Uses.** Table 20.210-2 identifies the permitted land uses in all Agricultural Zones. Permitted uses in Agricultural Zones are primarily related to the raising of plants, crops, and animals, but may include accessory uses such as residential units, produce stands, animal keeping, and other uses when these uses are clearly related to the primary agricultural uses.
1. Support services and processing activities not listed in Table 20.210-2 but accessory to the primary agricultural use may be proposed and processed through a Conditional Use Permit (CUP). Findings of necessity, compatibility, and appropriate site and use design shall be required for approval of the CUP.
- C. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.210-2; refer to the referenced sections for additional operational standards and regulations applicable to the use. All land uses are also subject to all of the following standards: Chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).
- D. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with Section 20.205.030.C (Unlisted or Similar Compatible Uses), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

Table 20.210-2
Agricultural Zone Permitted Uses

Land Use (Note 1 & 3)	A-1	A-2	A-3	Additional Use Regulations
Residential Uses				
Qualified Worker Housing, Large	CUP	CUP	CUP	Consistent with the requirements of California Health and Safety Code Section 17021.8

Qualified Worker Housing, Small	DP	DP	DP	Consistent with the requirements of California Health and Safety Code Section 17021.8
Child Care Facility, Large Family Home	DP <u>P</u>	DP <u>P</u>	DP <u>P</u>	20.400.050 (Child Care Facilities)
Child Care Facility, Small Family Home	P	P	P	20.400.050 (Child Care Facilities)
Community Garden	P	P	P	
Residential Care Facility, Large	DP	DP	DP	20.400.110 (Care Facilities)
Residential Care Facility, Small	P	P	P	20.400.110 (Care Facilities)
Mobile/Manufactured Home	P	P	P	20.245.050 – <u>Manufactured Homes on Residential Lots</u> (Residential Manufactured Home Park Zone)
Private Residential Garage	PA	PA	PA	
Single-Family Detached	P	P	P	
Accessory Dwelling Unit/Accessory Structure	A	A	A	20.410 (Accessory Dwelling Units and Accessory Structures)
Supportive Housing	P	P	P	
Transitional Housing	P	P	P	
Recreation, Education & Public Assembly Uses				
Animal Keeping, Large	P	P	P	20.415 (Animals)
Animal Keeping, Small	A	A	A	20.415 (Animals)
Places of Assembly	CUP	CUP	CUP	20.400.160 (Places of Assembly)
Small Places of Assembly	CUP	CUP	CUP	20.400.160 (Places of Assembly)
Stable, Private	P	P	P	
Stable, Public	CUP	CUP	CUP	
Public Park/Open Space/Recreation	CUP	CUP	CUP	
Sport Court				
Lighted	DP	DP	DP	
Unlighted	A	A	A	
Outdoor Recreation Facility	CUP	CUP	CUP	
Agricultural Uses(2)				
Agricultural/Horticultural, Non-Commercial	P	P	P	<u>20.600.030 - Agricultural/Horticultural (1)</u>
Agricultural/Horticultural, Commercial	DP	DP	DP	<u>20.600.030 - Agricultural/Horticultural (2)</u>
Agricultural/Horticultural, Processing and Packaging				
Small Animals	---	---	CUP	<u>20.600.030 - Agricultural/Horticultural (3)</u> Processing for market of poultry, small animals and crops raised or produced on the

				premises, or on other property owned or leased by the processor, but not including canning, rendering, or reduction (grinding, chopping, cutting) of meat or animal products
Plants and Crops	---	---	CUP	<u>20.600.030 - Agricultural/Horticultural (3)</u> Provided no such <u>processing</u> plant is located closer than 50 feet to any side or rear yard.
Lodging, Bed & Breakfast	CUP	CUP	CUP	
Greenhouse/Nursery				
Commercial Production	DP	DP	DP	
Retail	DP	DP	DP	<u>20.210.060.B</u> - Open to the public
Sales Stand	A	A	A	20.210.060.C and Table 20.210-3
Office, Professional, and Business Support Services				20.220.050.C
Business Support Service	A	A	A	Limited to 20% of gross floor area, supportive of agricultural primary land use only
Service Uses(2)				
Animal Sales and Services	CUP	CUP	CUP	
Industrial, Manufacturing & Processing Uses(2)				
Winery/Tasting Room	DP	DP	DP	
Renewable Energy Harvesting/Production	---	---	CUP	20.450 (Renewable Energy)
Transportation, Communication & Utility Uses(2)				
Antenna or Communication Facility	CUP	CUP	CUP	20.465 (Telecommunication Facilities)
Non-Public Antenna or Communication Facility	P	P	P	20.465 (Telecommunication Facilities)
<u>Public Utilities</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	

Notes:

See Table 20.210-1 for definitions.

1. All land uses are subject to the following standards: Chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).
2. Business, including merchandising and sales, shall be conducted entirely within an enclosed building, except as identified in Table ~~20.220-220.210-2~~, where outdoor business is permitted subject to a CUP Use Permit.
3. A Director's Permit (DP) shall be required for the establishment of the land use in an existing building ~~to ensure adequate parking and student services are provided and to minimize effects on other land uses within the building or site~~. A Conditional Use Permit (CUP) shall be required for the establishment of a use in conjunction with a new building (development of the building in conjunction with the use).

E. **Outdoor Lighting.** Any outdoor lighting affiliated with a non-residential, accessory, or animal use noted in Table 2.215-2 shall require a Director's Permit (DP) to ensure compatibility with adjacent uses. This may include sport courts and horse arenas. All other lighting shall be consistent with Section 20.300.080 (Light and Glare Standards).

Section 20.210.050 Agricultural Zone Development Standards

- A. **Development Standard Compliance.** The design, construction, or establishment of all new and existing land uses, development of structures, and site improvements in Agricultural (A) Zones shall conform to the regulations of Table 20.210-3. Principal and accessory structures shall meet the same development standards unless otherwise modified by this Zoning Ordinance.
- B. **Lot Averaging.** Lot averaging, consistent with Section 20.300.030 (Lot Averaging), shall be permitted in the A Zones subject to a CUP.
- C. **Gross Slope/Acreage Analysis.** Minimum lot sizes shall be determined based on slope calculations subject to Section 20.300.040 (Gross Slope/Acreage Analysis). Table 20.210-3 identified minimum lot areas.
- D. **Permitted Projections.** See Section 20.300.020.G (Permitted Encroachment Standards) for permitted projection standards relevant to Agricultural Zones.

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

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

<u>Required</u>	<u>20.330 (Water Efficient Landscape Standards)</u>	
Parking		
Required	Chapter 20.340 (Off-Street Parking and Loading)	

Notes: PL= Property Line

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

4. Minimum lot sizes are net area; reciprocal access easements are not included in net area.

Section 20.210.060 Performance Standards

- A. **Architectural Compatibility.** All buildings, including secondary and accessory structures, walls, and fences, located on a building site shall be designed and constructed to be architecturally compatible with the primary building subject to Planning Director review. See Chapter 20.335 (Walls and Fences) for additional standards.
- B. **Ancillary Retail Sales.** Ancillary retail sales directly associated with the agricultural production or brand of the primary land use shall be allowed in conjunction with any land use permitted or conditionally permitted by this chapter.
- C. **Sales Stands.** Sales stands located on Agricultural (A) Zone property shall be limited to the sale of on-site agriculture/horticulture, fruits, vegetables, and flowers only. The maximum size of the sales stand shall not exceed two hundred (200) square feet.

CHAPTER 20.215 RESIDENTIAL ZONES

Section 20.215.010 Purpose of Chapter

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

- A. Establish Residential Zones to provide areas suitable for residential-only and estate living configurations that minimize the impacts from adjacent uses.
- B. Facilitate a range of housing opportunities for single-family detached and multifamily attached dwelling units consistent with the existing residential character of the City.

Section 20.215.020 Purpose of Residential Zones

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

A. Single-Family Zones.

- 1. **Estate (R-1-20) Zone.** To provide for single-family detached homes on lots of 20,000 square feet or greater, for a maximum density of two (2) units per one (1) acre. This Zone provides for estate and ranch-style homes with associated rural uses. The R-1-20 Zone is intended to implement and be consistent with the Rural Residential (RR) land use designation of the General Plan.
- 2. **Residential Low (R-1-10) Zone.** To provide for single-family detached homes on lots of 10,000 square feet or greater, for a maximum density of four (4) units per one (1) acre. This Zone provides for low-density living on large lots. The R-1-10 Zone is intended to implement and is consistent with the Very Low Density Residential (VLDR) land use designation of the General Plan.
- 3. **Residential 1 (R-1-7.5) Zone.** To provide for areas of single-family detached homes and related accessory uses exclusively. This Zone is intended for traditional subdivision layouts on lots of 7,500 square feet or greater, for a maximum density of eight (8) units per one (1) acre. The R-1-7.5 Zone is intended to implement and be consistent with the Low Density Residential (LDR) land use designation of the General Plan.
- 4. **Residential 2 (R-2) Zone.** To provide for low-density, single-family attached homes as a traditional subdivision or as a multi-family development with detached condominium homes or small lot single-family homes as well as duplex, 3-unit, and 4-unit buildings that are suitable in massing and character for inclusion in single-family detached neighborhoods, on lots of 3,500 square feet or greater, for a maximum density of twelve (12) units per one (1) acre. The R-2 Zone is intended to implement and be consistent with the Low Medium Density Residential (LMDR) land use designations of the General Plan.

B. Multifamily Zones.

- 1. **Residential 3 (R-3-6) Zone.** To provide for higher-density multifamily attached homes such as apartments, rowhouses, townhomes, motorcourts, and condominiums at a density of twenty (20.1) to thirty (30) dwelling units per acre (du/ac). The R-3-6 Zone is intended to implement and be consistent with the Medium High Density Residential (MHDR) land use designation of the General Plan.
- 2. **Residential 3 (R-3-10) Zone.** To provide for medium-density multifamily living at a density of twelve and one-tenth (12.1) to twenty (20) du/ac in a setting located in close proximity to

services and bus lines with the opportunity for compatible boarding home and hotel uses. The R-3-10 Zone is intended to implement and be consistent with the Medium Density Residential 1 (MDR1) and Medium Density Residential 2 (MDR2) land use designation of the General Plan.

Section 20.215.030 Applicability

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

Table 20.215-1
Permit Requirement Types and Processes

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

Note: Any land use authorized through a permit approval process may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by this Code. For unlisted and similar uses, see Section 20.205.030.C (Unlisted and Similar Compatible Uses). All uses, including, but not limited to, "P", "DP" and "CUP" must pay applicable Public Facilities Fees and annex into all applicable Community Facilities Districts.

Section 20.215.040 Allowable Residential Uses

- A. **Permit Requirements.** Table 20.215-1 identifies the types of land use permits required to establish land uses in the Residential (R) Zones, consistent with this Zoning Ordinance.
- B. **Residential Land Uses.** Permitted uses in the Residential Zones shall be for the express purpose of establishing and protecting residential living environments from the impacts and nuisance of non-residential uses. Table 20.215-2 identifies the permitted land uses and required permit types in all Residential Zones. Residential uses are intended to be the primary permitted use in all Residential Zones. See Figures 20.215-1 through 20.215-5 for graphic representations of Zone development standards.
- C. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.215-2; refer to the referenced sections for additional operational standards and regulations applicable to the use. All land uses are also subject to all of the following standards: Chapters

20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), 20.400 (Specific Use Standards), and 20.515 (Site Development Plan Review), 20.410 (Accessory Dwelling Units and Accessory Structures), and 20.470 (Two-Unit Residential Developments).

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

Table 20.215-2
Residential District Use Classifications

Land Use	R-1-20	R-1-7.5/ R-1-10	R-2	R-3-6	R-3-10	Additional Use Regulations
Residential Uses						
Adult Residential Facility, Large	DP	DP	CUP	CUP	CUP	20.400.110 (Care Facilities)
Adult Residential Facility, Small	P	P	P	P	P	20.400.110 (Care Facilities)
Child Care Facility, Large Family Home	DP <u>P</u>	DP <u>P</u>	DP <u>P</u>	DP <u>P</u>	DP <u>P</u>	20.400.050 (Child Care Facilities)
Child Care Facility, Small Family Home	P	P	P	P	P	20.400.050 (Child Care Facilities)
Community Garden	P	P	P	P	P	
Duplex	---	---	P	P	P	
Residential Care Facility, Large	DP	DP	CUP	CUP	CUP	20.400.110 (Care Facilities)
Residential Care Facility, Small	P	P	P	P	P	20.400.110 (Care Facilities)
Rooming House	---	---	---	CUP	CUP	
Mobile/Manufactured Home	P	P	---	---	---	20.245.050
Multifamily Dwelling	---	---	p ⁽²⁾	P	P	Table 20.215-4
Planned Residential Development (PRD)	CUP	CUP	CUP	CUP	CUP	20.435 (Planned Residential Development)
Private Residential Garage	PA <u>A</u>	PA <u>A</u>	PA <u>A</u>	PA <u>A</u>	PA <u>A</u>	20.340 (Off-Street Parking and Loading)
Single-Family Attached	---	---	P	---	---	Table 20.215-3
Single-Family Detached	P	P	---	---	---	Table 20.215-3
Accessory Dwelling Unit/Accessory Structure	A	A	— <u>A</u>	— <u>A</u>	— <u>A</u>	20.410 (Accessory Dwelling Units and Accessory Structures)
Supportive Housing	P	P	p ⁽²⁾	P	P	
Transitional Housing	P	P	p ⁽²⁾	P	P	

Recreation, Education & Public Assembly Uses						
Animal Keeping, Small and Large	As permitted by Chapter 20.415					20.415 (Animals)
Non-Commercial Horticulture	P	P	P	P	P	20.215.040 (On-Site Agricultural/Horticultural Activities)
Places of Assembly	CUP	CUP	CUP	CUP	CUP	20.400.160 (Places of Assembly)
Small Places of Assembly	CUP	CUP	CUP	CUP	CUP	20.400.160 (Places of Assembly)
Stable, Private	A	---	---	---	---	20.415 (Animals)
Stable, Public	CUP	---	---	---	---	20.415 (Animals)
Public Park/Open Space/Recreation	CUP	CUP	CUP	CUP	CUP	
School	CUP	CUP	CUP	CUP	CUP	
Sport Court, Private	DP	DP	---	---	---	
General Retail Uses						
Agricultural/Horticultural, Plants and Crops	P -DP	A ---	---	---	---	
Agricultural/Horticultural, Plants and Crops Wholesale Production	DP	---	---	---	---	
Lodging, Bed & Breakfast	CUP	---	---	---	---	20.400.120 (Lodging, Bed & Breakfast)
Industrial, Manufacturing & Processing Uses						
Winery/Tasting Room	DP	---	---	---	---	20.425 (Bars, Alcohol-Service, and Entertainment)
Transportation, Communication & Utility Uses						
Antenna or Communication Facility	CUP	CUP	CUP	CUP	CUP	20.465 (Telecommunications Facilities)
Non-Public Antenna or Communication Facility	P	P	P	P	P	20.465 (Telecommunications Facilities)
Public Utilities	CUP	CUP	CUP	CUP	CUP	

Notes:

1. See Table 20.215-1 for permit types.
2. Limited to [development with detached homes: small lot single-family homes, attached single-family homes](#), duplexes, and 3-unit [buildings](#) and/or 4-unit buildings designed in massing/character to appear as a single-family home, except where modified by a Planned Residential Development.

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

1. Multifamily Site Development Plan Review and a Planning Commission hearing is required for all projects applications of two (2) ~~or more~~ (9) units in the R-2 and R-3 Zones.
2. Multifamily Site Development Plan Review and hearing before the Planning Commission and City Council are required for all project applications for ten (10) or more units in the R-2 and R-3 Zones.

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

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

G. **Outdoor Lighting.** Any outdoor lighting affiliated with a non-residential, accessory, or animal use noted in Table 2.215-2 shall require a Director's Permit (DP) to ensure compatibility with adjacent uses. This may include sport courts and horse arenas. All other lighting shall be consistent with Section 20.300.080 (Light and Glare Standards).

H. **On-Site ~~Gardening~~ Agricultural/Horticultural Activities.**

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

Section 20.215.050 Residential Development Standards

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

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

Development Standards ⁽¹⁾	R-1-20	R-1-10	R-1-7.5	R-2	Additional Use Regulations/Notes
Density & Intensity					
Maximum Density	2.0	4.0	6.0 ⁽²⁾	12.0	
Maximum Building Height	35 feet or 2 stories	35 feet or 2 stories	35 feet or 2 stories	35 feet or 2 stories	20.300.050.A, whichever is less
Minimum Single-Floor Living Space Width ⁽³⁾ Required	20 feet	20 feet	20 feet	14 feet	

Lot Area (Square Footage) ⁽⁷⁾					20.215.050.D; 20.300.030
Minimum	20,000 ⁽⁴⁾	10,000 ⁽⁴⁾	7,500 ⁽⁴⁾	3,500 ⁽⁴⁾	
Setbacks ⁽⁵⁾⁽⁶⁾					20.215.050.D Table 20.225-5
Front, Living	35 feet	25 feet	20 feet	10 feet	Other structures prohibited in front setback
Front, Garage	35 feet	30 feet	25 feet	20 feet*	*Turn-in garages permitted at 15-foot front setback
Interior Side	10 feet	10 feet	7.5 feet	5 feet*	*Attached Single-Family Residences permitted to have 0-foot lot line on the attached side
Corner Side	15 feet	15 feet	10 feet	10 feet	
Rear	30 feet	25 feet	20 feet*	15 feet	*Turn-in garages permitted at 15-foot front setback
Between Buildings	10 feet	10 feet	10 feet	10 feet	Could be amended if compliant with Building and Fire Codes
Private Open Space					20.215.060.B
Ground Floor Unit	--	--	--	250 square feet	Fenced patio or courtyard area when multi-family development is proposed.
2nd-Story Unit	--	--	--	50 square feet	A balcony or outdoor area is required as a private 2 nd story open space which excludes walkways and stairways when multi-family development is proposed.
Parking & Garages					20.215.030.C.2
Parking RequirementsPrimary Unit	20.340 (Off-Street Parking and Loading)				
Street TreesLandscape					
One Street Tree Required per Lot	20.330 (Water Efficient Landscape Standards)				
Required	—	20.330 (Water Efficient Landscape Standards)			

Notes:

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

7. Minimum lot sizes are net area; reciprocal access easements not included.

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

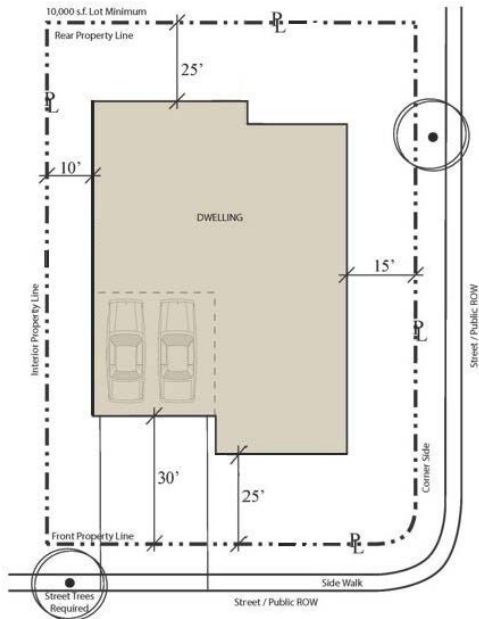


Figure 20.215-1
R-1-20 Zone Development Standards
 See Table 20.215-3 for standards.

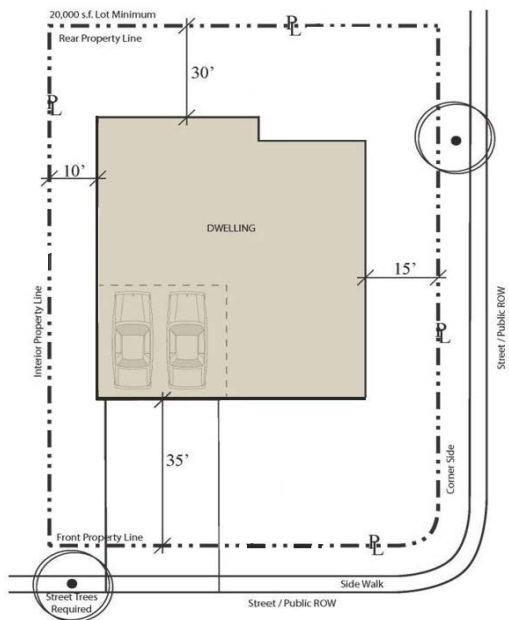


Table 20.215-4
R-3 and Attached Residential Development Standards

Development Standards ⁽¹⁾	R-3-6	R-3-10	Additional Use Regulations/Notes
Density & Lot Area (Square Footage)			20.515 (Site Development Plan Review)
Maximum Density	30 du/ac	20 du/ac	Dwelling units per gross acre (du/ac)
Minimum Lot Size ⁽⁴⁾	6,000	10,000	
Building Height			20.300
Maximum	45 feet or 3 stories	35 feet or 2 stories	Whichever is less
Building Setbacks ⁽²⁾⁽³⁾			See Table 20.300-120.215-5; for For permitted encroachments, see Section 20.300.020.G, <u>Table 20.300-1</u>
Primary Street (<u>Project Frontage Setback</u>) Front Setback—Living	15 feet	15 feet	
Property Boundary (adjacent to a separate lot or Zone) Project Exterior Boundary (other than Primary Street – Project Frontage Setback)	<u>Up to 3 units: 7.5 feet; 4+ units: 10 feet</u>	<u>10 feet</u>	
Interior / Private Streets (Interior PL)	10 feet	10 feet	<u>19.04.020; For buildings on separate lots</u>
Alley <u>and Interior Private Drive aisles</u>	3 feet or 18 feet+		Driveway dimensions between 3 feet and 18 feet in depth are prohibited
Property Boundary (adjacent to a separate lot or Zone)	Up to 3 units: 7.5 feet; 4+ units: 10 feet	10 feet	
Parking (Any Property Line)	8 feet	5 feet	
Between Buildings	10 feet		Consistent with adopted Building Code based on building design
Private Open Space			
Ground Floor Unit	250 square feet		Fenced patio or courtyard area
2nd-Story or Above Unit	50 square feet		Balcony or outdoor area, excluding walkways and stairways
Common Open Space			20.215.060.B
Required	Area equal to 30% of livable ground floor area of all units		Common usable open space or recreation areas

Refuse/Recycling Area		
Required	20.445 (Refuse and Recycling Facilities); see Table 20.445-1	
Parking & Garages		
Requirements	20.340 (Off-Street Parking and Loading)	
Street Trees/Landscape		
One Street Tree Required per Lot Required	20.330 (Water Efficient Landscape Standards)	

Notes:

1. All standards are minimums unless otherwise noted.
2. Setbacks shall be measured from back of ROW.
3. All lot development and setbacks shall be subject to the provisions of Section 20.300.060 (Special Setbacks for General Plan Routes); where standards conflict, the largest standard shall prevail.
4. [Minimum lot sizes are net area; reciprocal access easements not included.](#)

Figure 20.215-4
R-3-6 Zone Development Standards

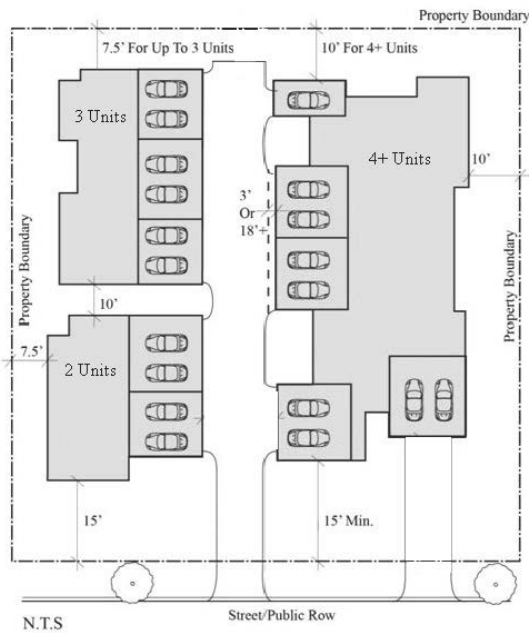


Figure 20.215-3
R-1-7.5 Zone Development Standards

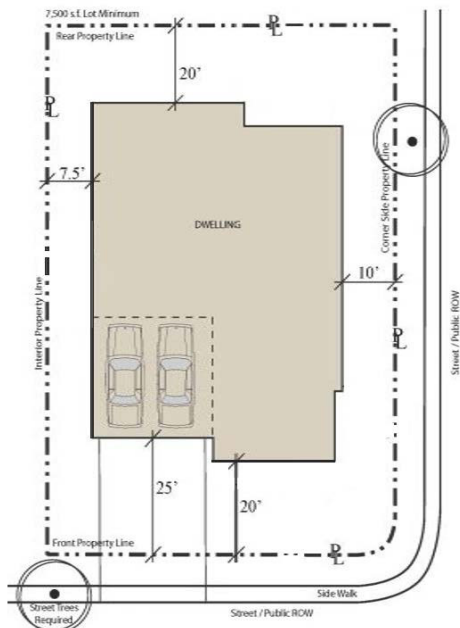


Figure 20.215-6
R-2 Zone Development Standards
 See Table 20.215-3 for standards.

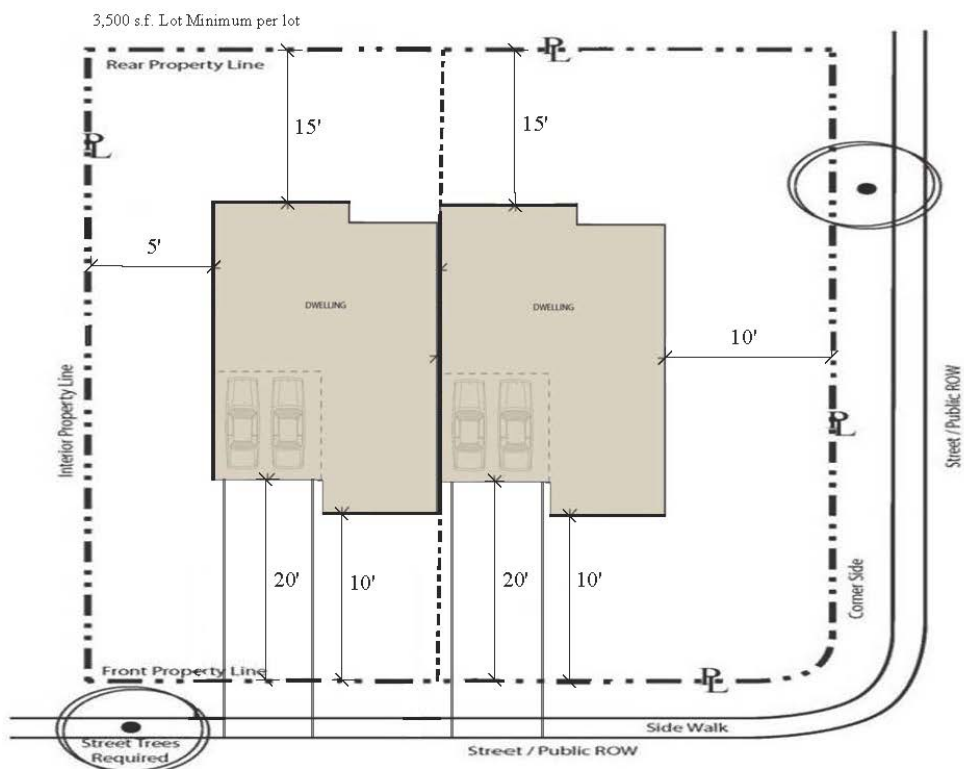
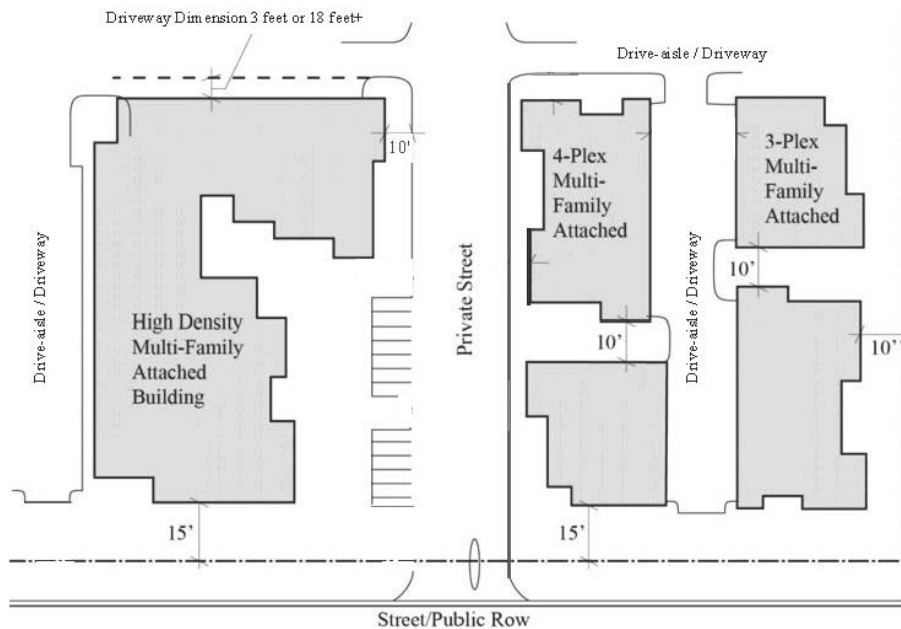


Figure 20.215-5
R-3-10 Zone Development Standards



- B. **Permitted Projections.** See Section 20.300.020.G (Permitted Encroachment Standards) for permitted projection standards relevant to Residential Zones.
- C. **Other Site Features.** Accessory dwelling units and accessory structure placement and encroachments shall be governed by Chapter 20.410 (Accessory Dwelling Units and Accessory Structures). Two-unit residential development placement and encroachments shall be governed by Chapter 20.470 (Two-Unit Residential Development).
- D. **Lot Averaging.** Lot averaging, consistent with Section 20.300.030 (Lot Averaging), shall be permitted in the R-1-20, R-1-10, and R-1-7.5 Zones, subject to a CUP.
- E. **Gross Slope/Acreage Analysis.** Minimum lot sizes in the Single-Family R-1 Zones shall be determined based on slope calculations subject to Section 20.300.040 (Gross Slope/Acreage Analysis) and minimum lot areas of Tables 20.215-3 ~~and 20.215-4~~.
- F. **Architectural Compatibility.** All buildings, including secondary and accessory structures, walls, and fences located on a building site, shall be designed and constructed to be architecturally compatible with the primary residential building. Thematic architectural design shall be evident for all structures on a site.

Section 20.215.060 Multifamily Residential Development Design Guidelines

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

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

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

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

1. Private open space is for the private use of individual dwelling units; minimum requirements are established by Table 20.215-4.
2. Common open space is required for all multifamily projects, in addition to private open space. Common open space can be natural or improved, and shall include at least three (3) of the following on-site amenities:

-a. Pool/ Spa	b. Spa Community gathering area / BBQ area
c. Multi-purpose recreation center	d. Tennis court
e. Basketball court	f. Volleyball court
g. Playground/ tot lot	h. Other as approved by the Planning Director

3. ~~Common~~ Walkways and bike paths shall be used in the calculation of common open space.
4. The following areas shall not be considered as usable open space:

-a. Child daycare facilities	b. Staffing offices or areas
c. Parking areas	d. Private open space requirements
e. Private roads and driveways	f. Areas exceeding ten percent (10%) slope

5. Recreational facilities shall be located and/or designed to minimize noise and visual conflicts from adjacent properties.

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



Image 20.215-1

Child play area shall be provided in centrally located areas of multifamily projects.

1. For every twenty-five (25) dwelling units, one (1) tot-lot shall be required (see Image 20.215-1).
 - a. Minimum four hundred (400)-square-foot usable area.
 - b. "Leftover" land area in the project shall not qualify.
 - c. Tot lots may be combined into larger areas as approved by the Planning Director.
2. For projects of fifty (50) or more units, tot-lots shall be spaced a minimum of one hundred twenty (120) feet apart. The tot-lot spacing standard may be reduced based on site design characteristics, as determined by the Director.
3. Projects of seventy-five (75) or more units shall provide an additional usable recreation area, in addition to the area required by Sections 20.215.060.C.1 and 2 above, and/or facilities that contain a level play area with a minimum area of eight hundred (800) square feet.
4. All tot-lot areas shall be effectively buffered and/or fenced from adjacent street or parking areas.
5. All tot-lots shall be equipped with at least two (2) of the following elements: sandbox, climb bars/structure, a slide, swings, seesaw, or other appropriate play equipment.
6. To minimize street crossings, tot-lots shall be located in central areas of the project or distributed in "centrally located" portions of the residential project and in close proximity to the dwelling units.

Section 20.215.070 Multifamily Operational Standards

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

A. On-Site Circulation.

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

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

-
1. All mechanical equipment, vents and meters (including public utility boxes) shall be attractively screened by an enclosure structure that is architecturally similar to the residential unit style and appearance, or located within utility closets where feasible.
 - ~~12.~~ Exterior ~~wall-mounted~~ air conditioning units shall be screened and architecturally harmonious with the building exterior color and finishes.
 - ~~23.~~ Rooftop vents shall be painted a color that is the same as the roof color and finish materials. Such vents and rooftop mechanical units should be located away from the building elevations that have street frontage, whenever and wherever possible.
- C. **Laundry Facilities Required.** All developments of five (5) units or more shall be required to provide a laundry room, unless laundry facilities are provided within each unit.
- D. **Storage.** Multifamily dwellings shall provide adequate on-site storage in areas screened from view.
1. Units with assigned enclosed garages shall be exempt from this requirement, provided that areas of the garage to be used as storage do not detract square footage from the required area to park a car; see Chapter 20.340 (Off-Street Parking and Loading).
 2. Multifamily residential dwelling units that do not have enclosed garages are required to provide a minimum of fifty (50) square feet of enclosed exterior storage for each unit (minimum of two hundred (200) cubic feet).
 - a. These storage areas shall be provided adjacent to the living unit or carport. Hanging storage lockers over vehicles parked in carports shall be permitted only when said storage directly abuts a solid, full-height partition, and when additional ground-mounted storage is provided at the unit itself.
 - b. Balcony and patio areas shall not be considered storage area meeting this requirement; storage is not permitted in balcony or patio areas.
- E. **Mailboxes.**
- 1. Mailboxes should be located in highly visible, heavy-use areas for convenience and safety purposes. Dedicated mail truck area may be required by the postal service.
 2. Incorporation of the project's architectural design features is strongly encouraged.

Section 20.215.080 Multifamily Building Design and Orientation Guidelines

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

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

B. **Building Form and Relief.** The following features shall be used in building and site design:

1. Orient buildings to create pedestrian pathways and active spaces (paseo, park, plaza, pocket park, or open space feature) interior to the project.
 - a. Pedestrian/common open spaces shall be directly and logically connected to exterior streets.
 - b. Orient windows, entries, and architectural features toward these spaces to activate the space and maintain safety; see Image 20.215-3.
 - c. Vary building height, roof heights, or roof forms to create visual breaks in the roof line; see Image 20.215-4.



Image 20.215-2

Orient buildings toward adjacent public streets and layer wall planes for architectural interest.



Image 20.215-3

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

2. Use varied massing to reduce building scale and monotony of form; see Image 20.215-5. Incorporate the following techniques in every multifamily project:
 - a. Incorporate stepped massing between stories within the same building or between building plans.
 - b. Use layered wall planes and building projection offsets.
 - c. Stagger units at different setbacks.
 - d. Design landscaping to add depth and variation in building elevations and layout.
- C. **Site Features.** Site-enhancing architectural features and supporting elements shall be incorporated into each multifamily residential project. These can include the following features:
 1. Architectural elements: tower structures, gated entries, or other similar architectural features; see Image 20.215-4.
 2. Display elements: identification monuments, fountains, reflecting ponds or pools, and entry statement walls.
 3. Open space elements: private recreational open space areas and/or facilities, plazas, greenbelts.
 4. Landscape elements: enhanced fences and/or driveways and special landscape treatments.



Image 20.215-4

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



Image 20.215-5

Architectural projections and varied wall planes reduce building scale and create interest along the elevation.

- D. **Architectural Projections.** Architectural projections create shadows and provide strong visual focal points for design. The design, materials, and colors of buildings within a project shall use varied materials that complement one another. The project shall be harmonious with surrounding properties/structures. Use of projections is encouraged and may include the following:
1. Functional massing elements such as balconies, porch elements, eave overhangs, and projecting second- or third-story masses.
 2. Architectural massing elements such as towers, bay windows, recessed windows, and shed roof elements.
 3. Aesthetic elements such as Bermuda shutters, awnings, and window/door surrounds.
 4. Other compatible features.
- E. **Featured Architecture.** All building elevations oriented toward public streets or other sensitive areas (i.e., recreation areas, common open space areas, adjacent properties) shall have an upgraded architectural treatment with emphasis on details, such as recessed entries, broad and stepped overhangs, staggered building planes, and changing roof elevations.
1. Additional architectural detailing such as wood-style window, door, and eave trim or comparable feature shall be used to soften the architectural statement of the buildings.
 2. Windows, doors, and other openings shall be architecturally treated to provide a visual break in the building.
- F. **Design and Materials.** To reinforce the quality of the development, all elements and structures shall be considered in project design. The following standards shall apply to all buildings and structures:
1. All balconies visible from public streets and adjacent properties may consist of solid walls or heavy-gauge open railings; however, the design shall be decorative and complementary to the architecture of the building.
 2. Accessory structures, including recreation facilities, shall be compatible in design and materials with the main building(s).
 3. Roofing materials shall be complementary to the architectural style of building.

CHAPTER 20.220 COMMERCIAL ZONES

Section 20.220.010 Purpose of Chapter

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

- A. Protect the City's tax base by providing for a full range of retail commercial sales and services in a setting that promotes retail destinations and business hubs in close proximity to highly visible thoroughfares.
- B. Establish, maintain, and protect the viability of commercial, retail, office, and those uses that have similar access and infrastructure needs; locate these in close proximity to appropriate services and transportation infrastructure.
- C. Strengthen the City's economic base and provide employment opportunities in close proximity to residents.

Section 20.220.020 Purpose of Commercial Zones

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

- A. **Commercial (C) Zone.** To provide a business district for the full range of retail goods, services, and commercial centers that stabilize, maintain, and enhance the vitality of San Marcos in a supportive commercial setting adjacent to thoroughfares. Appropriate C Zone commercial uses will contribute to the range of service and destination retail, shopping centers, entertainment, and restaurant uses that generate a strong tax base. The C Zone is intended to implement and be consistent with the Commercial (C) land use designation of the General Plan.
- B. **Neighborhood Commercial (NC) Zone.** To provide for local retail and commercial goods and services in close proximity to residential neighborhoods to meet daily convenience needs. The NC Zone is intended to implement and be consistent with the Neighborhood Commercial (NC) land use designation of the General Plan.
- C. **Office Professional (OP) Zone.** To provide a high-quality business district for the development of professional offices, business support, and personal services. This Zone is intended to be exclusively for office and business uses, serving as a buffer between higher-intensity commercial uses and residential development. The land use and development regulations of this Zone are intended to cultivate an office environment characterized by appropriate landscaping and architectural design to generate business investment in the City. The OP Zone is intended to implement and be consistent with the Office Professional (OP) land use designation of the General Plan.
- D. **Senior Residential (SR) Zone.** To provide for a full range of housing and assisted life care facilities for older adults, with supportive services located near commercial and transit opportunities. These areas should be in appropriate locations adjacent to thoroughfares where age-appropriate living opportunities and services may be established, maintained, and protected from surrounding uses. The SR Zone is intended to implement and be consistent with the Medium Density Residential 2 (MDR2) land use designation of the General Plan.

Section 20.220.030 Applicability

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

- A. **Zones.** All existing and new uses, structures, expansions, modifications, redevelopment, and activities within the C, NC, OP, and SR Zones.
- B. **Senior Residential Development.** All provisions related to land use or standards for development of Senior Residential shall be applicable to the S-R Zone and to all senior residential development in any other Zone, unless developed prior to the adoption of this Zoning Ordinance.

Table 20.220-1
Permit Requirement Types and Processes

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

Note: Any land use authorized through a permit-approval process may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by this Code. For unlisted and similar uses, see Section 20.205.030.C (Unlisted and Similar Compatible Uses). All uses, including, but not limited to, "P", "DP" and "CUP" must pay applicable Public Facilities Fees and annex into all applicable Community Facilities Districts.

Section 20.220.040 Allowable Commercial Uses and Permit Requirements

- A. **Permit Requirements.** Table 20.220-1 identifies the types of land use permits required to establish land uses in the Commercial Zones consistent with this Zoning Ordinance. All permit requirements shall be subject to the process standards of Chapter 20.500 (Permits and Applications Process).
- B. **Commercial Zone Land Uses.** Table 20.220-2 identifies the permitted land uses in all Commercial Zones.
 - 1. Commercial uses are intended to be the primary permitted use in the C and NC Zones.
 - 2. Land uses in the OP Zone should be characterized by business, office, and service uses.
 - 3. The SR Zone is intended for older adult and assisted living, supported by commercial services appropriate for this setting.

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

Table 20.220-2
Commercial Zone Permitted Uses

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

Animal Shelter	DP	---	---	---	
ATM, Interior to Building/Vestibule	P	P	P	P	Section 20.400.030 (ATMs)
ATM, Freestanding Exterior/Exterior Wall	P	P	P	P	Section 20.400.030 (ATMs)
Automotive Fueling Station	CUP	---	---	---	Chapter 20.420 (Automotive Services)
Automotive Rentals	DP	---	---	---	Section 20.400.040 (Automotive Sales and Rentals)
Automotive Sales, New	CUP	---	---	---	
Automotive Sales, Used	CUP	---	---	---	Section 20.400.040 (Automotive Sales and Rentals)
Automotive Sales, Wholesale	P	---	P	---	
Automotive Sales, Other Vehicle Sales	CUP	---	---	---	Section 20.400.040
Bar	CUP	---	---	---	Chapter 20.425 (Bars, Alcohol-Service, and Entertainment)
Catering	P	---	---	---	
Cigar Lounge/Smoke Shop	P	---	---	---	
Commercial Entertainment	P	---	---	---	Chapter 20.425 (Bars, Alcohol-Service, and Entertainment)
Commercial Recreation, Indoor	DP	---	---	CUP-A	
Drive-Through Facility	CUP	---	---	---	Section 20.400.070 (Drive-Through Services)
Employee Services	A	---	A	A	
Funeral Home/Mortuary	CUP	---	---	---	
Hookah Lounge	---	---	---	---	Prohibited in all Zones
Kiosk (stand-alone)	DP	---	---	---	
Lodging, Hotel <50 Rooms	P	---	CUP	---	
Lodging, Hotel 50+ Rooms	P	---	CUP	---	
Lodging, Motel	CUP	---	CUP	---	
Market, Grocery/Supermarket	P	P	---	---	
Market; Specialty Food and Beverage	P	P	---	---	
Market; Liquor	P	P	---	---	
Market; Convenience	P	P	---	A	
Merchandise Sales, Discount	DP	DP	---	---	

Merchandise Sales, New Retail >100,000 s.f.	P	P	---	---	
Merchandise Sales, New Retail <100,000 s.f.	P	P	---	DP	
Merchandise Sales, Showrooms	P	---	---	---	Section 20.400.190 (Showrooms)
Merchandise Sales, Used/Pawn	DP	---	---	---	
Nightclub	CUP	---	---	---	Chapter 20.425 (Bars, Alcohol-Service, and Entertainment)
Nursery (Retail-Plant)	P	---	---	---	
Outdoor Dining	P	P	P	P	Section 20.400.150 (Outdoor Dining)
Parking Facility, Enclosed Freestanding	CUP	CUP	CUP	CUP	
Parking Lot Sales	T	---	---	---	Chapter 20.455 (Temporary Events)
Restaurant, Sit-Down	P	P	P	A	
Restaurant, Take-Out	P	P	P	A	
Office, Professional, and Business Support Services					20.220.050.C
Business Support Service	P	P	P	A	
Financial Institution	P	---	P	---	
Financial Institution, with Drive-Through	CUP	---	---	---	
Internet-Based Sales	P	P	P	---	
Medical; Hospital	CUP	---	CUP	---	
Medical; Urgent Care	DP	DP	DP	A	
Office; Corporate, Regional Administrative, Business, and Professional	P	P	P	---	
Office; Government	DP	---	P	---	
Office; Medical, Dental, and Holistic	P	P	P	A	
Research and Development (R&D)	---	---	P	---	Section 20.400.170 (R&D Uses)
Technical/Scientific/Medical Laboratory, Incidental Uses	---	---	P	---	Section 20.400.170 (R&D Uses)
Service Uses⁽²⁾					
Animal Sales and Services	P	---	---	---	
Automotive Services, Repair	DP	---	---	---	Note 3, Chapter 20.420 (Automotive Services)
Automotive Services, Washing/Detailing	DP	---	---	---	Chapter 20.420 (Automotive Services)

Dry Cleaning or Laundry, Agency	P	P	P	A	
Massage, Accessory Use	P	P	---	---	Note 4; 20.400.250 (Ord. No. 2017-1443, 6-13-2017)
Massage Establishment	P	P	---	---	Note 4; 20.400.250 (Ord. No. 2017-1443, 6-13-2017)
Personal Services, General	P	P	---	DP	
Personal Services, Fitness/Health Facility	DP	DP	DP	A	Section 20.400.155 (Personal Services)
Personal Services, Instructional	DP	DP	DP	---	Section 20.400.155 (Personal Services)
Personal Services, Limited Instructional	ZA	ZA	ZA	ZA	Section 20.400.155 (Personal Services) Chapter 20.400.155
Tattoo and/or Body Art Facility	P	---	---	---	Section 20.400.200 (Tattoo and/or Body Art Facility)
Industrial, Manufacturing, and Processing Uses⁽²⁾					
Commercial Bakery	P	P	---	---	Including associated thrift shop outlets
Industrial Design and Services	---	---	P	---	Limited to on-site support; Section 20.400.170
Recycling Facilities					20.445
Small Collection Facility	P	P	---	---	Limited to locations behind main building
Reverse Vending	P	P	P	---	Section 20.400.270 (Reverse Vending Machines)
Transportation, Communication, and Utility Uses⁽²⁾					
Non-Public Antenna or Communication Facility	P	P	P	P	Chapter 20.400
Antenna or Communication Facility	P	P	P	P	Chapter 20.465 (Telecommunications Facilities)
Transportation Dispatch Only	P	P	P	---	

Notes: For definitions, see Table 20.220-1.

R&D = research and development

s.f. = square feet

1. All land uses are subject to the following standards: Chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).

2. Business, including merchandising and sales, shall be conducted entirely within an enclosed building, except as identified in Table 20.220-2, where outdoor business is permitted subject to a Conditional Use Permit (CUP).

3. A Director's Permit (DP) shall be required for the establishment of the land use in an existing building to ensure that adequate parking and student services are provided and to minimize effects on other land uses within the building or site. A CUP shall be required for the establishment of a use in conjunction with a new building (development of the building in conjunction with the use).

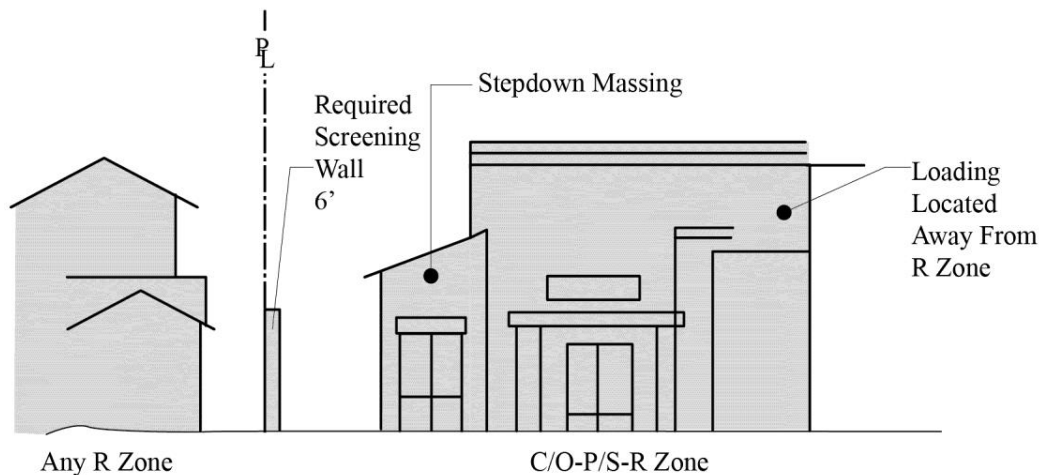
4. Businesses where massage is performed as Massage, Accessory Use and Massage Establishments are permitted by right when all persons performing massage services possess a current, valid and authentic certificate issued by the California Massage Therapy Council. Unless otherwise expressly exempt, all businesses where massage is performed as Massage, Accessory Use and Massage Establishments shall be subject to Chapter 5.44 and Title 5 of this Municipal Code.

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

Section 20.220.050 Development Standards for Commercial Zones

- A. **Development Standard Compliance.** The design, construction, or establishment of all new and existing land uses, development of structures, and site improvements in Commercial Zones shall conform to the regulations of Table 20.220-3. Principal and accessory structures shall meet the same development standards, unless otherwise modified by this Zoning Ordinance. See Figures 20.220-2 and 20.220-3 for setback measurement standards.
- B. **Site Development Plan Review Required.** All development in the Commercial Zones, including all projects that comply with the allowed land use and development standards of this chapter, shall be submitted for Site Development Plan Review to the Planning Division; see Chapter 20.515 (Site Development Plan Review).
1. Senior/Age-Restricted dwellings require Site Development Plan Review or Multifamily Site Development Plan Review, depending on the type of project proposed. The Director shall determine which type of review is required based on project components.
- C. **Floor Area Requirements.** ~~The C Zone is Are intended to provide for a full range of retail goods, services, and commercial centers that stabilize, maintain, and enhance the vitality of San Marcos by generating a strong tax base in a supportive commercial setting.~~
1. Office, professional, and business support services (non-retail uses) shall not exceed twenty percent (20%) of the total gross floor area of a ~~C Zone~~ building(s) without the Director's approval.
 2. This percentage shall be calculated by adding all office space within a structure and dividing that figure by the total square footage of the building. This calculation shall be completed prior to occupancy of a proposed use. This provision may be administratively waived by the Director.
- D. **Residential Adjacency.** Where any C, NC, OP, or SR Zone abuts any Residential Zone, the following conditions shall apply (see Figure 20.220-1):
1. Land use shall provide step-down massing for building height transitions and appropriate screening between uses.
 2. Site design shall orient loading docks and doors away from residential areas. Loading docks or doors shall not be permitted adjacent to a Residential Zone property line.
 3. All buildings within the C, NC, O-P, and S-R Zones shall provide step-down massing for building height transitions adjacent to Residential Zones; see Figure 20.220-1.

Figure 20.220-1. Residential Adjacency Requirements



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

E. Circulation Standards.

1. **Ingress and Egress.** All ingress and egress:
 - a. shall take place on paved ROWs or paved private easements;
 - b. shall be designed to allow for turning-around, and allow for proper circulation to prevent backing of vehicles onto streets; and
 - c. shall be to the satisfaction of the City Engineer and Fire Marshal.
2. **Driveways.** Driveway spacing shall be determined by the "City of San Marcos Street Design Criteria" standards or its successor.
 - a. Maximum of one (1) driveway for each property abutting the street unless approved by the City Engineer.
 - b. Complexes of two (2) or more buildings sharing access to a public street may be permitted to have more than one (1) driveway, as approved by the City Engineer. Reciprocal driveway access configurations are required where possible and feasible.
 - c. Driveway width shall be thirty (30) feet wide measured at the property line to properly facilitate all passenger and cargo vehicle movements. Driveway widths based on site configuration shall be approved by the City Engineer during Site Development Plan Review.
 - d. Driveways shall provide a minimum of twenty (20) feet landscaped throat distance measured from the back of the ROW line. This minimum shall be increased as deemed necessary by the Site Development Plan Review process.

- e. Unless otherwise approved by the City Engineer, driveways shall conform to the City's "Radius Type Driveway" standards.
- f. All driveways and site access shall meet line-of-sight criteria; see Section 20.300.070.C (Performance Standards).

**Table 20.220-3
Commercial Zone Development Standards**

Development Standards ^{(1), (2)}	C	NC	OP	SR	Additional Use Regulations
Building Height					20.300.050(A) (Maximum Building Height)Section 20.340.050
Maximum Height	60 feet/ 5 stories	27 feet/ 2 stories	35 feet/ 3 stories	50 feet/ 4 stories	
Architectural Feature Maximum Height	70 feet	30 feet	45 feet	60 feet	Architectural features shall be limited to 20% of the top floor roof area
Lot Requirements					
Lot Area, square feet (s.f.) ⁽⁴⁾⁽⁷⁾⁽⁸⁾	10,000 s.f.	7,500 s.f.	20,000 s.f.	1 acre	
Lot Width ⁽⁴⁾⁽⁷⁾	65 feet	65 feet	100 feet	100 feet	
Maximum Floor Area Ratio	0.7	0.3	1.25	1.0	
Maximum Site Coverage	50%	50%	45%	55%	
Minimum Setbacks ⁽³⁾⁽⁵⁾					for permitted encroachments, see Section 20.300.020.G
Front PL ⁽⁶⁾	10 feet	10 feet	15 feet	10 feet	
Side Street PL	10 feet	10 feet	15 feet	10 feet	
Interior PL, Building	0 feet	0 feet	10 feet	0 feet	
Interior PL, Parking	5 feet	2 feet	5 feet	5 feet	
PL Adjacent to any R Zone	20 feet	10 feet	25 feet	30 feet	
Alley PL	0 feet*	0 feet*	0 feet	0 feet	* 25 feet if parking is provided in alley
State Route 78 PL	15 feet	15 feet	15 feet	20 feet	
Building Separation	10 feet	10 feet	15 feet	10 feet	
Parking					
Loading Doors/Docks	---	---	30 feet	20 feet	Measured from edge of loading dock
Requirements	20.340 (Off-Street Parking and Loading)				
Landscape					
Requirements	10% of the net developable site shall be landscaped, in addition to required setbacks				Section 20.220.050.E; Chapter 20.330 (Water

		Efficient Landscape Standards)
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Notes: PL = Property Line

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

8. Minimum lot sizes are net area; reciprocal access easements not included.

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

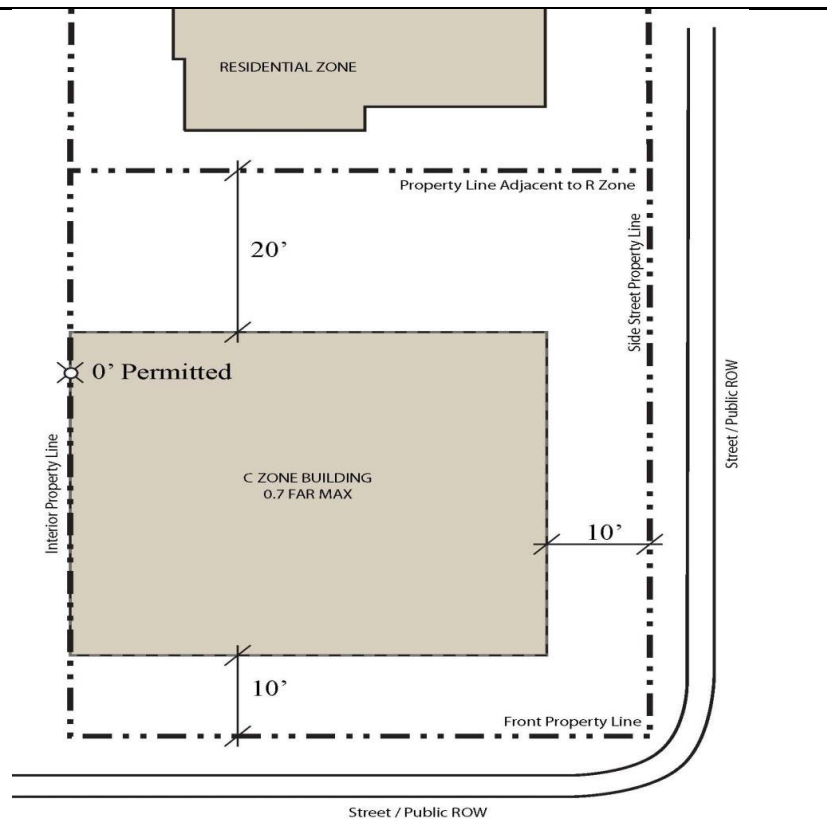
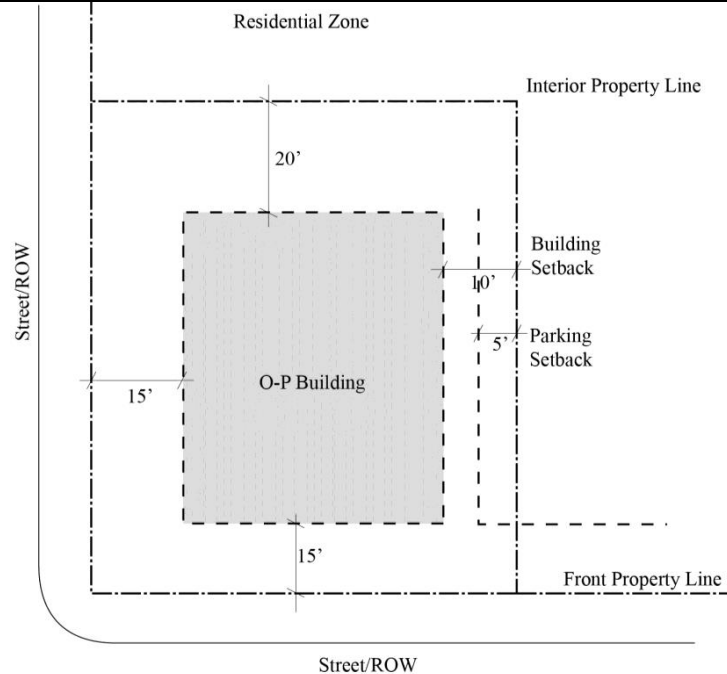


Figure 20.220-3
O-P Zone Development Standards
 See Table 20.220-3 for standards.



Section 20.220.060 Performance Standards for Commercial Zones

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

- A. **Permitted Projections.** See Section 20.300.020.G (Permitted Encroachment Standards) for permitted projection standards relevant to Commercial Zones.
- B. **Architectural Compatibility.** All buildings, including secondary and accessory structures, walls, and fences located on a building site, shall be designed and constructed to be architecturally compatible with the primary building.
- C. **Enclosed Activities.** Every business shall be conducted entirely within an enclosed building except the following:

1. Parking lots	2. Child daycare facility/center
3. Automobile sales/ <u>rentals</u>	4. Service stations
5. Outdoor dining	6. <u>Plant Nursery</u>

- D. **Merchandising and sales.** Merchandising and sales shall only be permitted for those permitted uses identified in Table 20.220-2. All sales must take place entirely within an enclosed building, with the exception of the following temporary uses: parking lot sales, special events, and loading and unloading; see Chapter 20.455 (Temporary Events).
- E. **OP Zone Ancillary Retail Sales.** Ancillary retail sales directly associated with the primary land use shall be allowed in the OP Zone in conjunction with any land use permitted or conditionally permitted by this chapter.

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

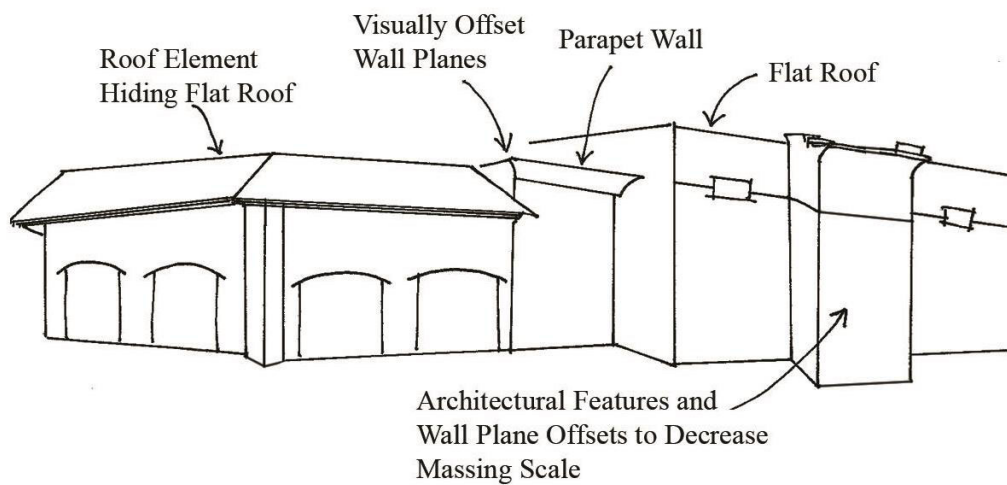
Section 20.220.070 Building Form/Site Development Standards and Guidelines

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

- A. **Pedestrian Scaled Elements.** To generate a pedestrian-scaled commercial setting, all buildings shall reduce building massing through changes in building height and roof form, and the introduction of pedestrian-scaled elements.
1. Emphasize corners and special places through changes in height and building form.
 2. Design building entrances and windows to be enhanced by architectural features, canopies, balconies, or other architectural details.
 3. Reduce massing by incorporating pedestrian-scaled elements such as trellises, plazas, balconies, and outdoor dining areas.
 4. Limit blank walls and use changes in massing and building planes to add depth and scale to building frontages. Uninterrupted walls shall be prohibited without an offset or inclusion of architectural details. Scoring alone shall not be accepted as architectural relief.
 5. Provide comfortable pedestrian walkways. Walkways in retail commercial centers should be covered by a structural projection such as a canopy or shaded by evergreen canopy trees. Trees shall be planted at a maximum of twenty (20) feet on center and with a minimum height at maturity underneath the canopy of no less than eight (8) feet. Tree wells may be cut in the sidewalk and covered with a semi-circle iron grating to avoid reducing the walkway area. All trees and landscaping are subject to Chapter 20.330 (Water Efficient Landscape Standards).
- B. **Building Design.** Provide articulation of building forms and facades, including variation in massing, roof forms, and wall planes, to reinforce quality architecture. See Figure 20.220-4.
1. Parcels that have direct frontage onto State Route 78 shall orient architecturally enhanced facades toward the freeway.
 2. Buildings shall be articulated through the use of textured materials and color. A minimum of three (3) colors and/or materials shall be used on all buildings. Materials may include rough sawn woods, split face block, stucco, textured concrete tilt-up, and facade brick or stone. Materials shall be used thematically and complement the surrounding area.
 3. Walls and enclosures shall be architecturally integrated with the design of the associated buildings.
 4. Visually exposed flat roofs on front and side elevations shall be limited. Parapet walls or architectural roofing features shall be used to screen front- and side-elevation flat roofs from pedestrian visibility.
- C. **Site Design.** Adjacent lots are encouraged to use design-integrated elements for the consolidation of shared driveway/curb cut access, provision of parking in the least amount of space, cohesive thematic landscaping and/or monument elements, and shared commercial amenities.
- D. **Pedestrian Plazas.** Pedestrian plazas shall include a water feature and/or gas fire pit feature if feasible and as approved by the Director during Site Development Plan Review.

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- E. **Parking Lot Walkways.** Parking lot design shall include designated and landscape pedestrian walkways to allow for safe and direct pedestrian access to storefronts.
 - F. **National Pollutant Discharge Elimination System Compliance.** All development shall comply with the most current National Pollutant Discharge Elimination System (NPDES) permits and implement and maintain best management practices (BMPs), consistent with Chapter 14.15 of this Code.

Figure 20.220-4 Commercial Building Design



CHAPTER 20.225 MIXED USE ZONES

Section 20.225.010 Purpose of Chapter

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

- A. Support the development of complete, integrated communities that are a mix of mutually-supportive land uses in pedestrian-oriented and business-oriented configurations.
- B. Increase the balance of land uses within a given area by providing flexibility in the combining, design, and location of uses;
- C. Create a defined mixed use ~~use~~-community core that is compact and pedestrian-oriented.
- D. Support infill-development locations to promote work, commerce, and living configurations in close proximity to primary circulation corridors, and at specific transit-oriented areas including W. San Marcos Boulevard between S. Rancho Santa Fe Road and Grand Avenue, S. Rancho Santa Fe Road between W. San Marcos Boulevard and S. Santa Fe Avenue, and north of State Route 78 from S. Rancho Santa Fe Road east toward Vallecitos De Oro.
- E. Establish standards to support integrated design of compatible uses and minimize conflicts between adjacent uses;
- F. Regulate mixed use development with form-based standards to implement development of an urban core with specific built-form character;
- G. Strengthen the City's economic base and provide employment opportunities close to residents of the City and surrounding communities.

Section 20.225.020 Applicability

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

- A. **Zones.** The form-based regulations of this Chapter shall apply to the establishment of all new development, establishment of new land uses, and alterations to existing land uses, structures, units and site improvements within the Mixed Use Zones.
- B. **Transitional Zones.** This chapter shall also regulate the "future zone" development of Transitional Zones under the process and regulations of Chapter 20.235 (Transitional Zones). When a Transitional Zone property is rezoned to a Mixed Use Zone, all land use establishment and development shall be subject to the applicable Zone of this chapter as the Future Zone, as regulated by this chapter.
- C. **Specific Plans.** Development standards of Table 20.225-1 shall apply as the base requirements for new development and redevelopment of Specific Plans with frontage on Rancho Santa Fe Road or adjacent to one (1) or more MU-1 Zones properties.
- D. **Other Regulations.** In addition to the requirements of this chapter, regulations contained in the following section may apply to applicable land use and development within Mixed Use Zones. The Director shall determine when the provisions of these other chapters are applicable to mixed use development.
 - 1. Chapter 20.300 Site Planning and General Development Standards
 - 2. Chapter 20.330 Water Efficient Landscape Standards

-
3. Chapter 20.335 Walls and Fences
 4. Chapter 20.340 Off-Street Parking and Loading
 5. Chapter 20.400 Specific Use Standards
- E. **Disclaimer.** The images in this Chapter represent the general range of scale, configuration, and streetscape typically associated with mixed use development, and generally appropriate for the Mixed Use Zones. Individual designs may vary in compliance with the applicable standards of this chapter. Images are not intended to be interpreted literally and are not drawn to scale; where images and regulations are inconsistent, the regulations shall prevail.

Section 20.225.030 Form-Based Regulation



Image 20.225-1 Form-Based Regulation

Regulating building form, frontage types, and parking locations focus development of character instead of strictly land use.

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

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

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



Image 20.225-2 Integrated Design

Ground floor use requirements along primary streets promote walkability and commercial vitality.

- B. **Specific Plan Required.** The preparation and adoption of a Specific Plan shall be required for all development within the MU-3 (SP) and MU-4 (SP) Zones. All Specific Plans shall be consistent with the character, form and intensity of this chapter and shall integrate the design with adjacent mixed use developments. See Chapter 20.535 (Specific Plans).
- C. **Site Development Plan Review.** All development within the Mixed Use Zones shall be subject to Site Development Plan Review. During review, each development or modification shall be evaluated for compatibility with the intent of this chapter, compatibility of on-site and adjacent parcel uses, and preserve the opportunity for future adjacent parcel conversion and development.
 - 1. An Area Plan shall be required to establish building location, parking provisions and urban element additions like streets, alleys, pedestrian pathways, plazas, entryways, stairways, private and common outdoor open space and other design and development standards of this chapter.



Figure 20.225-1 Mixed Use Regulating Plan

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

Section 20.225.040 Mixed Use 1 Zone

**Table 20.225-1
MU-1 Development Standards**

Density	
Residential Minimum	20.0
Residential Maximum	30.0
FAR, Minimum	1.25
FAR, Maximum	1.75
Unit Size	
Minimum	600 sf
New Subdivision Lot Size	
Minimum	1,500
Building Height	
Minimum	2 stories/25 feet

Maximum	4 stories/48 feet
Max. Adjacent to R PL	1 story greater than adjacent development ; <u>no greater than Not to exceed 48 feet</u>
Ground Floor Height	15 feet
Building Placement	
Primary Street Pedestrian-Oriented	2 feet required for 80% of frontage; 7 feet max. for 20% of frontage
Secondary Street	6' required for 60% of frontage; 10' max. for 40% of frontage
Tertiary Street	10 feet required for 60% of frontage; 15 feet max. for 40% of frontage
Interior PL	0 feet
Alley PL	3 feet
Allowable Building Frontage Types	
Primary Street Pedestrian-Oriented	Storefront/Awning Forecourt
Facades Facing/Adjacent to Residential	Stoop Porch
Facades Facing Greenway or Park	Stoop Porch
Along Rail Edge & Transit Station	Storefront/Awning Forecourt
Other Locations	Storefront/Awning Forecourt Stoop Porch

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

- A. **Physical Character.** The physical environment is characterized by active pedestrian-oriented ground floor commercial, and office uses at the sidewalk. Housing may occur in upper floors or in portions of the building not adjacent to Rancho Santa Fe Road or San Marcos Boulevard.
- B. **Building Form.** Buildings are encouraged to be varied in size, forming a minimum streetwall of two (2) stories and a maximum of four (4) stories. Table 20.225-1 identifies applicable requirements for density, building height, FAR, streetwalls and other standards.
- C. **Building Frontage and Active Use Requirements.** Table 20.225-1 identifies building frontage requirements and types that are encouraged within the MU-1 Zone. Pedestrian-oriented ground floor uses are required for eighty percent (80%) of the building frontage along primary street frontage, and facing public open spaces or plazas. Ground floor active uses permitted are identified and required by Section 20.255.110 (Allowable Mixed Use Land Uses and Permit Requirements) and Table 20.225-6, and are encouraged along secondary streets and corners intersecting with primary streets.
- D. **Parking.** Parking is provided through a combination of on-street customer spaces, park-once/public parking, and off-street private and residential spaces located behind buildings. Properties with frontages solely along San Marcos Boulevard or Rancho Santa Fe Road shall have secondary street or alley-loaded vehicular access or off-site parking with on-street loading.
 1. Parking and loading access is not permitted along San Marcos Boulevard; access shall be limited to the frontage road.

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2. Parking and loading from Rancho Santa Fe Road shall be prohibited.

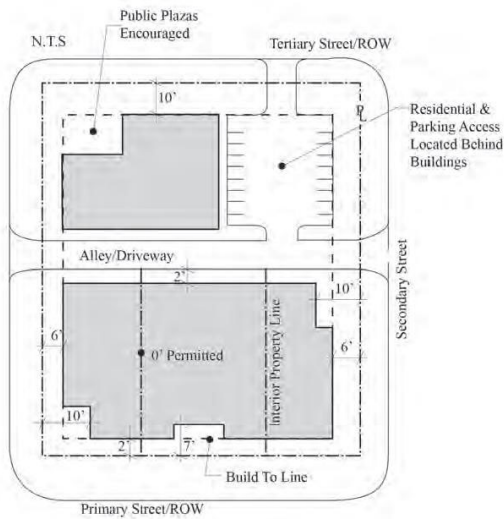


Figure 20.225-2 MU-1 Development Standard Diagram

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

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



Image 20.225-1 A, B Pedestrian-Oriented Streets

MU-1 allows mixed use integration of commercial and residential uses. Active ground floor uses are required along primary streets. Setbacks close to the street create a pedestrian-orientated character.



Image 20.225-2 Parking Locations

Residential parking courts should be located behind buildings and should be well landscaped.

Section 20.225.050 Mixed Use 2 Zone

**Table 20.225-2
MU-2 Development Standards**

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

The Mixed Use 2 (MU-2) Zone is intended to support mixed use integrated developments complementary in use to the MU-1 Zone. Development may be mixed vertically on separate floors of a building, or horizontally in separate buildings on a single site or adjacent parcels. Structured parking may be necessary to accommodate allowable

densities, and shared parking arrangements may be allowed consistent with the nature of the mixed uses. To maintain a pedestrian scale and orientation, permitted uses on the ground floor are limited to retail and other active uses. The MU-2 Zone is intended to implement and is consistent with the High Density Residential (HDR) and Mixed Use 2 (MU2) land use designations of the General Plan.

- A. **Physical Character.** The physical environment is characterized by active pedestrian-oriented ground floor commercial, and office uses at the sidewalk. Housing may occur in upper floors or in portions of the building not adjacent to Rancho Santa Fe Road or San Marcos Boulevard.
- B. **Building Form.** Buildings are encouraged to be varied in size, forming a minimum streetwall of two (2) stories and a maximum of five (5) stories. Table 20.225-2 identifies applicable requirements for density, building height, FAR, streetwalls and other standards.
- C. **Building Frontage and Active Use Requirements.** Table 20.225-2 identifies building frontage types that are encouraged within the MU-2 Zone. Pedestrian-oriented ground floor uses are required for sixty percent (60%) of the building frontage along Secondary Streets, and facing public open spaces or plazas. Ground floor active uses permitted are identified in Table 20.225-6, and are encouraged along secondary side streets and corners intersecting with Primary Streets.
- D. **Parking.** Parking is provided through a combination of park-once/public parking, integrated private garages, and surface off-street spaces located behind buildings. Properties with frontages solely along Rancho Santa Fe Road shall have secondary street or alley-loaded vehicular access or off-site parking with on-street loading.
 - 1. Parking and loading access shall not be provided directly from Rancho Santa Fe Road.
- E. **Drive-Through Services.** Drive-through service facilities (e.g., restaurant take-out windows, automated teller machines, etc.) are not permitted, except those drive-through uses related to payment of parking fees.

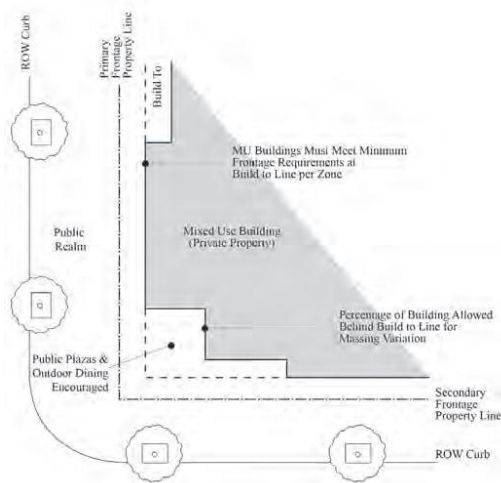


Figure 20.225-3 Build-To Line Diagram

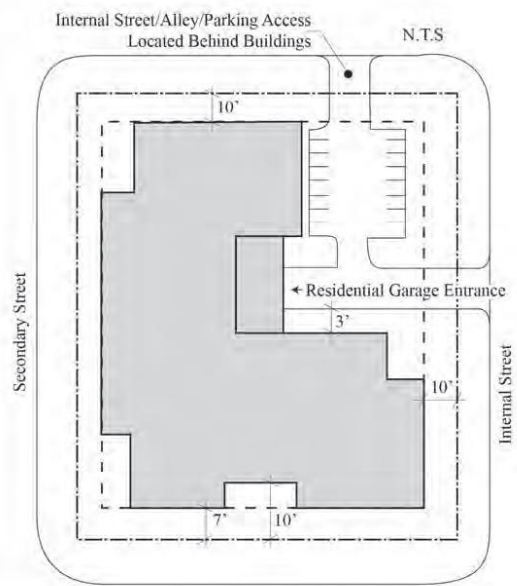


Figure 20.225-4 MU-2 Development Standard Diagram

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



Image 20.225-3 Intensity

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



Image 20.225-4 Intensity

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

Section 20.225.060 Mixed Use 3 (SP) Zone

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

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

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

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

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

- A. **Physical Character.** The physical environment is characterized by commercial development suitable for integrated retail, office and business uses in pedestrian-oriented setting.
- B. **Building Form.** Buildings are located near the sidewalk or configured around open space. Buildings are varied in size, mixed use or single-use forming a minimum streetwall of two (2) stories and a maximum of four (4) stories.

Table 20.225-3 identifies applicable requirements for density, building height, FAR, streetwalls and other standards.

- C. **Building Frontage Requirements.** Building shall be located at the minimum setback for eighty percent (80%) of the building frontage along public open spaces or plazas and as identified in Table 20.225-3.
- D. **Parking.** Parking is provided through a combination of integrated private garages, and surface off-street spaces located behind buildings. Parking shall be screened by building uses.
 - 1. No off-street parking shall be generally visible from a public ROW or park, excluding visibility from alleys.

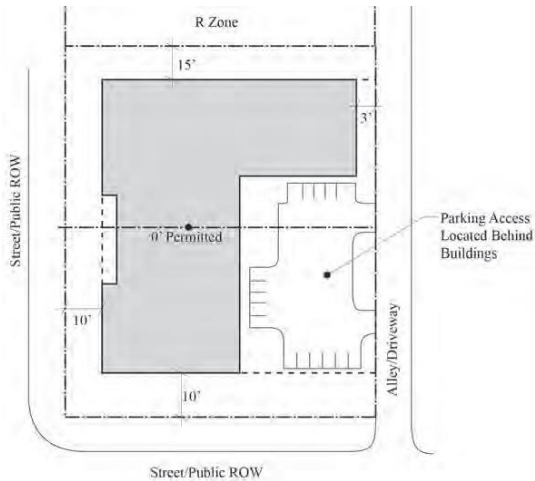


Figure 20.225-5 MU-3 (SP) Development Standard Diagram

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



Image 20.225-5 Non-Residential

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



Image 20.225-6 Design

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

Section 20.225.070 Mixed Use 4 (SP) Zone

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

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

The Mixed Use 4 (MU-4 (SP)) Zone is intended to support an industry-centric mixed use district integrating commercial, office, business park uses. This Zone shall be complementary to the MU-3 Zone. Horizontal and vertical mixed use is permitted;

residential uses are not permitted. The MU-4 (SP) Zone is intended to implement and is consistent with the Mixed Use 4 (MU4)/SP land use designation of the General Plan.

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

- A. **Physical Character.** The physical environment is characterized by non-residential mixed use development suitable for integrated office, commercial, and business uses in a compact setting.
- B. **Building Form.** Buildings are located near the sidewalk or configured to facilitate transit, pedestrian, and automotive access. Buildings are varied in size, mixed use or single-use forming a minimum streetwall of two (2) stories and a maximum of four (4) stories. Table 20.225-4 identifies applicable requirements for density, building height, FAR, streetwalls and other standards.
- C. **Building Frontage Requirements.** Table 20.225-4 identifies building frontage types that are encouraged within the MU-4 (SP) Zone. Building shall be located at the minimum setback for sixty percent (60%) of the building frontage along secondary streets.
- D. **Parking.** Parking shall be screened by building uses. No off-street parking shall be generally visible from a public ROW or park, excluding visibility from alleys.

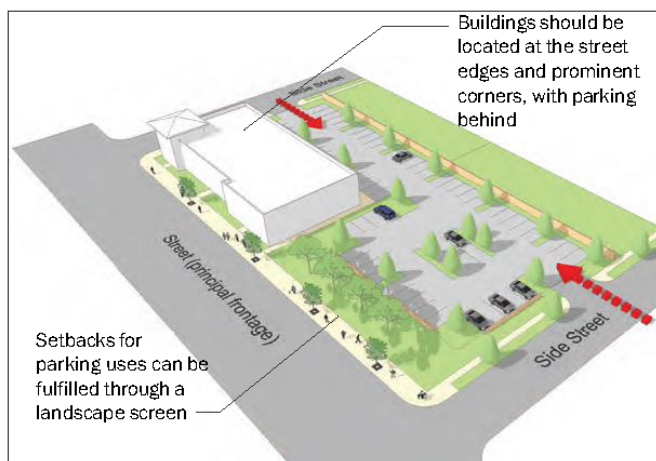


Figure 20.225-6 Parking Setbacks



Image 20.225-7 MU-4 (SP) Character

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

Section 20.225.080 Ground Floor Uses and the Pedestrian Realm



Image 20.225-9 Ground Floor Activation

Retail and active pedestrian uses on the ground floor contribute to a high-level of pedestrian activity.



Image 20.225-10 Scaled Features

Outdoor dining, awnings and architectural features contribute to a human-scaled streetscape.



Image 20.225-11 Storefront Design

Windows, scale and street-adjacent location of storefronts promotes pedestrian activity.

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

- A. **Required Ground Floor Uses.** Ground floor pedestrian-oriented uses are required by Zone along primary streets, which are identified by Figure 20.225-1 (Regulating Plan). In locations where ground floor uses are not required, neighborhood retail and other active uses are encouraged at the ground-floor street frontage.
 - 1. Ground-floor floor-to-ceiling height shall be a minimum of fifteen (15) feet or taller to accommodate retail uses in all locations where ground floor uses are required.
 - 2. Each storefront bay shall contain an entrance. The primary entrance to each commercial space on the ground floor shall be located on the front facade along the street. If parking is located behind buildings, well-lit secondary rear entrance may also be provided.
 - 3. Architectural features such as canopies, awnings, lighting, and other design features should be incorporated into the ground floor to add human scale to the pedestrian experience.
- B. **Storefront Design.**
 - 1. Along primary streets (see Figure 20.225-1) floor elevation of the first floor/ground floor shall be level with the elevation of the adjacent sidewalk.
 - 2. Entrances to uses on ground and upper floors should open onto a public ROW. Entrance doors should be set back between one (1) to three (3) feet from the property line.
 - 3. A minimum of sixty percent (60%) of street facing facades along primary streets shall be composed of clear non-reflective glass that allows views of indoor space.
 - 4. Interior blinds, drapes, posters, signage, and interior shelving for product displays shall obscure no more than twenty-five percent (25%) of the transparent areas of each respective storefront.
 - 5. Maximum height of the bottom sill of required display windows shall not exceed thirty (30) inches above the adjacent sidewalk.
 - 6. Minimum head height for storefronts and windows at the ground floor shall be eighty (80) inches above the adjacent sidewalk.
- C. **Pedestrian Realm.** The "pedestrian realm" is the twelve (12)-foot area between the curb and the buildings. This area shall be continuous throughout the Mixed Use Zones to accommodate planting, a non-contiguous sidewalk, and outdoor seating or displays.
 - 1. The area between a property line along San Marcos Boulevard and the required setback line shall be established as a public sidewalk easement.
 - 2. Where new streets are created, they shall be planned for a ten (10) to twelve (12)-foot wide sidewalk, to accommodate planting, a non-contiguous sidewalk, and outdoor seating or displays.
 - 3. Above ground utilities in the public ROW or within the street frontage setback shall be prohibited, unless authorized by the Director.
- D. **Vehicular Driveway Access and Curb Cuts.** The Mixed Use Zones are intended to be walkable, with active uses on the ground floor and pedestrian-friendly streetscapes. Curb cuts for surface parking, parking structures, private garage access or delivery/loading, shall be well planned and limited in frequency.
 - 1. Curb cuts along San Marcos Boulevard are prohibited unless approved by the City Engineer for emergency access purposes.

2. Vehicular driveway access or entries to parking structures are prohibited along frontages that require active, pedestrian-oriented uses.
3. Developments with internal parking and/or structures/garages may be permitted one (1) curb cut for parking structure entry per block subject to site plan review.



Image 20.225-12 Pedestrian Realm

The sidewalk area between back of curb and the setback line is the public realm and should be designed for a comfortable pedestrian Experience.

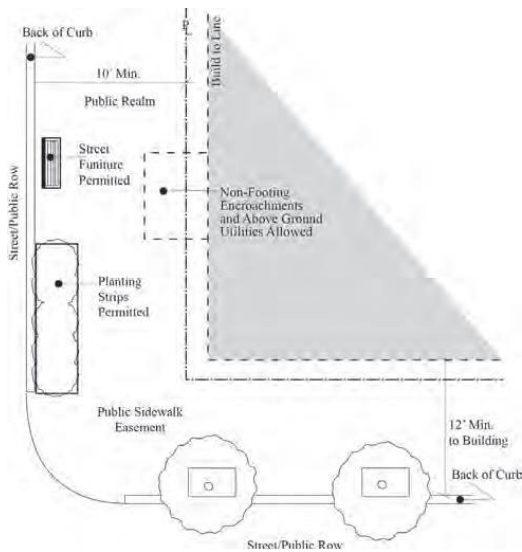


Figure 20.225-7 Pedestrian Realm

Section 20.225.090 Building Form and Siting Standards

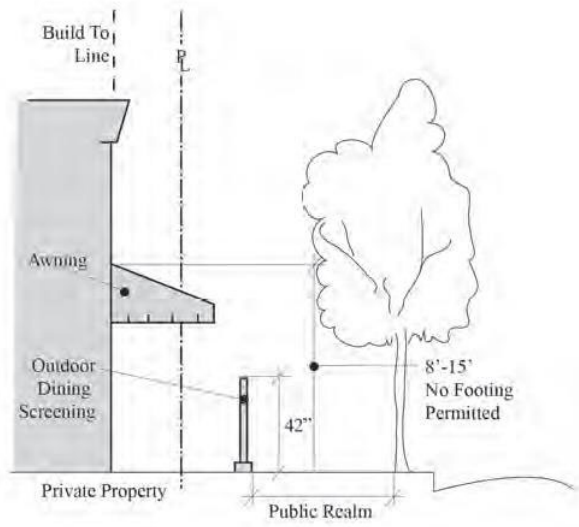


Figure 20.225-8 Setbacks and Encroachments



Image 20.225-13 Building Placement

Locate building along setback lines to have a strong relationship to the street. Individual units or storefronts should be expressed whenever possible.

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

- A. **Building Form and Transitions.** The development standard table for each Zone regulates the intensity, building height and transitions between buildings to facilitate an urban form suitable to mixed use development. Specific Plans for MU-3 (SP) and MU-4 (SP) Zones shall not be permitted to alter these standards.
 - 1. Minimum lot sizes are established to ensure all development is usable and functional for long-term contribution to the Mixed Use Zones, and shall be designed and constructed in compliance with the regulations in Table 20.220-3.

-
2. Additional building height, up to an additional fifteen (15) feet, may be permitted by the Director for special architectural features and roof line variation. Additional permitted height shall not exceed fifteen percent (15%) of the area of the building floor plate, and shall not create additional leasable/habitable space.
- B. **Live-Work Unit.** Live-work units shall have direct interior access between living and work spaces. Work space shall be limited to the first/ground floor and shall have a direct pedestrian entrance to the work space separate from the residential entrance.
 - C. **Treatment of Setbacks.** Treatment of the ground plane private property within the setback may be either planting or a combination of planting and hardscape, and shall be well designed and well maintained.
 1. Setbacks should create a visual extension of the public realm, to enhance the quality of the pedestrian environment.
 2. To create visual interest, landscape treatment of setbacks should vary along a street.
 3. Landscaping, as well as pots or planters, may be provided along the building face, outside of the primary pedestrian path of travel.
 4. Adjacent to required pedestrian-oriented uses, setbacks with planting (in plants, pots, or in the ground), and outdoor dining are permitted. Greater setbacks are encouraged adjacent to retail, patios, and dining areas so elements such as trees, planting, and water features can be included.
 5. Arcades and colonnades may be used to satisfy setback requirements.
 6. Additional setbacks for entry plazas or courtyards, or to meet adjacent structure, may be permitted subject to Site Development Plan review.
 - D. **Outdoor Dining.** Outdoor dining areas are not required to meet the building placement standards of the Zone. Site and building design are encouraged to incorporate areas for outdoor dining where a minimum of six (6) feet clear is provided between the dining area and the ROW back of curb. See Section 20.400.150 (Outdoor Dining) for additional standards.
 - E. **Encroachments.** See Section 20.300.020.G (Permitted Encroachment Standards) for permitted projection standards relevant to Mixed Use Zones.

Section 20.225.100 Streetwall Design and Building Frontage Types

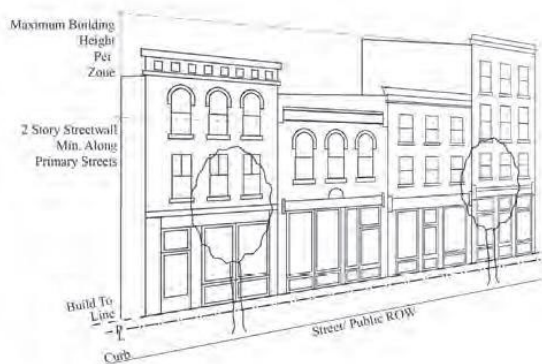
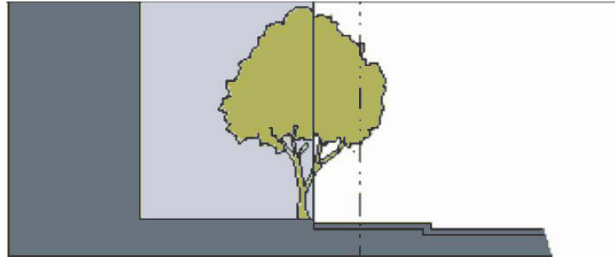


Figure 20.225-9 Streetwall Design

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

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- A. **Streetwall Design.** The streetwall of a building is the most visible component seen by pedestrians, bicyclists, and motorists. How the mass of the building "meets the street" should be well detailed.
1. Buildings should maintain a generally consistent streetwall by locating the building edge along the build-to line, consistent with applicable Zone development standards.
 2. Buildings should face the street and be well articulated to add interest to the pedestrian realm, and create "eyes on the street." Elements such as windows, building entries, front doors, porches, balconies, patios, and stoops all help to break down the mass of a building, and add character to the pedestrian realm. Where courtyards, paseos, or greenways exist, the building faces should also address these spaces with windows, building entries, patios, etc.
 3. Monotonous stretches of uninterrupted building façades or "blank walls" are highly discouraged:
 - a. The maximum width of a bay of blank wall, without a change in material or wall plane, shall not exceed twenty-five (25) feet.
 - b. Where streetwall offsets are incorporated to promote variation along the street, two (2) to four (4)-foot offsets shall be used to make changes noticeable and to provide a significant shadow line. Incorporate varying materials and colors, massing, fenestration, storefronts, public art, or other well composed architectural elements with streetwall offsets
 - c. Variation in the façade of mixed use buildings shall reinforce the building, massing, and material changes while providing a variety of solid and transparent surfaces.
 4. Building entrances shall be well designed and emphasized with changes in materials or variations in building planes. The streetwall should be designed to visually emphasize pedestrian connections, building entries, open space links, and any points where pedestrians can walk through a block.
 5. Where parking is planned, the streetwall should be composed of active uses that screen podium parking, parking structures, and parking lots.
- B. **Building Frontages.** The following building frontage standards underscore basic design principles that are intended to produce high quality buildings, memorable places, and a vibrant urban realm. They are not intended to be indicative of any style, but to encourage innovation and good urban form:
1. **Building Frontage Standards.** Every building shall incorporate an allowed Frontage Type along the primary street frontage(s) and any facades adjacent to a public right-of-way, public open space such as a plaza, park, or paseo, or private open space. Allowable Frontage Types are identified in by the development standard table of the applicable Zone.
 - a. Residential units should face the street with windows, front entry doors, porches, balconies, patios, and stoops. Rooms such as living rooms and dining rooms shall be oriented fronting toward the street and/or any adjacent private space. Service rooms and areas shall be oriented to the rear of the lot.
 - b. Where courtyards, paseos, or greenways exist, residential units should address these spaces with windows, front doors, porches, and patios, and according to the standards in this Section.
 - c. Storage, of any kind, on balconies shall be prohibited.





Porch

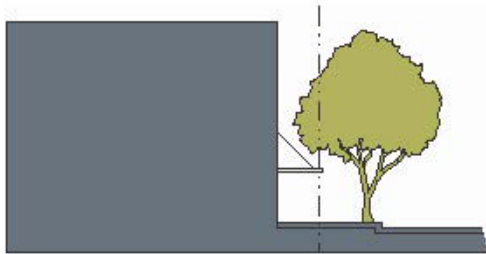


Figure 20.225-10 Storefront/Awning Diagram





Image 20.225-14 A, B, C Storefront Conditions

Use of glazing, awnings, and individual storefront entrances reinforces the pedestrian-orientation of the streetscape.

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

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

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

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

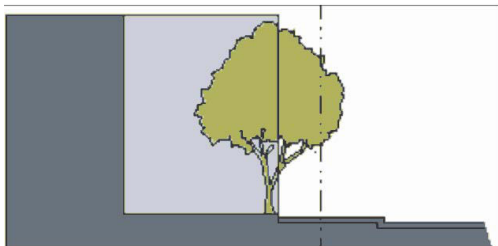


Figure 20.225-11 Forecourt Diagram



Image 20.225-15 A, B Forecourt Conditions

Forecourts provide variation in massing, increase opportunities for building and storefront entrances, and provide areas for outdoor dining, events, kiosks and community spaces.



Figure 20.225-12 Porch or Patio Diagram

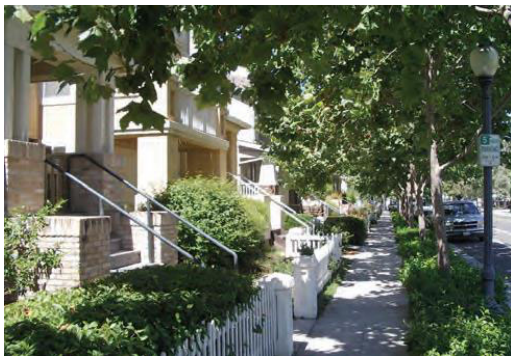


Image 20.225-16 A, B Porch or Patio Conditions

Increase the residential identify of a streetscape and provide separation of private space from public space.

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

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

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

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



Figure 20.225-13 Stoop Diagram



Image 20.225-17 A, B Stoop Conditions

Stoops also increase privacy with a clear delineation between private and public space; very suitable for residential entries along secondary streets.

Section 20.225.110 Allowable Mixed Use Land Uses and Permit Requirements

- A. **Permit Requirements.** Table ~~20.225-520.225-1~~ identifies the types of land use permits required to establish land uses in the MU-1 and MU-2 Zones consistent with this Zoning Ordinance.
1. All proposed development projects within the Mixed Use Zones shall be subject to Site Development Review in conjunction with the permit requirements of Table ~~20.225-520.225-2~~.
- B. **Mixed Use Land Uses.** Any single parcel or building within the Mixed Use Zones may be permitted to include a single or multiple land uses subject to the permit requirements of the applicable Zone.
1. Mixed Use property uses are not specified for the MU-3 (SP) and MU-4 (SP) Zones. Permitted land uses for MU-3 (SP) and MU-4 (SP) developments shall be established at the time of Specific Plan adoption. Land uses shall be limited to commercial and industrial uses and shall not include residential components or land uses.
- C. **Ground Floor Use Requirements.** Figure 20.225-1 identifies Primary, Secondary, and Tertiary Streets applicable to the Mixed Use Zones. In addition to setback requirements, the purpose of these street designations is to further encourage active ground floor land uses in specific areas to provide a vibrant, pedestrian-oriented experience. All buildings with frontage along a Primary or Secondary designated street shall contain ground floor uses identified in the "Ground Floor Use" column of Table ~~20.225-520.255-5~~ subject to the following minimum requirements.
1. Along primary streets, eighty percent (80%) of the ground floor frontage shall contain "Ground Floor Uses."
 2. Along secondary streets, sixty percent (60%) of the ground floor frontage shall contain "Ground Floor Uses."
 3. The remainder of the ground floor frontage, and all upper stories, may contain any use subject to permit requirements identified in the "MU-1/MU-2" column of Table ~~20.225-520.255-5~~.
 4. Along tertiary streets a minimum ground floor use shall not apply.
- D. **Restrictions on Floor Area.** Business and Professional Offices shall not exceed twenty percent (20%) of the total gross floor area of any mixed use building without Director approval. This calculation and verification of consistency shall be part of Site Development Review and/or the Specific Plan process.
- E. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this Chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table ~~20.225-520.225-2~~, refer to the referenced sections for additional operational standards and regulations applicable to the use.
- F. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with Section 20.205.030.C (Unlisted or Similar Compatible Uses), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

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

Land Use	Ground Floor Uses	MU-1/ MU-2 <u>Above</u> <u>Ground</u> <u>Floor</u>	Additional Use Regulations
Residential Uses			

<u>Adult Day Care</u>	<u>DP</u>	<u>DP</u>	<u>20.400.110</u>
Live/Work	P	P	
Multifamily Residential	P	P	
Residential Building Entries/Lobbies	P	P	
Residential Care Facility, Small	P	P	20.400.110
Residential Care Facility, Large	CUP	DP	20.400.110
Adult Residential Facility, Small	P	P	20.400.110
Adult Residential Facility, Large	CUP	DP	20.400.110
Low Barrier Navigation Center	P	P	20.400.260
Supportive Housing	P	P	
Transitional Housing	P	P	
Recreation, Education & Public Assembly Uses			
<u>Adult Day Care</u>	<u>DP</u>	<u>DP</u>	<u>20.400.050</u>
Child Day Care Facility, Day Care Center	DP	DP	20.400.050
Club	---	DP	Not permitted in buildings with residential units
College, Nontraditional Campus Setting	---	DP*	Note 2; Note 3
Museum, Library or Gallery	P	P	
<u>Outdoor Recreation Facility</u>	<u>A</u>	<u>A</u>	
Places of Assembly	DP	DP	Note 2; Note 3; 20.400.160
Small Places of Assembly	ZA	ZA	
Park/Plaza	P	P	
<u>School</u>	<u>---</u>	<u>CUP</u>	
Office, Professional and Business Support Services			
Business Support Service	---	P	
Financial Institution	P	P	
Financial Institution, with Drive-Thru	---	---	20.400.070
<u>Internet-Based Sales</u>	<u>---</u>	<u>P</u>	
Medical, Urgent Care	P	P	
Office; Administrative, Business, Corporate	---	P	
Office; Government	---	P	
Office; Medical, Dental and Holistic	P	P	
Service Uses(2)			
Animal Sales and Services	P	---	
Dry Cleaning or Laundry, Agency	P	P	
Massage, Accessory Use	P	---	Note 4; 20.400.250(Ord No. 2017-1443, 6-13-2017)
Massage Establishment	P	---	Note 4; 20.400.250(Ord No. 2017-1443, 6-13-2017)
Personal Services, General-& <u>Instructional</u>	P	---	
<u>Personal Services, Instructional</u>	<u>DP</u>	<u>---</u>	

Personal Services, Fitness/Health Facility	DP	DP	
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Notes:

All land uses are subject to the following standards: Chapters 20.300 (Site Planning and General Development), 20.340 (Off-Street Parking and Loading), 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.400 (Specific Use Standards). All uses, including, but not limited to, "P", "DP" and "CUP" must pay applicable Public Facilities Fees and annex into all applicable Community Facilities Districts.

~~2. ;hg;Business, including merchandising and sales, shall be conducted entirely within an enclosed building.~~

~~3. ;hg;DP required for new uses within existing buildings and CUP required for new land use establishment in new building.~~

~~4. ;hg; Businesses where massage is performed as Massage, Accessory Use and Massage Establishments are permitted in legal, non-conforming commercial shopping centers when all persons performing massage services possess a current, valid and authentic certificate issued by the California Massage Therapy Council. Unless otherwise expressly exempt, all businesses where massage is performed as Massage, Accessory Use and Massage Establishments shall be subject to Chapter 5.14 and Title 5 of this Municipal Code.~~

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

Land-Use	Ground Floor-Uses	MU-1/ MU-2	Additional Use Regulations
General Retail Uses(2)			
ATM, interior to building/vestibule	P	P	
ATM, freestanding exterior/exterior wall	P	P	
Automotive, Fueling Station	CUP	CUP	
Bar	CUP	CUP	
Catering	- - -	DP	
Commercial Entertainment	P	P	
Commercial Recreation, Indoor	P	P	
Drive-Thru Facility	CUP	CUP	Sections 20.225.040(E) and 20.225.050(E)
Employee Services	- - -	A	Section 20.600.070 - "E" Definitions
Hookah Lounge	- - -	- - -	Prohibited in all Zones
Kiosk (stand-alone)	DP	- - -	
Lodging, Hotel <100 Rooms	CUP	CUP	
Market, grocery or supermarket	P	- - -	
Market; specialty food and beverage	P	- - -	
Market; Liquor	CUP	- - -	
Market; convenience	P	- - -	
Merchandise Sales, Discount	P	- - -	
Merchandise Sales, New Retail	P	- - -	
Outdoor Dining	P	P	
Parking Facility, Enclosed Freestanding	P	CUP	
Restaurant, Sit-Down	P	P	
Restaurant, Take-Out	P	DP	
Winery/Tasting Room	DP	CUP	
Industrial, Manufacturing & Processing Uses(2)			
Industrial Design and Services	- - -	P	

Recycling Facilities			
Small Collection Facility	P	P	20.445 (Refuse and Recycling)
Reverse Vending	DP	DP	20.445-400.270 (Refuse and Recycling)
Transportation, Communication & Utility Uses(2)			
Antenna or Communication Facility	P	P	20.465 (Telecommunication Facilities)
Non-Public Antenna or Communication Facility	P	P+	20.465 (Telecommunication Facilities)

Notes:

1. All land uses are subject to the following standards: Chapters 20.300 (Site Planning and General Development), 20.340 (Off-Street Parking and Loading), 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.400 (Specific Use Standards). All uses, including, but not limited to, "P", "DP" and "CUP" must pay applicable Public Facilities Fees and annex into all applicable Community Facilities Districts.
2. Business, including merchandising and sales, shall be conducted entirely within an enclosed building.
3. DP required for new uses within existing buildings and land use renewals; CUP required for new land use establishment in a new existing building.
4. Businesses where massage is performed as Massage, Accessory Use and Massage Establishments are permitted in legal, non-conforming commercial shopping centers when all persons performing massage services possess a current, valid and authentic certificate issued by the California Massage Therapy Council. Unless otherwise expressly exempt, all businesses where massage is performed as Massage, Accessory Use and Massage Establishments shall be subject to Chapter 5.44 and Title 5 of this Municipal Code.

Section 20.225.120 Outdoor Space Standards

- A. **Required.** All new development in the MU-1 and MU-2 Zones is required to provide open space. Types of open space allowed include common outdoor open space, common indoor open space, and private open space subject to the standards of Tables 20.225-6 and 20.225-7.



Image 20.225-18 Common Open Space

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

- B. **Common Open Space.** Table 20.225-6 shall regulate the required common open space as a percentage of the total project area for all projects in the MU-1 and MU-2 Zones.
1. Each project shall provide common outdoor space at grade, podium, or roof level.
 2. Public open spaces directly accessible and visible from the public right-of-way are encouraged.

3. All common outdoor open space areas shall be well designed. Common open space may include rooftop decks, court game areas, tot lots, swimming pools, landscaped areas, community gardens, and courtyards.
 4. Required street setback areas cannot be used to satisfy open space requirements.
- C. **Indoor/Private Space.** Projects including twenty-one (21) or more residential units shall provide the following:
1. A community room, sized per Table 20.225-7, shall be located adjacent to and accessible from the common outdoor open space.
 2. The common indoor space shall be accessible through a common corridor and may include active or passive recreational facilities, meeting space, exercise rooms, computer stations, or other activity.
 3. Private open space may include a balcony, patio or roof terrace and shall be limited to access from the private unit.
- D. **Configurations.** Open space may assume a variety of different forms, but all open spaces should be expansive or uninterrupted, except for paseos or mid-block connections. Paseos or mid-block connections are encouraged throughout the mixed use areas, in order to provide pedestrian access from street frontages to mid-block parking, for expanding retail frontages, and to increase connectivity to open space, parks, or highlight special features.

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

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

Table 20.225-7
Common Indoor/Private Open Space Required

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

- E. **Design Features.** All open space, including parks, greenways, paseos, and mid-block connections, shall be well designed and well maintained, with a high quality hardscape material suitable and safe for pedestrian use, pedestrian lighting, and planting, either in the ground, or in planters.
- F. **Alternatives.** The Director may consider alternate configurations and amounts of open space on a project-specific basis, if such changes are consistent with the intent and goals of the Zoning Ordinance.

CHAPTER 20.230 INDUSTRIAL ZONES

Section 20.230.010 Purpose of Chapter

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

- A. Establish Industrial Zones to provide for a broad range of manufacturing, research and development, warehousing, and service uses in a setting that is conducive to industrial activities.
- B. Provide a conducive setting for industrial activities by protecting them from the adverse impacts of inharmonious internal or adjacent uses.
- C. Minimize the impact of industrial activities on adjacent residential and commercial uses.
- D. Strengthen the City's economic base and provide employment opportunities close to residents of the City and surrounding communities.

Section 20.230.020 Purpose of Industrial Zones

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

- A. **Light Industrial (L-I) Zone.** To provide for the grouping of light- and medium-intensity industrial and support service uses in a business-supportive setting. Generally, these areas will not include pedestrian-oriented businesses and will serve the loading, delivery, and indoor warehousing needs of light industrial space. The L-I Zone is intended to implement and be consistent with the LI land use designation of the General Plan.
- B. **Business Park (B-P) Zone.** To provide a high-quality, attractive campus setting designed for the grouping of uses engaged in research and development/testing, supportive business and professional offices, and compatible light-industrial activities affiliated with research and development/testing. The B-P Zone is intended to implement and be consistent with the BP land use designation of the General Plan.
- C. **Industrial (I).** To provide a setting for the full range of indoor manufacturing, distribution, warehousing, processing, and general service uses that are adequately served by vehicular arterials and utilities. Industries that use hazardous materials, require heavy equipment, and/or that generate sustained noise levels are deemed appropriate for this Zone, and may be permitted according to the standards of this chapter. The I Zone is intended to implement and be consistent with the Industrial land use designation of the General Plan.
- D. **Industrial 2 (I-2).** To provide a setting for the full range of intensive industrial manufacturing, distributing, warehousing, processing, and general service uses, with provision for outdoor storage activities and facilities that service the industrial uses. Active industries and supportive service uses participating in heavy equipment operation, generation of sustained noise levels, warehousing, and/or outdoor or indoor storage and activities are deemed appropriate for this Zone, and may be permitted according to the standards of this chapter. The I-2 Zone is intended to implement and be consistent with the Industrial land use designation of the General Plan.

Section 20.230.030 Applicability

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

- A. **Zones.** All existing and new uses, structures, and activities within the L-I, B-P, I, and I-2 Zones.
- B. **Transitional Zones.** All existing industrial uses and structures that were established prior to the adoption of this Zoning Ordinance, and are continuing to conform to industrial use standards within a Transitional Zone, shall be subject to the regulations of the applicable Industrial Zone of this chapter (as the Initial Zone), established by Table 20.235-1, until such time as the use is transitioned to the Non-Industrial Transitional Zone. See Chapter 20.235 (Transitional Zone).

Table 20.230-1
Permit Requirement Types and Processes

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

Note: Any land use authorized through a permit approval process identified may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by the Municipal Code. For unlisted and similar uses, see Section 20.205.030.C (Unlisted and Similar Compatible Uses). All uses, including, but not limited to, "P", "DP" and "CUP" must pay applicable Public Facilities Fees and annex into all applicable Community Facilities Districts.

Section 20.230.040 Allowable Industrial Uses and Permit Requirements

- A. **Permit Requirements.** Table 20.230-1 identifies the types of land use permits required to establish land uses in Industrial Zones, consistent with this Zoning Ordinance.
 - 1. All proposed development projects within the Industrial Zones shall be subject to Site Development Plan Review in conjunction with the permit requirements of Table 20.230-2.

- B. **Industrial Land Uses.** Table 20.230-2 identifies the land use permit types in all Industrial Zones. Industrial uses are intended to be the primary permitted use, supplemented by light-industrial and business support uses that are complementary to industrial activities.
- C. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.230-2; refer to the referenced sections for additional operational standards and regulations applicable to the use. All land uses are also subject to all the following standards: Chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).
- D. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with Section 20.205.030.C (Unlisted and Similar Compatible Uses), the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

Table 20.230-2
Industrial District Permitted Uses

Land Use ⁽¹⁾	L-I	B-P	I	I-2	Additional Use Regulations
Residential Uses					
Caretaker Unit	---	---	A	A	Note 31
Emergency Shelter	---	---	P	---	Section 20.400.080 (Emergency Shelters)
Recreation, Education, and Public Assembly Uses					
Club	DP	DP	CUP	CUP	
College, Nontraditional Campus Setting	DP	DP	---	---	Note 2
College, Traditional Campus	---	CUP	---	---	
Conference/Convention Center	---	CUP	---	---	
Museum, Library, or Gallery	DP	DP	---	---	
Places of Assembly	DP	DP	DP	---	Note 2; Section 20.400.160 (Places of Assembly)
Small Places of Assembly	ZA	ZA	ZA	---	Section 20.400.160 (Places of Assembly) Chapter 20.400
General Retail Uses					
ATM, Interior to Building/Vestibule	P	P	---	---	
ATM, Freestanding Exterior/Exterior Wall	---	P	---	---	
Automotive Fueling Station	CUP	---	---	---	Chapter 20.420 (Automotive Services)
Automotive Rentals	DP	DP	DP	DP	Section 20.400.040 (Automotive Sales and Rentals)
Automotive Sales, Wholesale	P	---	P	---	Section 20.400.040 (Automotive Sales and Rentals)
Catering	P	---	P	P	

Catering, Food Truck	---	---	P	---	Section 20.400.230 (Vehicle Storage)
Commercial Artist/Production Studio	P	DP	P	P	
Commercial Recreation, Indoor	DP	---	---	---	
Commercial Recreation, Outdoor	DP	---	---	---	
Dry Cleaning or Laundry, Plant	DP	---	P	P	
Employee Services	A	A	A	A	
Funeral Homes/Mortuary	CUP	---	CUP	---	
Hookah Lounge	---	---	---	---	Prohibited in all Zones
Lodging, Hotel	---	CUP	---	---	
Merchandise Sales, New Retail >100,000 s.f.	---	P	---	---	
Merchandise Sales, New Retail <30,000 s.f.	DP	---	DP	---	
Merchandise Sales, Showrooms	P	---	DP	---	Section 20.400.190 (Showrooms)
Merchandise Sales, Used/Pawn	CUP-DP	---	CUP-DP	---	
Moving Company	P	---	P	P	Section 20.400.230 (Vehicle Storage)
Parcel Delivery Service	P	---	P	P	Section 20.400.230 (Vehicle Storage)
Outdoor Dining	A	A	---	---	Section 20.400.150 (Outdoor Dining)
Parking Facility, Enclosed Freestanding	CUP	CUP	---	---	
Parking Lot Sales	T	---	T	---	Chapter 20.455 (Temporary Events)
Restaurant, Sit-Down	DP	DP	---	---	Drive-through not permitted
Restaurant, Take-Out	P	A	P	---	Drive-through not permitted
Office, Professional, and Business Support Services					
Financial Institution	---	P	---	---	Drive-through not permitted
Internet-Based Sales	P	P	P	P	
Medical; Hospital	---	CUP	---	---	
Medical; Urgent Care	CUP	CUP	---	---	
Office; Corporate, Administrative, Business, ≤5,000 s.f.	P	P	DP	DP	
Office; Corporate, Administrative, Business, ≥5,000 s.f.	P	P	CUP	CUP	

Office; Government	P	P	CUP	CUP	
Office; Medical, Dental, and Holistic	P	P	---	---	
Research and Development	P	P	P	P	Section 20.400.170 (Research and Development Uses)
Research and Development Fabrication and Light Manufacturing	P	P	P	P	Section 20.400.170 (Research and Development Uses)
Technical/Scientific/Medical Laboratories, Incidental Uses	P	P	P	---	Section 20.400.170 (Research and Development Uses)
Services					
Animal Sales and Services	DP	---	DP	DP	
Auctions, Indoor	DP	---	DP	DP	
Automotive Services, Repair	DP	---	DP	DP	Note 2; Chapter 20.420 (Automotive Services)
Automotive Services, Washing/Detailing	DP	---	DP	---	Chapter 20.420 (Automotive Services)
Dry Cleaning or Laundry, Agency	P	P	---	---	
Equipment Rental Yards	---	---	DP	P	Section 20.230.060.H.4 (Outdoor Storage)
Firearm Shooting Range (Indoor) (Ord. No. 2016-1419, 1-23-2016)	---	---	CUP	---	Section 20.400.240 (Firearm Shooting Range (Indoor)), 5.60 (Firearms)
Personal Services, General	DP	DP	---	---	
Personal Services, Fitness/Health Facility	DP	DP	DP	---	
Personal Services, Instructional	DP	---	DP	---	
Personal Services, Limited Instructional	ZA	ZA	ZA	---	<u>Section 20.400.155 (Personal Services—Fitness/Health, Instructional, and Limited Instructional) Chapter 20.400</u>
Tattoo and/or Body Art Facility	---	---	---	---	
Industrial, Manufacturing, and Processing Uses					
Boat Building	---	---	P	P	
Building Material Storage & Sales Yard	---	---	DP	P	
Furniture and Carpentry	P	---	P	P	
Commercial Bakery	P	---	P	P	Including associated thrift shop outlets

Contractor Office & Services	P	---	P	P	Section 20.400.060 (Contractor Offices and Services)
Food Processing	P	---	P	P	Note 3 4
Fueling Station; Fleets	---	---	CUP	CUP	Chapter 20.420 (Automotive Services)
Industrial Design and Services	P	P*	P	P	* Limited to on-site support
Machine Repair Shop	P	---	P	P	
Manufacturing and Assembly	P	DP	P	P	Note 4
Microbrewery/Tasting Room	P	---	P	P	Note 5; See 20.425.060
Microbrewery/Tasting Room with Restaurant	DP	---	---	---	
Metal Working Shop	---	---	P	P	
Newspaper Printing	---	---	P	P	
Outdoor Storage, Primary Use	---	---	---	P	Section 20.230.060.H (Outdoor Storage)
Outdoor Storage, Accessory Use	A		A	A	Section 20.230.060.H (Outdoor Storage)
Self-Storage	CUP	---	---	---	Section 20.400.180 (Self-Storage)
Warehousing, Indoor	P	A	P	P	Section 20.230.060.H (Outdoor Storage)
Water Treatment and Filtering Services	---	---	DP	DP	
Wholesale, Processing, and Distribution	P	---	P	P	Section 20.230.060.H (Outdoor Storage)
Recycling Facilities					
Small Collection Facility	DP	---	DP	DP	
Large Collection Facility	DP	---	DP	P	
Small Processing Facility	---	---	CUP	CUP	
Large Processing Facility	---	---	CUP	CUP	
Reverse Vending	A	A	A	A	Section 220.445-040-00.270
Transportation, Communication, and Utility Uses					
Antenna or Communication Facility	P	P	P	P	Chapter 20.465 (Telecommunication Facilities)
Parking; Fleets	A	---	A	A	Section 20.400.230 (Vehicle Storage)
Transportation Dispatch, Fleet Usage	---	---	DP	DP	Section 20.400.230 (Vehicle Storage)
Transportation Dispatch Only	P	---	P	P	

Notes: See Table 20.230-1 for definitions.

1. All proposed development projects within the Industrial Zones shall be subject to Site Development Plan Review in conjunction with the permit requirements of Table 20.230-2.
2. A Director's Permit (DP) shall be required for the establishment of the land use in an existing building ~~to ensure adequate parking and student services are provided and~~ to minimize effects on other land uses within the building or site. A Conditional Use Permit (CUP) shall be required for the establishment of a use in conjunction with a new building (development of the building in conjunction with the use).
3. Permitted accessory use in conjunction with a primary use on the same industrial Zone parcel. Unit shall be continuously occupied exclusively by a superintendent or a caretaker and his/her immediate family; the unit shall be consistent with the development standards and setback of the R-3 Zone, provide one (1) paved and covered off-street parking space, and shall not be located within a required setback.
4. The compounding, processing, packaging, or treatment of food is permitted by right, except fish, lard, meat, pickles, sauerkraut, or vinegar; these uses shall be subject to CUP restrictions.
5. Accessory entertainment is allowed in conjunction with Permitted use, subject to 20.425.060.

Section 20.230.050 Industrial Zone General Development Standards

- A. **Development Standard Compliance.** The design, construction, or establishment of all new and existing land uses, development of structures, and site improvements in Industrial Zones shall conform to the regulations of Table 20.230-3. Principal and accessory structures shall meet the same development standards unless otherwise modified by this Zoning Ordinance. See Figures 20.230-1, 20.230-2, and 20.230-3 for visual development standard summaries.
- B. **B-P Development.** B-P development shall be subject to the development standards of Table 20.230-3, Table 20.230-4, and Section 20.230.080 of this Zoning Ordinance.

**Table 20.230-3
Industrial Zone Development Standards**

Development Standard ⁽¹⁾	L-I	B-P	I	I-2	Additional Standards
Minimum Lot Requirements					
Lot Area (square feet)	20,000	1 Acre	10,000	10,000	20.300 (Site Planning and General Development Standards)
Lot Width	100 feet	--	80 feet	80 feet	
Floor-Area Ratio	0.6	1.2	0.5	0.5	20.230.060 (Operational Standards)
Site Coverage	--	55% net max	--	--	
Maximum Height					
Building Height	60 feet	35 feet or up to 60 feet with setback modification	45 feet	45 feet	
Architectural Features	60 feet	70 feet	45 feet	45 feet	

Minimum Setbacks ⁽²⁾						For permitted encroachments, see Section 20.300.020.G
Street Frontage PL						Note 3, Note 4
A	Buildings/Structures	15 feet	25 feet	10 feet	10 feet	
B	General Parking	10 feet	30 feet	10 feet	10 feet	
C	Truck/Bus Parking	30 feet	40 feet	30 feet	30 feet	
D	Loading Doors/Docks	20 feet	45 feet	20 feet	20 feet	20.230.060.K (Loading Door/Dock Setbacks)
Interior PL						
E	Building	0 feet	10 feet	0 feet	0 feet	
F	Parking	10 feet	10 feet	3 feet*	3 feet*	*Not applicable if adjacent to a wall/fence; wheel stops shall be installed
PL Adjacent to any R (Residential) Zone						
G	Building	25 feet	30 feet	20 feet	20 feet	20.230.050.E (Additional Residential Setbacks)
H	Loading Doors/Docks Facing an R Zone	60 feet	60 feet	60 feet	60 feet	20.230.060.K (Loading Door/Dock Setbacks)
Alley PL						
I	Buildings/Structures	5 feet				
J	If parking is provided from alley	25 feet				
	State Route 78 PL	15 feet	15 feet	15 feet	15 feet	
K	Building Separation	10 feet	20 feet	10 feet	10 feet	
Parking						
Requirements		20.340 (Off-Street Parking and Loading)				
Landscape						
Requirements		10% net	20% net	10% net	10% net	20.330 (Water Efficient Landscape Standards)

Walls and Fencing	6 feet minimum height; 10 feet maximum height	20.335 (Walls and Fences)
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Notes: PL = Property Line; R = Residential

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

Table 20.230-4
B-P Zone Additional Development Standards

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

Notes: PL = property line

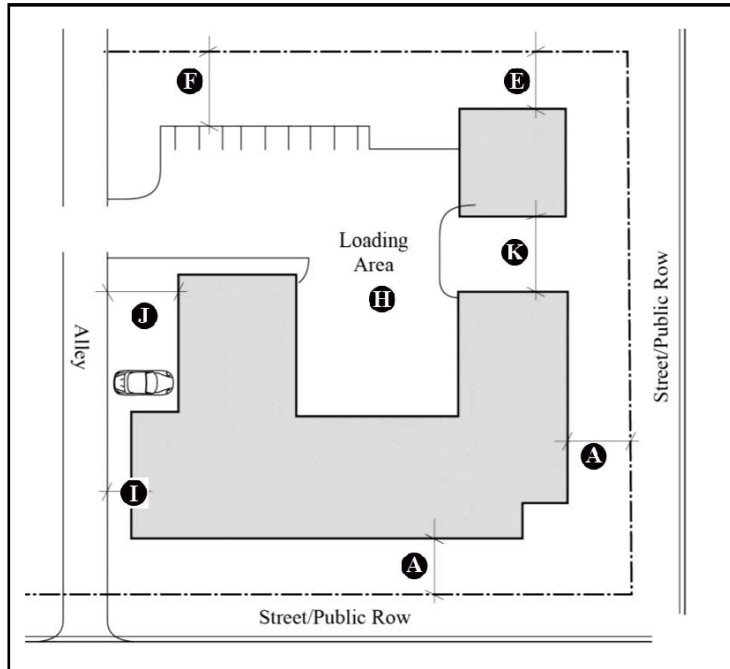
See Table 20.230-2 and Section 20.230.100 for additional development standards and requirements.

All standards are minimums unless otherwise noted.

Setbacks shall be measured from the back of the right-of-way.

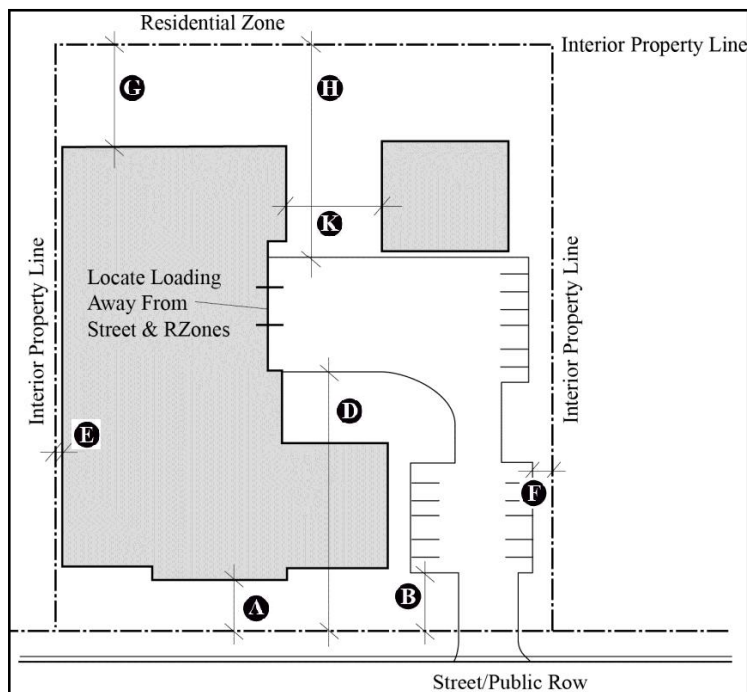
- C. **Site Development Plan Review Required.** All development in the Industrial Zones, including all projects that comply with the allowed land use and development standards of this chapter, shall be submitted for Site Development Plan Review, per Chapter 20.515 (Site Development Plan Review).
- D. **Industrial Development Lot Width.** Minimum lot widths established by Table 20.230-3 shall apply to all new development and subdivision of land. The Director may waive the minimum lot width for integrated multi-building or campus-setting developments.

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



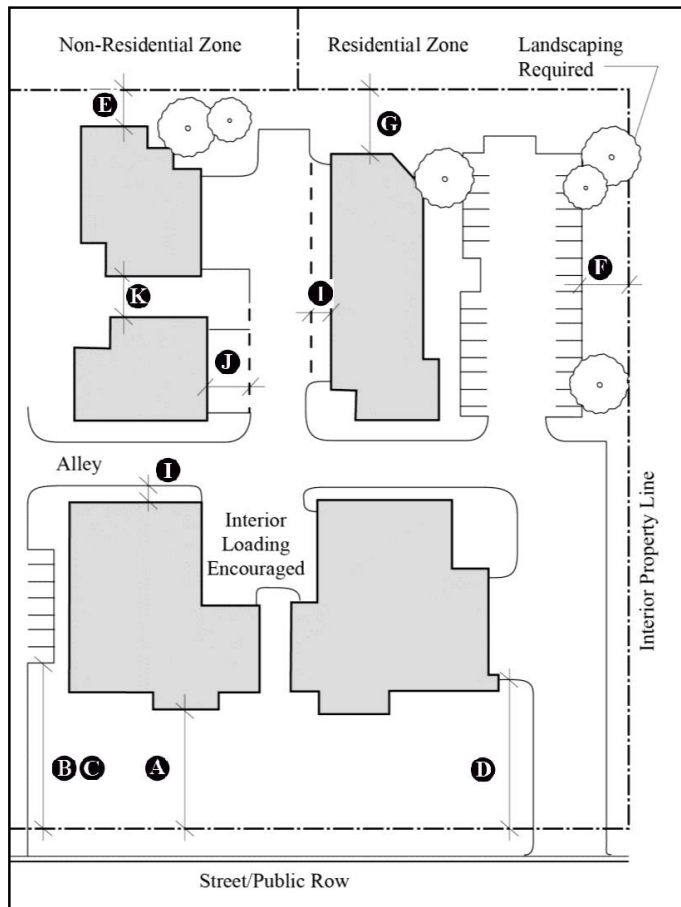
Note: Figures are intended to visually demonstrate the associated regulations; figures are not to scale.

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



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

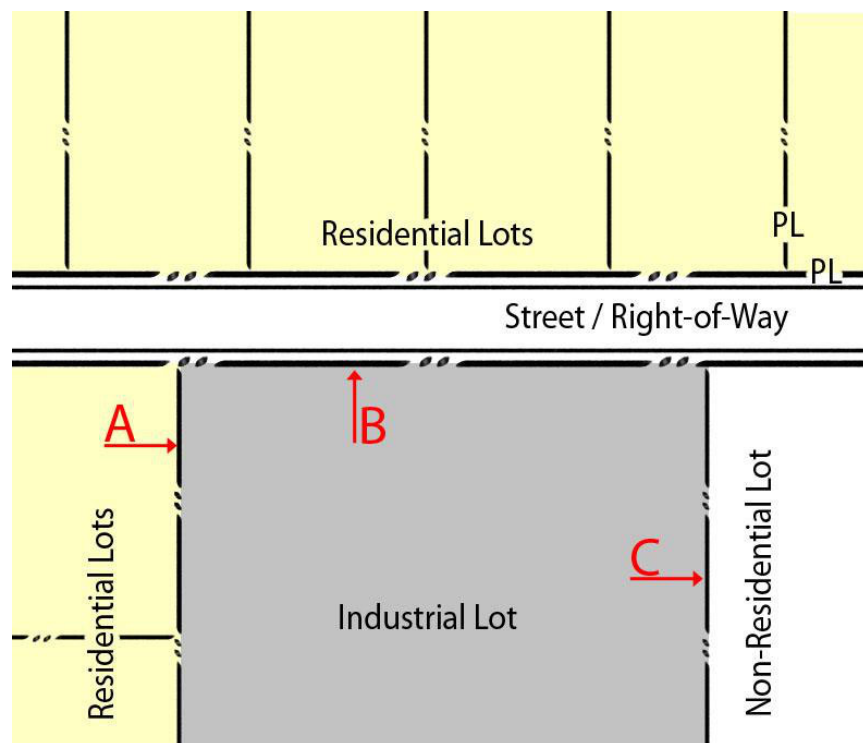
Figure 20.230-3 B-P Zone Development Standards
See Table 20.230-3 for measurements.



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

- E. **Additional Setbacks from Residential.** Setbacks required by Table 20.230-3 related to "PL Adjacent to any R (Residential) Zone" shall be applied subject to the following:
1. Apply to property lines (PLs) directly shared with/adjacent to Residential Zones, as denoted by "A" in Figure 20.230-4.
 2. Apply to property lines separated from a Residential Zone by public or private ROWs, as denoted by "B" in Figure 20.230-4.
 3. Do not apply to property lines shared with/adjacent to any non-residential Zones, as denoted by "C" in Figure 20.230-4.

Figure 20.230-4 Additional Setbacks from Residential



Section 20.230.060 Operational Standards

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

- A. **Permitted Projections.** See Section 20.300.020.G (Permitted Encroachment Standards) for permitted projection standards relevant to Industrial Zones.
- B. **Ancillary Retail Sales.** Ancillary retail sales shall be allowed in all Industrial Zone, limited to ~~ten~~twenty percent (~~10%~~20%) of the ~~building~~gross floor area. Sales shall be directly associated with the manufacture, production, or brand of the primary land use in conjunction with any land use permitted or conditionally permitted by this chapter. Outdoor sales, unless otherwise permitted by this chapter, shall not be permitted.
- C. **Architectural Compatibility.** All buildings, including secondary and accessory structures, walls, and fences located on a building site, shall be designed and constructed to be architecturally compatible with the primary building.
- D. **Delivery Access.** Lot frontage for all Industrial Zone parcels shall be adequate to facilitate truck/delivery access and circulation based on single-lot access or shared-lot access/circulation.
- E. **Loading Areas.** Loading/delivery areas shall not be visible from the street.
 - 1. Open bay doors shall be oriented away from public view and/or completely screened through a combination of fencing and landscaping, as outlined in this section.
 - 2. Loading areas for materials, products, or refuse in the front of the building shall be prohibited.
 - 3. Use of architectural features, decorative fencing, and walls consistent with the design of the primary structure shall be used to shield loading/delivery areas from view.

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- F. **Indoor Manufacturing.** All compounding, processing, packaging, or assembly of articles or merchandise, and treatment of products shall be conducted within a completely enclosed building.
- G. **Equipment and Supplies.** Equipment and supplies related to building material storage yards, contractor's/construction storage yards, lumberyards, and manufacturing yards shall be conducted entirely inside an enclosed building or buildings, unless the storage premises are entirely enclosed by decorative fences and/or walls, as stipulated in Chapter 20.335 (Walls and Fences).
- H. **Outdoor Storage.** Outdoor storage shall be limited to the following site coverage and operational standards:
1. Storage. Outdoor storage shall be limited to materials, products, or equipment used, produced, or manufactured by a permitted use.
 2. Location. Outdoor storage areas shall be located to the rear or side of the main building, away from the street frontage and public ROW.
 - a. Outdoor storage areas shall not be located within, or occupy any required parking areas, setback areas, or landscape areas, or be on sidewalks or walkways.
 3. Screening. All materials stored outside shall not be stacked to exceed the height of the screening wall or fence. All storage, equipment, and activities related to outdoor storage shall be completely surrounded on all sides by shielding fencing and/or walls, per the following standards:
 - a. Minimum height of six (6) feet required, additional height may be required to properly shield all materials stored behind the fence/wall.
 - b. Maximum height shall not exceed ten (10) feet.
 - c. Fencing/walls shall be constructed of at least one (1) of the following:

i. solid masonry	ii. split face block
iii. cement	iv. stucco
v. chain-link fence with view-obscuring slats comprising a minimum of seventy-five percent (75%) of the fencing area (cannot be visible from the public ROW).	

- d. Wood fences are prohibited.
 - e. Wall/fencing materials shall be consistent with Chapter 20.335 (Walls and Fences) and Section 20.335.030.E (Prohibited Materials).
 4. Additional Screening Elements. Equipment and supplies related to building material storage yards, contractor's storage yards, lumberyards, and manufacturing yards shall be entirely inside an enclosed building or buildings, unless the premises where such yards are located are entirely enclosed by fences or walls, as described below:
 - a. In addition to fencing/wall standards above, all screening fences/walls along a street frontage or adjacent to any other Zone shall employ a minimum of one (1) of the following screening techniques to be used to further shield outdoor storage areas:
 - i. Planting with sufficient vines or climbing ivy of an acceptable density to ensure complete view-obstructing screening within one (1) year of planting.
 - ii. Combination of landscaped berm and solid masonry block wall meeting height requirements. Trees of the evergreen variety or other year-round, leaf-bearing type shall be planted and shall exceed the minimum height.
 - iii. Combination of trees and shrubs of the evergreen variety, or other similar year-round, leaf-bearing type, with proper planting spacing to encroach over the
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fence. Such plants shall be of such variety and shall be clustered so as to allow only minimal gaps between foliage of mature trees and shrubs within one (1) year after planting.

- iv. Evergreen shrubs or other similar year-round, leaf-bearing shrub, appropriately planted to form a solid hedge with a minimum of eight (8) feet in height within one (1) year after planting.
- 5. **Site Coverage.** Outdoor storage in the Light Industrial (L-I) Zone shall not exceed twenty-five percent (25%) of gross building floor area and shall comply with all of the standards of this section.
- 6. **Accessory Use.** Outdoor storage in all the L-I and I Zones shall be accessory to the primary industrial land use as permitted by Table 20.230-2.
- I. **Indoor Activities.** Warehousing as a primary land use or accessory activity to the primary land use shall be conducted exclusively in an enclosed building.
- J. **Public Visibility.** Goods and merchandise stored within warehouse facilities shall not be visible from the public ROW.
- K. **Loading Door/Dock Setbacks.** Off-site natural buffers or railroad ROWs may be counted in the setback measurement if the project design provides adequate circulation and functionality of the loading dock/door, as determined by the Director during Site Development Plan Review.

Section 20.230.070 Industrial Building Form/Site Development Standards and Guidelines

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

A. Building Design.

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

B. Architectural Treatments.

- 1. Reduce large building volumes to a scale consistent with the existing setting through the use of massing, design, and architectural features/elements. See Section 20.230.070.C (Architectural Features).
- 2. Define main entryways clearly, and smoothly integrate them with the building and landscaping.
- 3. Design entries to serve as aesthetic focal points of the building and be inviting to visitors.
- 4. Create varying patterns of shade, sunlight, and depth through varied wall planes, offsets, or recessed openings in combination with window groupings, recesses, awnings, and shade structures.
- 5. Treat the exterior of all buildings and structures with consistent architectural treatments and complementary permanently colored materials/treatments throughout the parcel.
- 6. Enhance the character and scale of the building through the design, shape, and slope of roof forms. Roof colors, where visible to the pedestrian, shall be coordinated with those of surrounding wall planes.

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7. Reduce visual prominence of fasteners by using architectural panels, concealed fasteners, or other types of metal wall systems.
 8. Reduce visual prominence of downspouts, unless they are used as a legitimate architectural detail, by coating the downspouts to match the wall color or concealing them within the walls.
 9. For new structures, additions, expansions, and remodeling, landscaping shall not be used to mask substandard building design.
- C. **Architectural Features.** Architectural features are, generally, nonstructural design features that enhance the building elevation and provide massing and height relief.
1. Architectural features are permitted to exceed the maximum building height, consistent with the standards of Tables 20.230-3 and 20.230-4.
 2. Massing of architectural features shall be limited to thirty percent (30%) of the linear roof square footage.
 3. Architectural features shall enhance the overall design of the building and may include parapet walls, tower elements, unique roof treatments, and similar features; all features shall be architecturally compatible with the primary building's design.
- D. **Materials.**
1. Tilt-up concrete shall be designed with varied textures and color blocking.
 2. All exterior wall elevations facing any street or street frontage shall integrate architectural enhancements; one hundred percent (100%) usage of tilt-up concrete shall not be permitted.
 3. Masonry block with textured surfaces is permitted.
 4. Use of architecturally enhancing materials, including glass, is encouraged. Use of a single material (such as one hundred percent (100%) glass) on exterior walls shall be discouraged and subject to Site Development Plan Review.
 5. All outside and roof equipment, including overhead, rolling, and service doors, shall be painted or designed to be consistent with the architectural theme of the building.
 6. Metal buildings, sheet or corrugated metal, asbestos, and similar materials used on exterior walls are prohibited. See Section 20.400.140 (Metal Buildings) for additional regulations.
 7. Architectural features or treatments, including upgraded steel or metal, may be permitted where the metal/steel feature is consistent with the architectural theme and improves the design overall, as approved in Site Development Plan Review.
- E. **Circulation Standards.**
1. **Ingress and Egress.** All ingress and egress shall take place on paved ROWs or paved private easements. Circulation shall be designed to allow for turning around, and allow for proper circulation to prevent backing of vehicles onto streets, to the satisfaction of the City Engineer and Fire Marshal.
 2. **Driveways.** Driveway spacing shall be determined by the City of San Marcos Street Design Criteria standards or its successor.
 - a. Maximum of one (1) driveway for each property abutting the street is allowed, unless otherwise approved by the City Engineer.
 - b. Complexes of two (2) or more buildings sharing access to a public street may be permitted two (2) driveways, as approved by the City Engineer. Shared driveways and reciprocal driveway access configurations are required where possible and feasible.
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- c. Driveways shall be thirty (30) feet wide measured at the property line to properly facilitate all passenger and cargo vehicle movements. Driveway widths based on site configuration shall be approved by the City Engineer during Site Development Plan Review.
 - d. Driveways shall provide a minimum of twenty (20) feet landscaped throat distance measured from the back of the ROW line. This minimum shall be increased as deemed necessary by the Site Development Plan Review process.
 - e. All driveways and site access shall meet City's line-of-sight standards.
 - f. Driveways shall conform to the City's "Radius Type Driveway" standards unless otherwise approved by the City Engineer.
3. **Loading Areas.** All loading facilities and maneuvering areas shall be on-site and shall comply with the standards of Chapter 20.340 (Off-Street Parking and Loading).
- F. **Equipment Screening.** Equipment screening is required for all structures within the Industrial Zones, per the standards of Section 20.400.090 (Equipment Screening).
- G. **Lighting Standards.** Appropriate lighting for access and safety is required for all structures within the Industrial Zones, per the standards of Chapter 20.300 (Site Planning and General Development Standards). All lights shall be shielded and directed away from adjacent residential uses.

Section 20.230.080 B-P Zone Development Standards

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

- A. Provide a conducive setting for corporate and business activities by incorporating design, open space, and employee amenities into project development.
- B. Improve the overall aesthetic quality of business park developments.
- C. Strengthen the City's economic base through the provision of high-end corporate and business developments.

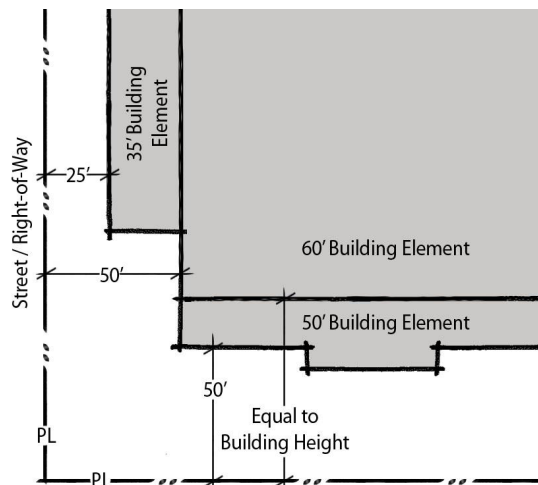
The following B-P design and development standards shall apply to the development, redevelopment, and modification of all land uses and structures within the B-P Zone. These are in addition to the standards of Section 20.230.070 (Industrial Building Form/Site Development Standards and Guidelines), and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

- A. **Street Frontage Setback.** Site design and landscape features that enhance the quality, usability, and visual aesthetic of the development shall be permitted within the street frontage setback between the front façade/entry and the street frontage. The following items shall be allowed within the street frontage setback:
 - 1. Walkways
 - 2. Architectural fences, walls, or planters; maximum height three (3) feet
 - 3. Landscaping, including vegetation, benches, and water features
 - 4. Bicycle pathways
 - 5. Architectural projections without footings; maximum of three (3)-foot projection permitted
- B. **Building Height/Setback Modifications.** Variation in setbacks and building heights is encouraged.

1. Building setbacks shown in Table 20.230-3 and Table 20.230-4 shall apply to B-P Zone development. Buildings or building elements shall be permitted to exceed thirty-five (35) feet in height to a maximum of sixty (60) feet, with additional setback requirements shown below.
2. Building height increases are permitted based on building setback modifications (Table 20.230-34). Buildings shall be permitted to exceed thirty-five (35) feet in height where building setback from the street property line is increased a maximum of one (1) foot for every one (1) foot of building height over thirty-five (35) feet. Thus, low-rise buildings and elements shall be permitted at standard setbacks, with taller buildings and elements permitted at increased setbacks. See Figure 20.230-5.

Section 20.230.090 Design Standards

Figure 20.230-5
Height-Based Setback Modification



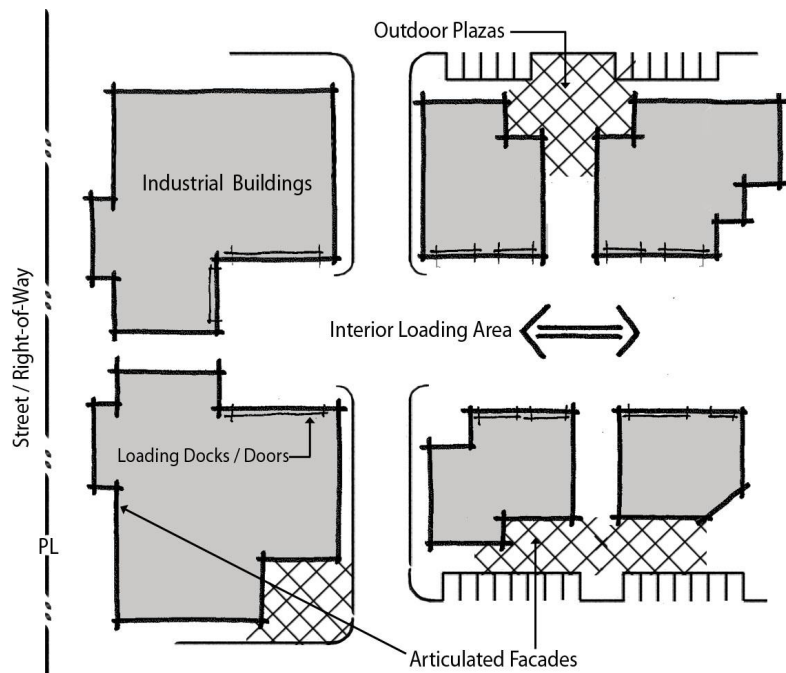
B-P Zone development, redevelopment, and building modifications shall be subject to the following building, site, and performance standards, in addition to the standard Industrial Zone requirements of this chapter. See Figure 20.230-5-6 for an example of articulated facades/wall plane offsets, shielded interior loading area, and outdoor plaza areas.

- A. Building and Siting Design.** Site layouts, including building massing and placement, shall be "organic" rather than "monolithic." Square and rectangular building floor plans and design shall be avoided.
 1. Articulate building facades that are visible from the street.
 2. Emphasize the main building entrance and tie the entry into the overall mass and building composition. Entries shall not appear as an "add on" or afterthought.
 3. Organize the site layout to relate buildings to each other in a campus-like setting. This can be accomplished by creating outdoor plazas and functional gathering places to include amenities such as architecturally compatible shaded coverings, structures, and benches that could be located between or in front of buildings and by grouping loading areas interior to the building layout. See Figure 20.230-6.
 4. Driveway entrances from the street frontage shall be enhanced with design features. Design feature enhancements may include paving materials, medians, wider landscape strips, enhanced

landscape features, architectural monument (non-signage) features, and similar improvements that highlight the entrance to the parcel/campus.

5. Separate public/visitor areas from truck delivery and maneuvering areas, where possible.
- B. **Materials.** Establish thematic design and materials for buildings, signage, walls, and landscaping treatments throughout the development to solidify the campus-like setting.
 1. Buildings should have a related thematic design that does not override the company/corporate branding.
 2. Tilt-up concrete with textures and colors is allowed, subject to a maximum coverage of fifty percent (50%) of the materials used on the elevations visible from the public ROW.

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



Section 20.230.100 Business Park Amenity Space Standards

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

- A. **Applicability.** These requirements shall apply to all new development and/or addition of floor area equal to twenty percent (20%) or more of an existing building.
 1. The amenity space requirement may be waived by the Director where written findings can be made that there is not a feasible way to satisfy the requirement either on the lot of the development or on another contiguous, eligible lot within the B-P Zone.

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- B. **Area Ratio.** Common amenity space shall be provided at a ratio of one (1) square foot of amenity space to fifty (50) square feet of building floor area (1:50), consistent with the requirement of Table 20.230-43.
- C. **Design.** Common amenity space may be composed of indoor or outdoor area(s) or combined areas designed to provide a wide variety of recreational and open space opportunities for workers, visitors, and members of the general public. These amenity spaces may include plazas, courtyards, urban gardens, view and sun terraces, urban parks, greenhouses, atriums, sport courts, outdoor seating, and small sitting areas.
1. Such area(s) shall be on the same site as the building or may, subject to Site Development Plan Review, be located off-site on public or private property in a location within the B-P Zone.
 2. These areas shall be well-maintained at no public expense, and must be operated in a manner to enhance use of the amenity area by the general public. Amenity space may include areas obstructed by overhead horizontal projections, bays, or overhanging balconies, as long as these do not obstruct pedestrian movement, block required sunlight access, or prevent the proper functioning of the amenity area.
- D. **Floor-to-Area Ratio.** Common amenity space floor area shall not be counted in the calculation of allowable gross floor area (floor-to-area ratio (FAR)) for the building, whether the feature is an integral part of the building, an open feature, or an enclosed space.

CHAPTER 20.240 PUBLIC ~~AND~~ INSTITUTIONAL AND OPEN SPACE ZONES

Section 20.240.010 Purpose of Chapter

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

- A. Promote orderly and harmonious development of public facilities to adequately meet the needs of the San Marcos community.
- B. Provide civic and open space facilities consistent with the goals and policies of the General Plan.
- C. Implement the Parks (P) and Open Space (OS) land use designations of the General Plan.
- D. Promote the health, safety, and welfare of the San Marcos community by minimizing adjacency conflicts and establishing open space areas that are accessible to the entire community.

Section 20.240.020 Purpose of Public and Institutional Zones

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

- A. **Public Institutional (P-I) Zone.** To provide a district for the orderly and harmonious development of public facilities to adequately meet the needs of the San Marcos community. Appropriate P-I Zone uses may include maintenance, public buildings, recreation facilities, schools, and utility installations. The P-I Zone is intended to implement and be consistent with the Public/Institutional (PI) land use designation of the General Plan.
- B. **Open Space (OS) Zone.** To provide a district for the dedication and preservation of active recreation and passive open space areas to serve the San Marcos community. Uses in the OS Zone shall be limited to dedicated open space areas with limited maintenance and utility features as needed for the safety and quality of the open space. The OS Zone is intended to implement and be consistent with the Open Space (OS) land use designation of the General Plan.

Section 20.240.030 Applicability

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

Table 20.240-1
Permit Requirement Types and Processes

Symbol	Permit Requirement	Procedure Section
P	Permitted use subject to compliance with all applicable provisions of this Zoning Ordinance and the process standards of Chapter 20.500.	Chapter 20.500
DP	Director's Permit is required for this use, subject to review and approval by the Director.	Chapter 20.510
CUP	Conditional Use Permit is required for this, subject to review and approval per the process standards of Chapter 20.500.	Chapter 20.520

A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	Chapter 20.500
- - -	Use not allowed.	Section 20.205.030.C

Note: Any land use authorized through a permit approval process identified in Table 20.240-1 may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by the Municipal Code. For unlisted and similar uses, see Section 20.205.030.C (Unlisted or Similar Compatible Uses). All uses, including, but not limited to, "P", "DP" and "CUP" must pay applicable Public Facilities Fees and annex into all applicable Community Facilities Districts.

Section 20.240.040 Allowable Public and Institutional Uses and Permit Requirements

- A. **Permit Requirements.** Table 20.240-1 identifies the types of land use permits required to establish land uses in the P-I Zone, consistent with this Zoning Ordinance. All permit requirements shall be subject to the process standards of Chapter 20.500 (Permits and Applications).
- B. **Public and Institutional Land Uses.** Table 20.240-2 identifies the permitted land uses in the P-I Zone. Public and Institutional uses are intended to be primarily for the purposes of public facilities, recreation, and open space.
- C. **Permanent General Plan Open Space.** Areas designated as permanent open space by the General Plan shall be conserved as such. Activities and structures within permanent open spaces shall be limited to existing, maintenance, and similar structures. Land uses regulated by Table 20.240-2 shall not be applicable to General Plan designated permanent open spaces.
- D. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.240-2; refer to the referenced sections for additional operational standards and regulations applicable to the use. All land uses are also subject to all the following standards: Chapters 20.320 (Signs on Private Property), 20.330 (Water Efficient Landscape Standards), 20.335 (Walls and Fences), 20.340 (Off-Street Parking and Loading), and 20.400 (Specific Use Standards).
- E. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with Section 20.205.030.C, the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.

Table 20.240-2
Public-Institutional Zone Permitted Uses

Land Use	P-I	OS	Additional Use Regulations
Recreation, Education, and Public Assembly Uses			
Cemetery	CUP	- - -	
Child Care Facility, Daycare Center	DP	- - -	
College, Traditional Campus	CUP	- - -	
Commercial Recreation, Outdoor	P	- - -	Private institutions prohibited
Medical; Hospital	CUP	- - -	
Museum, Library, or Gallery	P	- - -	Private institutions shall require a CUP
Parking Facility	DP	- - -	
Public Buildings and Facilities	P	P	

Public Park/Open Space/Recreation	P	P	
Public Utilities	P	P	
Public Maintenance Buildings and Facilities	DP	DP	
School	P	---	Private institutions shall require a CUP
Small Wind Energy Systems	DP	---	
Other Uses			
Agriculture/Horticulture	A	---	
Antenna or Communication Facility	P	P	20.460 (Telecommunication Facilities)
Water Tanks	P	P	CUP

For permit types, see Table 20.240-1.

Section 20.240.050 Development Standards

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

- A. **Site Development Plan Review Required.** All development in the P-I Zone, including all projects that comply with the allowed land use and development standards of this chapter, shall be submitted for Site Development Plan Review to the Planning Division; see Chapter 20.515 (Site Development Plan Review).
- B. **Stories; Building Height.** Building height and associated story limit may be permitted to be increased subject to demonstration of land use need for the additional height and Planning Commission approval.
- C. **Architectural Features.** Architectural elements (such as towers, clocks, columns, chimney, etc.) exceeding the forty-five (45)-foot building height shall not comprise more than twenty percent (20%) of the roof area.

Table 20.240-3
Public-Institutional Zone Development Standards

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

Between Buildings	10 feet	10 feet	
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Notes:

1. All standards are minimums unless otherwise noted.
2. Setbacks shall be measured from the back of the right-of-way.
 - D. **Structure Height.** Public and institutional uses that require a structure other than a building (such as utilities, antennas or communication towers, or wind energy systems) shall have structure height determined based on the needs of the use subject to associated government regulations and use needs at the time of Site Development Plan Review.
 - E. **Building Front.** Public and institutional buildings open to the public are encouraged to orient the building entry and active architecture toward the primary ROW exposure.

CHAPTER 20.260 RIDGELINE PROTECTION & MANAGEMENT OVERLAY ZONE

Section 20.260.010 Purpose of Chapter

This Chapter of the Municipal Code shall be titled as the "Ridgeline Protection & Management Overlay Zone" and shall become effective February 14, 2006.

The purpose of this ~~Ordinance~~chapter is to preserve ~~p~~Primary ~~r~~Ridgelines in their natural state and minimize visual impacts to ~~s~~Secondary ~~r~~Ridgelines through a Ridgeline Overlay Zone (ROZ) ~~and Ridgeline Development Permit (RDP) to that~~ protects natural viewsheds, ~~and~~ unique natural resources, minimizes the physical impacts to ridgelines, and establish~~es~~ innovative site and architectural design standards. ~~Furthermore, in~~ adopting the ROZ, it is the desire of the City Council to have as little financial impact as possible on single-family ~~home~~property owners while still meeting the intent of the ~~ordinance~~Zone.

Section 20.260.020 Identification of Primary and Secondary Ridgelines

Primary and ~~S~~secondary ~~r~~Ridgelines are identified in North City Area #1, Southeast City Area #2, and Southern City Area #3 within the City limits as of ~~January 10~~February 14, 2006; delineated in Figures 20.260-1, 20.260-2, and 20.260-3; and shown as bold lines for primary ridgelines and dashed lines for secondary ridgelines on each applicable area map, as described below:

- A. **North City Area #1** (Figure 20.260-1) is located in the College Area Community Plan and Twin Oaks Valley Community, which includes portions of "P" Mountain and Owens Peak.
- B. **South East and West City Area #2** (Figure 20.260-2) is located in the Questhaven/La Costa Meadows Community Plan, which includes Franks Peak and Mount Whitney (located in San Diego County). This area also includes Double Peak and Cerro de Las Posas as defined by the San Elijo Hills Specific Plan.
- C. **Southern City Area #3** (Figure 20.260-3) is located in the Questhaven/La Costa Meadows Community Plan, which includes a southerly primary ridgeline extending from east to west near the San Marcos abandoned landfill.

Figure 20.260-1

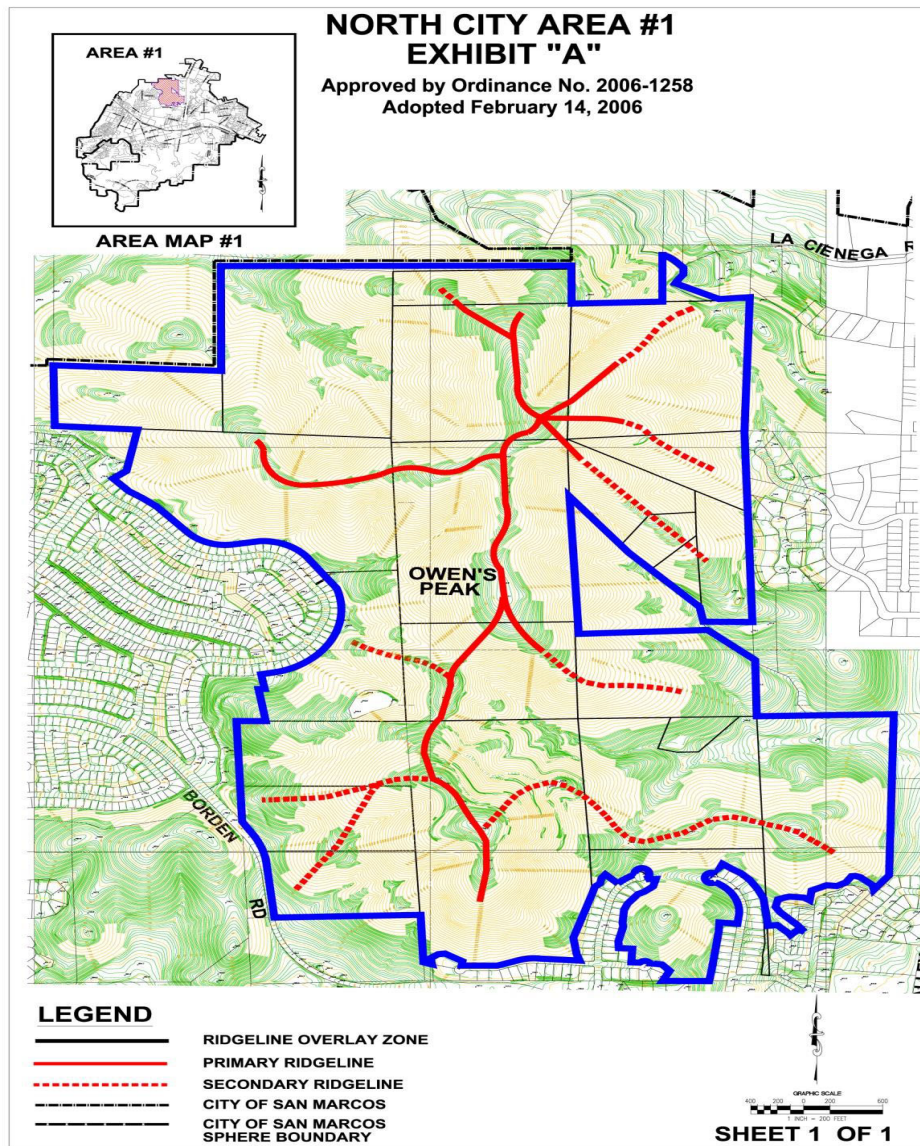
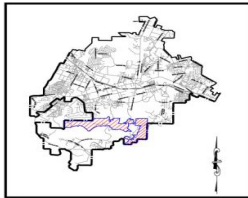


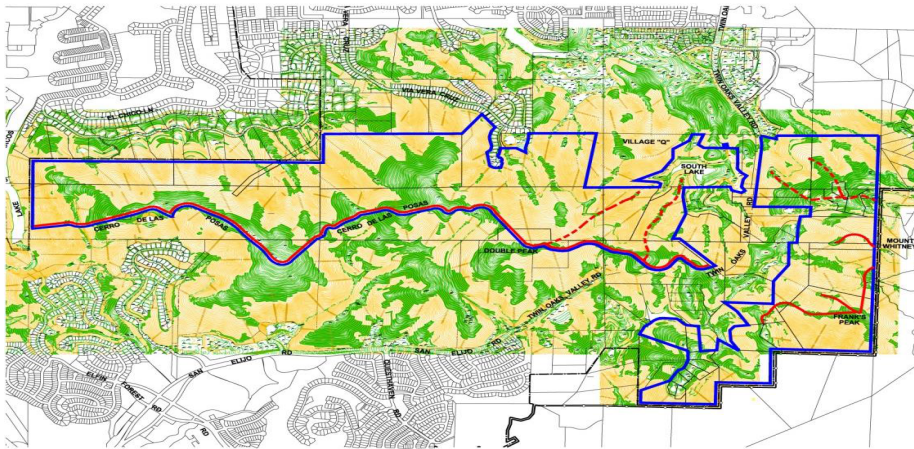
Figure 20.260-2

SOUTH EAST & WEST AREA #2 EXHIBIT "B"





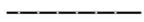

Approved by Ordinance No. 2006-1258
Adopted February 14, 2006

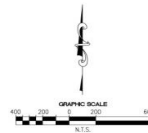


AREA MAP #2



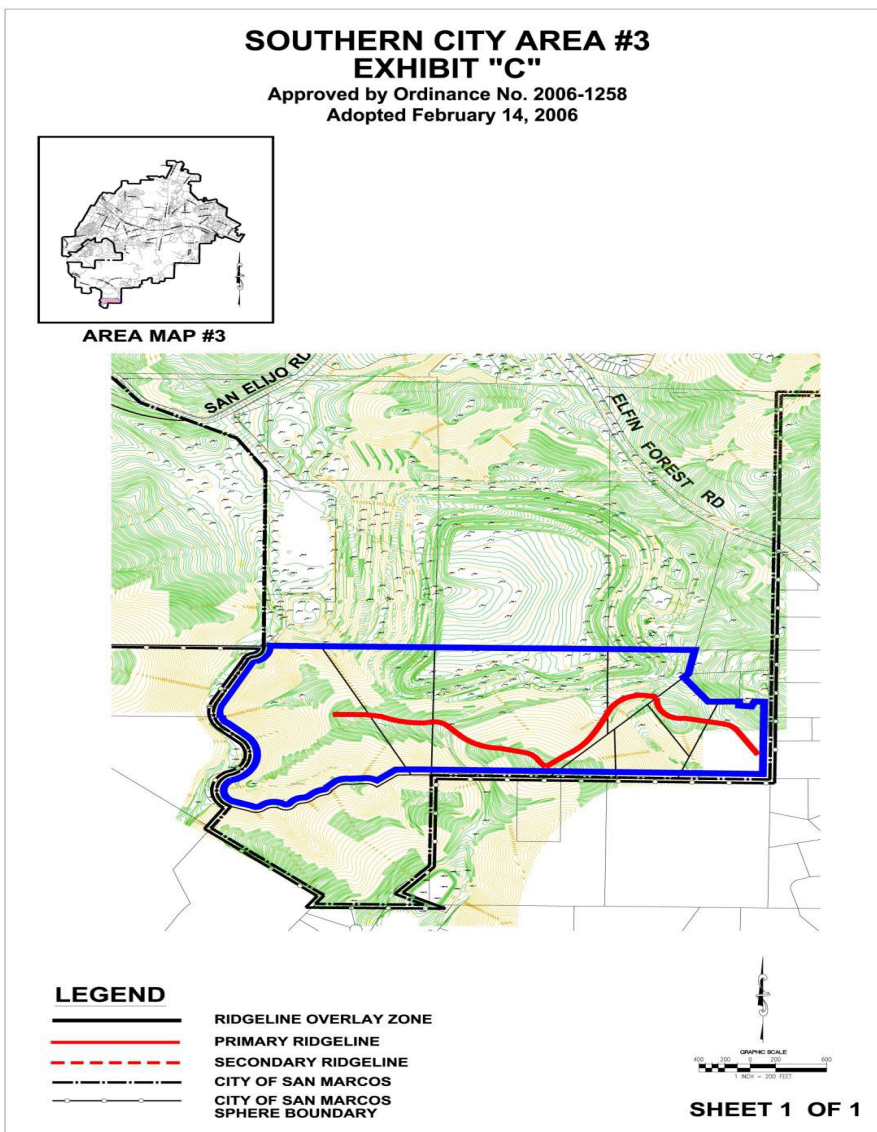
LEGEND

-  RIDGELINE OVERLAY ZONE
-  PRIMARY RIDGELINE
-  SECONDARY RIDGELINE
-  CITY OF SAN MARCOS
-  CITY OF SAN MARCOS
-  SPHERE BOUNDARY



SHEET 1 OF 1

Figure 20.260-3



Section 20.260.030 Applicability and Exemptions

This chapter applies to existing residences, existing permitted uses, and entitled projects as of February 14, 2006, that are located inside the ROZ. Exemption from the requirements of this chapter does not exempt any project or parcel from Code or regulatory requirements. The following projects, permits, and permitted uses shall be exempt from the requirements of Chapter 20.260 (Ridgeline Protection & Management Overlay Zone):

- A. **Existing Development.** Existing development entitlements such as General Plan Amendments, Specific Plan Amendments, Master Tentative Maps, Final Maps, Site Development Plans, and grading and/or building permits that were issued prior to February 14, 2006, are exempt from this chapter 20.260, provided that either of the following occurs:

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1. No permit, map modification, or change in use is proposed after February 14, 2006; or
 2. A permit or map modification is proposed where it is deemed in substantial conformance, as determined by the Director, with the previously approved permit or map.
- B. **Existing Residences.** Existing residences located outside of the vertical ridgeline setback are exempt from this chapter, provided the following occurs:
1. No expansion or modification of the primary residence would require an RDP.
 2. Architectural elements, including decks, trellises, and other similar architectural enhancements that do not increase the building or roofing square footage and do not exceed a maximum building height of twenty-eight (28) feet.
 3. An expansion is proposed provided that expansion does not exceed 1,000 square feet of additional building footprint and that the total combined square footage does not exceed 4,500 square feet maximum or a building height of twenty-eight (28) feet.
- C. **Existing Primary Residences.** Existing primary residences located within the vertical ridgeline setback are exempt from this chapter, provided the following occurs:
1. No expansion or modification of the structure is proposed.
 2. Architectural elements, including decks, trellises, and other similar architectural enhancements, are proposed that do not increase the building footprint and do not exceed a building height of twenty-four (24) feet.
 3. An expansion is proposed provided that the expansion does not exceed five hundred (500) square feet of additional building footprint, create a new building footprint exceeding 3,000 square feet, or exceed a building height of twenty-four (24) feet.
- D. **Damaged Existing Residences.** Existing single-family residences damaged or destroyed by natural disasters (i.e., fires, earthquakes, landslides) can be replaced as previously built; fees will be limited to building/grading permit processing fees.
- E. **Other Exemptions.** Other existing development-related features and activities:
1. View fences (wrought iron, plexi-glass) not exceeding a height of six (6) feet.
 2. Construction and/or maintenance of local public streets or private roads necessary for access, including emergency fire access, to the development site or home site.
 3. Public trails for passive recreational use according to an adopted Master Trails Plan.
 4. Public and private utility systems.
 5. On-site waste disposal systems and water storage tanks.
 6. Grading or road construction necessary to maintain a road surface or repair a slope or road failure if such action is deemed necessary by the City Engineer to maintain access or for an emergency (i.e., a situation where life and/or property are threatened). Such actions might include buttressing or repairing a slope failure above or below a structure; repairing access roads; resurfacing an asphalt road; or repairing roadway damage due to erosion, slope failure, or mud slides.
 7. Ongoing or expansion of existing agricultural uses where such expansions do not require grading or construction of structures within the ROZ.
 8. Existing accessory structures.
 9. New accessory structures that do not exceed two hundred (200) square feet in building footprint or a building height of twenty-four (24) feet.
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10. Expansion of existing or approved accessory structures that do not exceed two hundred (200) square feet of additional building footprint or a building height of twenty-four (24) feet, or create a new building footprint exceeding four hundred (400) square feet.

Section 20.260.040 Permitted and Prohibited Land Uses

Permitted and prohibited land uses in primary and secondary ridgelines in the ROZ are described in Table 20.260-1.

Table 20.260-1
Land Uses in Primary and Secondary Ridgeline Areas

Primary Ridgeline Areas
Permitted Uses
Trails and open space.
Habitat management/restoration activities.
Circulation roads.
Private driveways of limited length to provide access to single-family development off of the ridgeline, if there is no other alternative access.
All structures shall comply with the vertical contour setback of 100 feet, as measured vertically from the ridgeline crest.
All permitted uses per the relevant Zone are allowed, provided the use complies with guidelines in this chapter.
Prohibited Uses
Subject to Section 20.260.050.E.1.e, no structures or construction activity of any kind, including grading, are permitted in the primary ridgeline vertical setback unless exempt or modified through Section 20.260.060.
No greenhouses, storage containers, or any other type of temporary structure or portable structure are permitted in the primary ridgeline vertical setback.
No new agriculture, grazing, or tilling of the soil will be permitted in the primary ridgeline vertical setback, unless an RDP is approved by the Planning Commission.
Subject to the provisions of Chapter 20.465, no Wireless Telecommunication Facility of any kind is permitted in the primary ridgeline vertical setback. (Ord. No. 2014-1398, 8-12-2014)
Secondary Ridgeline Areas
Permitted Uses
Trails and open space.
Habitat management/restoration activities.
Circulation roads.
Private driveways of limited length to provide access to single-family development off of the ridgeline, if there is no other alternative access.
All permitted uses per the underlying Zone are allowed, provided the use complies with guidelines in this chapter.
All structures shall comply with the vertical ridgeline setback of 50 feet as measured vertically from the ridgeline crest.
Limit permitted uses to single-family large-lot residential consistent with the underlying General Plan designation. In large-lot single-family Residential Zones, a cluster concept per the regulations set forth in this Zoning Ordinance may be used.

Agricultural structures (barns, greenhouses, etc.) shall be limited to lower lying areas to avoid disruption of the skyline silhouette of the primary ridgeline.
Tennis courts, basketball courts, and any other type of private recreational amenity shall be located so that it does not create a visual impact to the ridgeline.
Prohibited Uses
Subject to Section 20.260.050.E.1.e.ii., no structures or construction activity of any kind, including grading, are permitted in the secondary ridgeline area within the 50-foot vertical ridgeline setback.
Subject to the provisions of Chapter 20.465, no Wireless Telecommunication Facility of any kind is permitted in the secondary ridgeline area within the 50-foot vertical ridgeline setback. (Ord. No. 2014-1398, 8-12-2014)

Section 20.260.050 Development Regulations within the Ridgeline Overlay Zone

- A. **Determination of Development Yield.** The determination of development yield shall comply with the City's Slope Density Formula, even with clustering through a Specific Plan and the allowable density that is consistent with the General Plan designation and underlying Zone.
- B. **Lot Size/Configuration.** Lots shall be designed to avoid impacts to primary ridgelines and to preserve secondary ridgelines to the greatest extent practicable. The creation of new residential lots, including residential subdivisions, and adjustments of residential lot lines shall comply with the following standards:
1. Clustering shall be permitted for a residential development consisting of five (5) residential lots or more through a Specific Plan.
 2. Clustered residential development shall be allowed through a Specific Plan where appropriate and to the extent feasible as a means to preserve the natural appearance of hillside areas. Under this concept, dwellings shall be located in the more level portions of the site, while steeper areas shall be preserved in a natural state. Lots developed through clustering may be smaller in size than would be allowed by the underlying Zone, so long as the following occurs:
 - a. The resultant development generally retains the architectural mass, bulk, and scale of surrounding/existing development.
 - b. The resultant development preserves, as much as feasible, other environmentally sensitive areas or habitat on-site.
 3. In cases where clustering is not used, lot sizes shall be consistent with the minimum lot size permitted under the Zone per Section 20.300.040 (Gross Slope/Acreage Analysis).
 4. Lots shall be created that are consistent with and conform to the existing City Subdivision Ordinance and ensures that such lots are physically suitable to the existing site topography, geology, and biology, and is feasible for site development.
- C. **Circulation.** Where feasible, street and driveway layouts shall follow the natural contours of the terrain to minimize grading and visual impacts. The following street and driveway designs may be considered, subject to approval by the City Engineer and the Fire Marshal.
1. Cul-de-sacs, split-level roads, and loop roads where appropriate to fit the natural topography.
 2. Narrower street sections shall be allowed to minimize grading, habitat removal, and visual impacts.
 3. In ROZ areas with light pedestrian traffic or single-loaded streets, sidewalks installed on only one (1) side of the street shall be allowed.
 4. Improvements necessary to provide for safe, convenient pedestrian access to schools, parks, and other recreational facilities.

D. Grading/Landform Modification.

1. Volume of grading.
 - a. To the extent feasible, the volume of earth moved for cuts and fill shall be minimized.
 - b. Cuts and fill in excess of twenty (20) feet in depth are discouraged.
 - c. Grading shall be limited to no more than twenty-five percent (25%) of the lot area.
2. Screening of manufactured slope.
 - a. Hillside development should vary the location and design of structures, landscaping, and access to give a more natural appearance, follow the natural contour of the land, and limit land alteration.
 - b. Berms shall be used at the top of slopes and other locations to screen, vary profile, and ensure drainage away from slopes.
3. Building pads, driveways, roads, and structures, including recreational courts and accessory buildings, in hillside development areas shall follow and avoid significantly altering the natural contour of the land.
4. Contour grading.
 - a. Cut and fill slopes shall be contoured to be compatible with the existing natural landforms. Continuous unbroken slope surfaces that are visible from off-site are discouraged.
 - b. Graded slopes should be contoured by varying slope increments and undulating banks vertically and horizontally.
 - c. Cut and fill banks and drainage terrace spacing shall be varied to alleviate monotony and allow random landscaping.

E. Building Placement, Maximum Building Height, and Basements.

1. In areas adjacent to ridgelines or in moderate slope areas, dwelling units and structures should be sited to do the following:
 - a. Use the natural ridgeline as a backdrop for structures.
 - b. Use landscape plant material that blends with the adjacent natural vegetation as a backdrop.
 - c. Use structures to maximize concealment of any cut slopes.
 - d. Locate structures in the most accessible, least visually prominent, and most geologically stable portion or portions of the site.
 - e. No new main or accessory structure shall be constructed within:
 - i. the one hundred (100)-foot vertical contour setback of a primary ridgeline, or
 - ii. the fifty (50)-foot vertical contour setback of a secondary ridgelineUnless it can be proven through computer/photo simulation that each development is consistent with the objectives of this Zoning Ordinance, cannot be seen from the identified viewing platform locations or does not adversely affect the ridgeline silhouette, and is approved by the Planning Commission under Section 20.260.080 (Development Regulation Modification). Additionally, the structure shall not exceed a height of twenty-four (24) feet.
 - f. Design dwelling units and structures to incorporate hillside adaptive features such as split-level pads or single-story dwellings.

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- g. Exposed basement or stem walls shall be architecturally enhanced and shall be included in the overall measurement of the maximum allowable height from finished grade to the top of the roof pitch.
 - h. Build new structures or room additions to not exceed a height of twenty-eight (28) feet.
 - i. Locate buildings and improvements to minimize visual impacts.
 - j. Allow the option of development to soften or eliminate off-site visual impacts from viewing platforms through ridgeline re-creation, berming, and landscaping.
 - F. **Architecture.** The primary structures shall be designed as follows:
 - 1. Sensitive architectural design shall be applied. Buildings and improvements shall be scaled to be compatible with the hillside and to avoid excessively massive forms that dominate views of the hillside.
 - 2. Building facades shall have varying vertical planes, and overhangs shall be used as a means to create changing shadow lines to reduce the visual mass of forms. Buildings shall be stepped to follow the natural contour of the slope and to minimize building heights.
 - 3. Wall surfaces that are visible shall be minimized in scale through such design features as the use of single-story elements, setbacks, low roof pitches, and landscaping.
 - 4. Roof pitches shall be generally designed to follow the angle of the site slope, but variation may be provided to avoid a monotonous appearance. Flat roofs are prohibited.
 - 5. Structures with visible underpinnings that extend more than six (6) feet above grade shall be avoided. Integrate structural underpinnings for decks, additions, or foundation structures that exceed six (6) feet in height into the design aesthetics of the building.
 - 6. No above ground swimming pools will be allowed unless there are architectural features added to the exposed wall; in-ground pools must meet all code requirements. The exposed wall of a vanishing-edge pool shall be constructed with a stone veneer.
 - 7. Mechanical equipment shall be screened by a structure or landscaping.
 - G. **Accessory Structures. (Ord. 2017-1445, 7/11/2017)**
 - 1. Existing accessory structures greater than four hundred (400) square feet will be allowed a twenty-five percent (25%) maximum expansion provided they comply with the regulations stated herein.
 - 2. The size of the accessory structure or accessory dwelling unit shall be regulated by Chapter 20.410 (Accessory Units and Accessory Structures), and the structure location shall blend with the main dwelling unit while requiring the least amount of grading as feasible.
 - 3. No temporary or portable car covers or car tents shall be allowed.
 - 4. Accessory structures shall comply with Chapter 20.410 (Accessory Units and Accessory Structures).
 - H. **Color and Materials.** Exterior finishes and colors of structures and walls shall blend with the color tones of the natural surroundings through the use of earth tones and the avoidance of reflective or bright materials and finishes. The following standards shall also apply:
 - 1. Exterior finishes, walls, and roof colors should emulate the colors of the surrounding native vegetation and soils. Darker, flatter tones and earth tones, such as browns, greens, and terra cotta, shall be used for exterior siding and roofs. Reflective and bright colors shall be avoided.
 - 2. Exterior finishes, walls, and roofs shall be a mix of rough textures to blend with the coarseness of the natural surroundings. Materials may include stone, stucco, wood, earth-tone brick, low reflective glass, and integrated color coarse block. Highly reflective glass and polished metal surfaces shall be avoided. Use materials that will reduce light reflection.
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3. The facade of retaining walls shall incorporate architectural enhancements to blend with the natural surroundings.
- I. **Walls and Fences.**
1. Fiberglass sheeting, galvanized chain-link fence with inserts, bamboo sheeting, or other similar temporary material shall not be permitted as a fencing material.
 2. Wrought-iron fencing, dark green or black vinyl-clad, chain-link fencing without inserts/slats, or suitable alternative shall be permitted.
 3. Electrified, razor, or concertina wire fencing is prohibited.
 4. Tall and/or elongated retaining walls shall be avoided. Retaining walls higher than eight (8) feet (unless used as part of the structure as a stem wall) shall be divided into terraces and landscaped to reduce their visual prominence.
- J. **Fire Fuel Modification.**
1. Fire Clearance:
 - a. Buildings should be setback a minimum of twenty (20) feet from down slopes.
 - b. A one hundred fifty (150)-foot clearance, or as approved by the Fire Marshal, shall be provided from all structures with vegetation, as approved by a specialized study.
 - c. Roofs, overhangs, undersides of exposed balconies, and roof eaves shall be protected with fire-resistant material.
 2. Fire Fuel Management:
 - a. New plantings shall feature fire- and drought-tolerant species.
- K. **Landscaping.**
1. Retaining walls shall be covered in stone veneer or camouflaged with native landscaping or planted as approved by a fire fuel management plan.
 2. All graded slopes and manufactured open space shall be irrigated and landscaped as approved by the City.
 3. Properties required to use landscaping as a screening method will be allowed to plant so that views are preserved in conjunction with adequate screening.
 4. Larger tree specimens may be required for immediate screening results. Trees shall be selected and placed on property so that trees do not impact the silhouette or skyline of the ridgeline as they mature.
 5. Planting of native landscape shall be used to camouflage visible structures as required by the Director.
- L. **Interface with Biological Reserves/Subarea Plan (Focused Planning Areas) Preserved Design.** All development within the ROZ shall be consistent with the City's Multiple Habitat Conservation/Subarea Plan.
- M. **Exterior Lighting.** Exterior lighting shall be the minimum necessary to provide adequate illumination of pathways, entryways, and private outdoor areas. Lighted outdoor recreational facilities, including basketball, tennis, and volleyball courts, and athletic fields may be permitted under a DP. The following standards shall also apply:
1. Flood lighting shall be prohibited.
 2. Outdoor lighting, including street lighting, mounted light fixtures, and landscape lighting shall use full cut-off light fixtures. Light fixtures shall be shielded so that the illuminated area does not extend beyond the property boundaries.
 3. Site and building design shall incorporate low-intensity exterior lighting.
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4. The use of ground-level fixtures is encouraged. Taller, more visible fixtures shall be avoided.
- N. **Findings.** Projects of two (2) or more dwellings units shall comply with the required findings:
1. Conforms to the General Plan.
 2. Can be adequately, reasonably, and conveniently served by public services, utilities, and public facilities.
 3. Undevelopable areas of the project pursuant to Section 20.260.020 (Identification of Primary and Secondary Ridgelines) of this Zoning Ordinance, have been properly identified.
 4. Complies with the purpose and intent provision of Section 20.260.010 (Purpose of chapter) of this chapter.
 5. Substantially conforms to the ridgeline development guidelines.

Section 20.260.060 Ridgeline Development Permit and Noticing

The regulations of this chapter are intended to streamline development and protect visual aesthetics of the ridgeline.

- A. **Ridgeline Development Permit (RDP) Required.** The proposed construction of two (2) or more main structures or parcels located within a primary or secondary ridgeline setback area that involves grading, or construction into or onto the areas identified as the City's ROZ Map must obtain an RDP pursuant to this chapter prior to any construction. The Development Regulations herein shall apply to subdivisions, uses, new structures, and additions to existing structures including accessory structures and to all development on a parcel(s) located within any ROZ.
- B. **Ridgeline Development Permit Exemption.** The proposed construction of one (1) single-family residence, on a legal lot in the ROZ, that conforms to the regulations of this chapter shall not be required to obtain an RDP. Noticing, consistent with Section 20.260.060.D, shall occur based on receipt of the building plans submitted by the property owner.
- C. **Required Review.** The RDP and submitted building plans must be reviewed and approved by the Planning Commission.
- D. **Noticing.** Within twenty (20) working days of the receipt of the RDP (or receipt of the building plans) by an applicant, the San Marcos Planning Division shall:
 1. Mail out a Notice of Intent (NOI) to the surrounding property owners within 1,000 feet of project boundary; or expand the NOI to include a minimum of one hundred (100) property owners, whichever is greater.
 2. Post the NOI on the City's website.

Section 20.260.070 Application Submittal Requirements

Application for an RDP shall be made in accordance with the procedures set forth in this section.

- A. **Chapter Compliance.** Although an RDP is not required for a single lot proposing a single-family dwelling unit or accessory structure, the applicant shall conform to the design and development standards in this Zoning Ordinance prior to approval of a building permit.
- B. **Filing.** An application for an RDP may be made by the record owner or owners of the property affected or authorized agent of the owner or owners. The application shall be filed with the Planning Division upon filing forms required by the Planning Division. The application shall be accompanied by the requirements listed under Section 20.260.070.D, which allow for detailed review pursuant to this chapter and demonstrate compliance with this Zoning Ordinance.

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- C. **Noticing and Fee.** At the time of filing the RDP application, which will include a Public Notice procedure consistent with that described in 20.260.060, above, the applicant shall pay a processing fee as established by the City plus appropriate environmental fees.
- D. **Submittal Requirements.** The required submittal of plans and material are as follows:
1. Legal description, Assessor's Parcel Number, and vicinity map.
 2. A brief outline of proposed project.
 3. A description of and zoning of adjacent properties.
 4. Photographs of site.
 5. An existing conditions map showing all trees, shrubs, vegetation, rock outcroppings, ridges and hilltops, drainage courses, lakes, ponds, access points, easements, existing buildings, proposed buildings, above-grade utility lines, buildings on adjacent lots within fifty (50) feet of the project property line, and any other significant natural features.
 6. A slope map with a minimum two (2)-foot contour interval at a scale of one (1) inch = one hundred (100) feet clearly depicting all contours on-site. In cases where applicant may rely on an off-site easement for brush management and access, show all slopes in these areas as well.
 7. A preliminary soils report submitted by a certified engineer.
 8. A preliminary hydrology report.
 9. An erosion control plan.
 10. Grading and drainage plan, if applicable.
 11. Fuel Management Plan.
 12. A landscape plan.
 13. Plans and elevation or rendering of proposed dwelling and other buildings.
 14. Samples of the proposed building material on a material board.
 15. A photo simulation may be required for subdivisions of five (5) or more lots, or as determined by the Director. The simulation should be taken from off-site viewing platforms and showing the relationship between the Primary/Secondary Ridgeline versus the proposed development as determined by the Director. Minor subdivisions may still require, at a minimum, visual cross-sections as determined by the Director.
 16. Other technical studies addressing visual and design aspects of the project as deemed necessary by the Director.

Section 20.260.080 Development Regulation Modifications

When the strict literal interpretation and/or enforcement of the provisions of this chapter creates practical difficulties or results that are inconsistent with the goals and purposes of the ROZ, a modification of the applicable development regulations and/or required setbacks may be granted in accordance with the following.

- A. **Request for Modification Procedure.** The variance procedure established by Chapter 20.525 (Variances) of this Zoning Ordinance, including noticing and appeals procedures, shall be applicable to the modification of development regulations within the ROZ. However, for any ROZ modifications the Planning Commission shall have final review and approval responsibilities, subject to the following finding requirements in place of those findings required by Section 20.525.040 (Required Findings).
1. The visual impacts of the proposed development have been minimized through creative or innovative design.

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- a. A photo simulation, acceptable to the Director, of the proposed development (exempting single-family units in compliance with this chapter) shall be submitted with the modification application to properly evaluate the scope of minimization of visual impacts.
 2. Granting of any modification will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvement in the vicinity and Zone in which the property is located.
 3. Granting of any modification will be adversely affect the silhouette of any ridgeline and not adversely affect the overall goals and purposes of the ROZ.

B. Pipeline Projects/Exemption from Modification Process.

Single family properties currently in the moratorium pipeline which are not directly on the ridgeline, are exempt from the Modification procedures as long as development is in keeping with the parameters of the ordinance. Those single family properties directly on a ridgeline and unable to meet the ordinance parameters are required to go through the Modification process with no photo simulations and at an expedited pace (2-3 months).

- CB.** **Modification of Ridgeline Development Permit.** Any permitted projects reviewed and approved under the ROZ that requires a modification and is considered an intensification of the original approval must request and receive approval by means of a substantial conformance determination by the Planning Commission.

Section 20.260.090 Appeals Process

An RDP is required if a developer or property owner is proposing two (2) or more residential dwellings units that falls within the ROZ. The decision of the final decision-making body or official is final and effective ten (10) calendar days after adoption or the resolution or written decision, unless a written appeal is filed within the ten (10)-day period using the same appeal procedure to the other permits that are processed concurrently with the RDP.

If no other discretionary permits are being processed concurrently with the RDP, then the appeal procedures in Chapter 20.545 (Appeals and Revocations) shall apply.

Section 20.260.100 Violations and Penalties

- A. Any person who violates any of the provisions of this chapter shall be punishable by a fine under ~~in~~ accordance with Chapter 1.12.010, and Chapter 1.14 of the Municipal Code.
- B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.
- C. In addition to receiving any fines or other monetary remuneration, the City shall have the right to seek injunctive relief for any and all violations of this chapter and all other remedies provided by law or in equity.

Section 20.260.110 Conflict, Enforcement, and Interpretation

In the event of a conflict between this chapter and another chapter in this Zoning Ordinance, the more restrictive shall apply.

Section 20.260.120 Definitions

As used in this chapter, the following terms shall have the indicated meanings:

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- A. **Area.** One (1) of three (3) designated geographical sections located either within the City or its sphere of influence, and referenced in Figures 20.260-1, 20.260-2, or 20.260-3 as Area #1, Area #2, or Area #3.
 - B. **Area Map.** An approved topographic map at one (1) inch equals two hundred (200) feet that defines primary and secondary ridgelines, and delineates the boundaries of the ROZ.
 - C. **Contour Grading.** A grading technique that results in manufactured slopes that resemble a more natural terrain. Contour grading typically includes horizontal and vertical curve variations along manufactured slope banks.
 - D. **Development.** Any grading or construction activities, including agricultural operations.
 - E. **Grade.** To excavate cut or fill or any combination thereof.
 - F. **Hillside.** That part of a hill between the summit and the foot of the hill, excluding saddles and flat areas.
 - G. **Ridgeline Development Permit (RDP).** The permit required to be approved by the Planning Commission for two (2) or more residential dwellings before any grading, construction, or development can occur within the ROZ.
 - H. **Manufactured Slope.** A built (not natural) cut or fill slope.
 - I. **Natural Slope.** A slope that is not manufactured.
 - J. **Primary Ridgeline.** The centerline or crest of the predominant ridge of a mountain, as identified in Figures 20.260-1, 20.260-2, or 20.260-3.
 - K. **Ridge.** An elongated crest or series of crests of a mountain.
 - L. **Ridgeline Overlay Zone (ROZ).** A geographically defined overlay Zone, as delineated in Figures 20.260-1, 20.260-2, or 20.260-3 which establishes the boundaries of the Ridgeline Ordinance hereafter referenced as ROZ-where the requirements of Chapter 20.260 (Ridgeline Protection and Management Overlay Zone) are applied.
 - M. **Secondary Ridgeline.** The centerline or crest of a ridge descending from a primary ridgeline.
 - N. **Slope.** Ground that forms a natural or artificial incline.
 - O. **Skyline.** The interface between the ridgeline and the sky as seen from one (1) or more viewing platforms (see Table 20.260-2).
 - P. **Square Footage of Building.** For the purpose of this chapter, the square footage of a building shall be determined by calculating the area of the foundation from outside to outside edge.
 - Q. **Vertical Ridgeline Setback.** A development setback established vertically from primary and secondary ridgelines constituting one hundred (100) vertical feet from primary ridgelines and fifty (50) vertical feet from secondary ridgelines. See Figure 20.260-4.
 - R. **Viewing Platforms.** Those portions of major thoroughfares and other selected public vantage points (City parks) located within the City and its sphere of influence lands that were used to assess the visual significance of the primary and secondary ridgelines covered by this chapter. The viewing platforms are identified in Figure 20.260-1 and listed in Table 20.260-2.
 - S. **Total Graded Area.** All graded areas (including on- and off-site) of a development project.
 - T. **View Fence.** A type of fence consisting of a material (wrought iron, plexiglass, etc.) that allows visibility both on- and off-site.
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Section 20.260.130 Severability

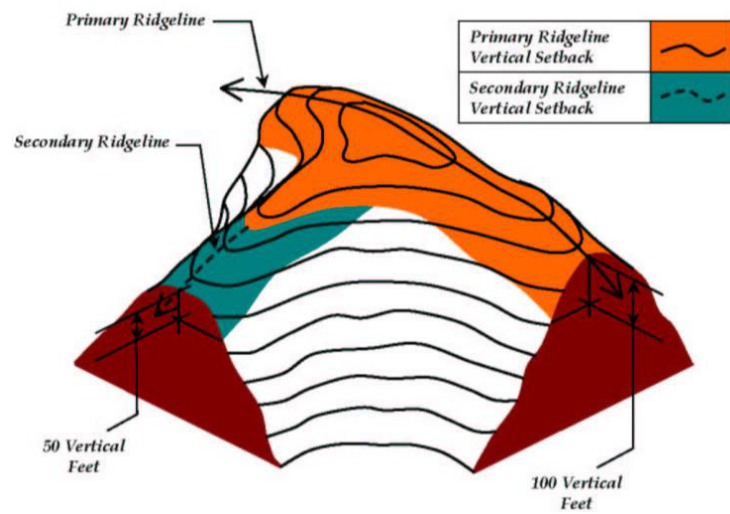
If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

[Adopted by Vote of the People on 11-4-2008.]

**Table 20.260-2
Viewing Platform Locations**

Viewing Platforms	
Twin Oaks Valley Road	Parks
At Village Drive	Walnut Grove Park
At Craven Drive	Hollandia Park
At San Marcos Boulevard	Cerro De Las Posas Park
At Borden Road	Bradley Park
At Del Roy Drive	Discovery Park
At La Cienega	Simmons Park
North of fork on Deer Springs Road	Jack's Pond Park
On North Twin Oaks Valley Road	
State Route 78	Borden Road
Eastbound	West of Avenida Amiga
Westbound	
Cesar Chavez Plaza at California State University San Marcos	

**Figure 20.260-4
Illustration of Vertical Ridgeline Setbacks**



CHAPTER 20.310 INCLUSIONARY HOUSING

Section 20.310.010 Purpose and Intent

It is the intent of this chapter to establish requirements for the inclusion of affordable housing units for low-, very-low-, extremely-low-, and moderate-income households in residential projects that require development plans.

Section 20.310.020 Applicability, Definitions

The provisions of this chapter shall apply to all residential projects of one (1) or more units, including rental and for-sale market-rate dwelling units, condominium or cooperative conversions, and time extensions of development plan approvals for previously approved residential projects.

The provisions of this chapter shall also apply to density bonus units provided pursuant to the Density Bonus Ordinance adopted as required by section 65915 of the Government Code. Developers are entitled to density bonuses and/or other incentives provided pursuant to the Density Bonus Ordinance adopted as required by Section 65915 of the Government Code. The provisions of this chapter, however, must still be met for density bonus projects.

Please refer to Chapter 20.600 (Definitions) for definitions that apply throughout this Zoning Ordinance.

Section 20.310.030 Exemptions

This chapter shall not apply to the following, except at the discretion of the City:

- A. Any project developed pursuant to the terms of an existing development agreement entered into pursuant to Government Code Section 65964 et seq. before the effective date of this Zoning Ordinance. Inclusionary requirements, if any, shall be as set forth in such development agreement.
- B. Non-residential uses, except in the case of single-room-occupancy hotels.
- C. The construction of a new residential structure that replaces a residential structure that was destroyed or demolished within two (2) years prior to the application for a building permit, provided that the number of residential units is not increased.
- D. Accessory dwelling units developed in accordance with Chapter 20.410 (Accessory Dwelling Units and Accessory Structures).

Section 20.310.040 Inclusionary Requirements

A. Requirements for For-Sale Single-Family Units:

- 1. **Inclusionary requirement.** No development plan for a for-sale single-family residential project of one (1) or more units subject to this chapter (including time extensions) shall be approved unless an in-lieu fee is paid to provide housing opportunities for target households in the City in accordance with Section 20.310.050 (In-Lieu Fee). Alternatively, the requirements of this chapter may be satisfied on- or off-site through the reservation of new units or existing market-rate units for target households, as described in Section 20.310.060 (Options for Providing Inclusionary Units). The final determination if an in-lieu fee will be accepted or if the development must provide the required inclusionary units shall be based on review by the City Council.

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2. **Calculation of inclusionary requirement.** The calculation of the amount of in-lieu fee to be paid shall be based on the total number of housing units in the development prior to including any increase in the allowable number of such housing units authorized by any density bonus granted pursuant to Government Code Section 65915 et seq.

B. Requirements for Rental Units.

1. **Inclusionary requirement.** No rental residential project of more than six (6) units that is subject to this chapter shall be approved unless fifteen percent (15%) of such housing units are reserved for target households, unless a higher percentage is requested by the applicant/developer, or an in-lieu fee is paid to provide housing opportunities for target households in the City. The number of inclusionary units by target household shall be determined by supporting the deficit identified in the City's most recent Annual Housing Element Report to assist, to the greatest extent possible, in meeting its self-certification goals and regional share needs as set forth in the Housing Element of the General Plan. The amount of the in-lieu fee shall be determined in accordance with Section 20.310.050 (In-Lieu Fee). Notwithstanding the above, the number of inclusionary units reserved for moderate-income households in any proposed residential project may not exceed twenty-five percent (25%). There is no limit on the number of inclusionary units reserved for those qualifying as extremely low-, very low-, or low-income households.
2. **Calculation of inclusionary requirement.** Rental projects of six (6) or less units shall pay an in-lieu fee. The provisions of Section 20.310.050 (In-Lieu Fee) shall apply to the total number of housing units calculation of the number of inclusionary units to be built in any rental housing development. ~~If the calculation of the number of inclusionary units to be reserved results in a fraction of a whole number, the developer shall either reserve one (1) additional housing unit or pay a partial in-lieu fee equal to the remaining fraction.~~ The amount of the in-lieu fee shall be determined in accordance with Section 20.310.050 (In-Lieu Fee).
3. **Design and construction of inclusionary units.** The design and exterior appearance of the inclusionary units shall be compatible with and substantially the same as the market-rate units within the development, and shall contain proportionately the same or a larger number of bedrooms and square footage per unit as the market-rate units.

The inclusionary units shall be constructed either prior to or simultaneously with the market-rate units within the development. If the development is being constructed in phases, the percentage of inclusionary units to be constructed in each phase shall be equivalent to fifteen percent (15%) of the total number of market-rate units being constructed in that phase.
4. **Rental restriction.** The rent to be charged for an inclusionary unit shall be restricted to be affordable to target households within the definition of Section 20.310.020 (Applicability, Definitions). Such rental restrictions shall be effective for a minimum of fifty-five (55) years.

Additionally, said property shall be restricted in perpetuity to prohibit the conversion of the rental inclusionary units to a condominium, stock cooperative, community apartment, or such other form of ownership that would eliminate the inclusionary units as rental units.

C. Requirements for Condominiums and Condominium or Cooperative Conversions:

1. **Inclusionary requirements.** No for-sale condominium project or condominium/cooperative conversion project subject to this chapter (including time extensions) shall be approved unless at least fifteen percent (15%) of such housing units are reserved for target households or an in-lieu fee is paid to provide housing opportunities for target households in the City. The inclusionary requirements for condominium or condominium/cooperative conversion projects shall be determined by the City and may include the options in Section 20.310.060 (Options for Providing Inclusionary Units).
 2. **Requirements for rental units.** If inclusionary units are required to be reserved for rental purposes, the requirements of Section 20.310.040.B (Requirements for Rental Units) shall apply.
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3. **Requirements for for-sale units.** If inclusionary units are required to be reserved as for-sale units, the requirements of Section 20.310.040.B (Requirements for Rental Units) shall apply, excepting Section 20.310.040.B.4 (Rental Restrictions). For-sale inclusionary units shall be sold at an affordable sales price to target households.

The initial sale price of for-sale inclusionary units shall be restricted to ensure that the price is affordable to target households within the definition of Section 20.310.040.B (Requirements for Rental Units) for a minimum of fifty-five (55) years. Resale of units shall be structured to recapture a percentage of the difference between the affordable price and the market value of the unit as determined by the City. This difference shall be used by the City to provide other for-sale housing opportunities at the same affordability level.

4. **Calculation of in-lieu fee.** If an in-lieu fee is required, said fee shall be calculated in accordance with Section 20.310.050 (In-Lieu Fee).

Section 20.310.050 In-Lieu Fee

- A. For residential rental and for-sale projects, developers may pay a fee in lieu of reserving units for target households where the City Council has approved the payment of an in-lieu fee. The amount of the ~~in~~-in-lieu fee shall be ~~determined in accordance with Section 20.310.050 (In-Lieu Fee)~~ established by resolution of the City Council.
- B. The amount of the in-lieu fee shall be calculated by applying the in-lieu fee to the total number of housing units in the housing development.
- C. The amount of the in-lieu fee ~~for each required inclusionary unit~~ shall be determined by the City in accordance with this section, and shall be paid at the time of issuance of building permits for the first residential units in a development project subject to this chapter.
- ~~CD.~~ All in-lieu fees collected hereunder shall be used by the City exclusively to provide housing opportunities for extremely-low-, very-low-, low-, or moderate-income households anywhere within the City. All in-lieu fees shall be held in a separate account, with interest accruing to said account. All funds in the account, including interest, shall be spent in any manner authorized by law as the City deems appropriate, and at such times as the City deems appropriate, solely to provide housing opportunities for extremely-low-, very-low-, low-, or moderate-income households and associated, reasonable administrative costs not to exceed 2% of fees collected in the previous fiscal year.
- ~~DE.~~ At the discretion of the City, when a developer is authorized to pay an in-lieu fee, an irrevocable dedication of land or other non-monetary contribution of a value not less than the sum of the otherwise required in-lieu fee may be accepted as an alternative to paying the in-lieu fee if said non-monetary contribution will be effective in furthering the goals and policies of the Housing Element of the General Plan or this chapter. The determination of the City shall be final in this regard. The valuation of any land offered in place of an in-lieu fee shall be determined by an appraisal made by a qualified agent mutually agreed upon by the City and the applicant, with costs for the appraisal borne by the applicant.

Section 20.310.060 Options for Providing Inclusionary Units

- A. On-site inclusionary units for new for-sale residential projects may be provided as "for-sale" or rental units on-site in compliance with the requirements of Section 20.310.040 (Inclusionary Requirements) at the determination of the City Council. On-site inclusionary units for new rental residential projects shall be provided as rental units in compliance with the requirements of Section 20.310.040 (Inclusionary Requirements).
- B. Off-site provision of inclusionary units for new for-sale residential projects may be provided as "for-sale" or rental units at another site within the City or in existing market-rate developments in conformance with the requirements of Section 20.310.040 (Inclusionary Requirements) at the determination of the City Council.
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The location of these units shall be at the discretion of the City. Off-site provision of inclusionary units for new rental residential projects shall be provided as rental units at another site within the City or in existing market-rate developments in conformance with the requirements of Section 20.310.040 (Inclusionary Requirements).

- C. On- or off-site inclusionary units reserved for rental or for-sale developments shall be rented or sold at an affordable rent or sales price to target households. The affordable rent or sales price should be based upon California Housing and Community Development's Official State Income Limits.
- D. Inclusionary unit credits. If an applicant of a new for-sale or rental development provides newly constructed off-site rental units to meet the inclusionary requirements, and such rental units exceed the number of inclusionary units required by this chapter, the excess units may be used to meet the inclusionary unit requirements for another applicant. Any sale of "inclusionary unit credits" shall be a civil transaction with no regulation by the City (i.e., the inclusionary unit credits may be sold at whatever price the market will bear). All inclusionary units must be deed restricted to comply with the requirements of Section 20.310.040 (Inclusionary Requirements).

Section 20.310.070 Incentives

- A. Certain types of affordable housing are relatively more desirable in satisfying the City's affordable housing goals and the goals of the Housing Element of the General Plan. As an incentive to assist the City in providing this housing, applicants may receive additional credit for such units, thereby reducing the total inclusionary housing requirement. Whether such credit is appropriate and, if so, the amount of such additional credit shall be determined by the City based on the housing needs identified in the Housing Element of the General Plan and the credit the units provide toward the City's self-certification affordable housing goals.
- B. Although nothing in this chapter establishes a right to receive any incentive from the City or any other party or agency to enable the applicant to meet the obligations of this chapter, the City, at its sole discretion, may waive or modify certain development standards to assist the applicant in meeting the City's housing needs as described in Section 20.310.070.A (Incentives).
- C. Projects are entitled to density bonuses and/or other incentives in accordance with state law, and applicants are encouraged to use local, state, or federal assistance to meet the requirements of this chapter. The requirements of this chapter shall not, however, require the City to agree to a density increase beyond that allowed by state's Density Bonus Law.

Section 20.310.080 Inclusionary Housing Agreement

- A. **Agreement Required.** Applicants/developers subject to this chapter who are required to provide rental or for-sale inclusionary units shall agree to enter into an inclusionary housing agreement with the City. The terms of the draft agreement shall be reviewed and revised as appropriate by the Director and approved by the City.

Following execution of the agreement by all parties, the completed inclusionary housing agreement, or memorandum thereof, shall be recorded and the conditions recorded as a deed restriction on the parcel(s) or unit(s) designated for the location of inclusionary units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The inclusionary housing agreement shall be binding to all future owners and successors in interest.

- B. **Agreement Items.** The inclusionary housing agreement shall include the following:
 - 1. The total number of inclusionary units.
 - 2. The location, unit size (square feet), and number of bedrooms of the inclusionary units.

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3. A description of the household income group(s) to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.
 4. The household/unit size assumptions used for the purpose of calculating housing costs shall be as follows (unless an adjustment is agreed to by the City, or the applicable state or federal funding source has different requirements):
 - a. One (1)-bedroom units shall be based on the median income for a household of two (2),
 - b. Two (2)-bedroom units shall be based on the median income for a household of three (3),
 - c. Three (3)-bedroom units shall be based on the median income for a household of four (4), and
 - d. Four (4)-bedroom units shall be based on the median income for a household of five (5).
 5. Tenure of affordability for inclusionary units (fifty-five (55)-year minimum).
 6. A schedule for completion and occupancy of inclusionary units.
 7. A description of remedies for breach of the agreement by either party (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement).
 8. For for-sale units, conditions governing the initial sale and resale of inclusionary units to eligible households to ensure continued compliance with the restrictions of this chapter.
 9. For for-sale units, a condition requiring disclosure by the developer to the buyer of inclusionary units of the existence of the deed restrictions affecting the re-sale of the property.
 10. For rental units, conditions establishing rules and procedures for qualifying tenants, setting rental rates, filling vacancies, and operating and maintaining units as rental inclusionary units for target households.
 11. For rental units, a method to annually monitor inclusionary units to ensure continued compliance with the restrictions of this chapter that identifies the number of bedrooms and monthly rent or cost of each inclusionary unit, the income of each person occupying said unit for the prior year, vacancy information for each inclusionary unit for the prior year, a copy of the annual lease agreement for each of the affected unit(s), and any other information as required by the City.
 12. For rental units, any tenant who is displaced by another City of San Marcos affordable housing project shall be eligible to be placed on a waiting list for the Project in accordance with applicable Fair Housing law, upon application by the displaced and verification by the City, subject to income qualification. All such displacees shall be subject to standards and tenant selection and eligibility criteria as mandated by law, including income requirements for inclusionary units. Any affordable housing development requiring tenant relocation must provide a relocation plan consistent with applicable law and regulations, which plan must be drafted and finalized within 12 months of the initiation of any relocation efforts, and which must be developed by a qualified third-party relocation consultant acceptable to the City.
 13. Conditions granting the City or its designee the first right of refusal to buy the on-site for-sale inclusionary unit(s) for the purposes of preserving and maintaining affordable housing.

Section 20.310.090 Administration

For purposes of this chapter, the City shall act by and through the City Council or its designee, the City Manager.

A developer and/or subsequent purchaser of an inclusionary unit shall be required to pay such fee as may be established by resolution of the City Council to recover the cost to the City of administration of the provisions of this chapter.

Section 20.310.100 Building Permit

No building permit shall be issued for any residential project subject to this chapter unless the Director has certified that the proposed development has complied with or is otherwise exempt from the provisions of this chapter.

CHAPTER 20.315 RESIDENTIAL GROWTH MANAGEMENT

Section 20.315.010 Purpose of Chapter

The purpose of this chapter is to ensure that adequate public facilities and services are available to meet the needs created by and to mitigate the impacts of new development prior to or as it occurs.

Section 20.315.020 Findings

- A. The City has, ~~during the last decade~~~~in recent years~~, experienced a high rate of new commercial, industrial, and residential development, causing rapid population growth within the City.
- B. As a result of the high development rate and rapid growth, several of the City's general plan neighborhoods do not have adequate public facilities and services. These facilities and services include streets,[;] parks and recreation facilities,[;] drainage facilities,[;] water storage and distribution facilities,[;] sewer facilities,[;] fire, paramedic, and police services and facilities,[;] schools,[;] libraries,[;] and gas, electricity, telephone, and cable television ~~utilities~~. A lack of public facilities and services in those neighborhoods creates a severe negative impact on the various facility networks and systems within the City, resulting in conditions ~~which that~~ are hazardous and/or detrimental to the public health, safety, and welfare of the people of the City of San Marcos. Because the various public facilities and the services networks within the City and systems are integrated, a failure or shortfall in necessary facilities or services in one ~~(1)~~ portion of the City creates burdens and adverse impacts on other portions of that network or system elsewhere in the City.
- C. In the past, developers of new commercial, industrial, or residential projects have not always provided the facilities or services necessary to meet the demands created by the new development or to mitigate the environmental and public facilities and services impacts or burdens created by the new development.
- D. To effectively implement the City's ~~G~~general ~~P~~plan and to manage the projected growth of residential, industrial, and commercial development, and to mitigate the impacts of new development on the City, it is necessary to require that all new development bear the cost of providing the public facilities and services needed to ~~manage effectively serve~~ the new development and, ~~to~~ mitigate the impacts on the City created by that new development.
- E. Establishment of a growth management program ~~which that~~ ensures that all public facilities and services are, or will be, provided to serve future development ~~will and~~ allow the City to continue to provide needed jobs and housing without adversely impacting existing facilities and services or current residents within the City.

Section 20.315.030 Administration

The City Council shall ensure that the following objectives are accomplished in a timely manner:

1. Adoption of the public facilities and services element required by Section 20.315.030 of this Chapter.
2. Adoption of neighborhood public facilities and services plans for each of the City's eight general plan neighborhoods. The neighborhood public facilities and services plans shall be integrated with each other and shall together be a complete and consistent City-wide public facilities and services plan.
3. That appropriate standards, thresholds, triggering mechanisms or other requirements, shall be established to implement the public facilities and services element and the neighborhood public facilities and services plans for each of the neighborhoods.
4. That no approval or conditional approval shall be granted for any development, other than the issuance of a building permit for a single family residential building on a lot legally existing on June 7, 1988 requiring no

discretionary approval, unless the decision making authority finds: A. that the development complies with the provisions of this ordinance; B. that the applicant has provided, or has agreed to provide, all public facilities reasonably necessary to serve the development or to mitigate the impacts caused by the development; and C. has paid, or agreed to pay, all fees required by this Chapter.

Section 20.315.0340 Funding of Public Facilities and Services

- A. The City Council of the City of San Marcos shall require any individual, partnership, joint venture, corporation, or other person receiving approval or conditional approval of any tentative subdivision map, tentative parcel map, ~~S~~site ~~D~~evelopment ~~P~~lan, site plan ~~R~~eview, special use permit, ~~CUP, DP~~, zoning, rezoning, or any other discretionary permit or approval required by the City's subdivision or ~~Z~~oning ~~O~~rdinance for development projects, to ~~assure~~ensure funding and timely construction of all threshold public facilities or services necessary to manage the development as identified in the neighborhood public facilities and services plan for the neighborhood in which the development is located.
- B. Assurance of construction and financing~~To "ensure funding and timely construction"~~ is defined as actual construction of the improvements or the establishment of any financing method acceptable to the City Council (including , but not limited to, secured agreements for the construction of the improvements, reimbursement agreements, assessment districts, or community facilities districts) that provide a guarantee to the City that the improvements will be constructed in a timely fashion or that funds will be available for the timely construction, renovation, or expansion of the facilities or provision of the services identified as necessary to manage development in the applicable neighborhood's public facilities and services plan. The construction, or assurance of construction, and financing shall be in place or otherwise established to the satisfaction of the City Council before issuance of building permits for the development.
- C. As a condition of any discretionary approval for a development, a project applicant shall pay or agree to pay the public facilities and services fee that was previously established by the City Council of the City of San Marcos. The City Council of the City of San Marcos may modify that fee by resolution, as necessary, to ensure adequate financing of the public facilities and services identified in the public facilities and services element of the general plan and in the neighborhood public facilities and services plans.
- D. The City Council shall establish a separate account or accounts for the funds received pursuant to this ~~C~~chapter, and shall ensure that the funds are used for the purposes for which they were received. The City Council shall ensure timely expenditure of the funds for the construction of required public facilities identified by the ~~City~~ Council to be financed from the funds when the appropriate thresholds are reached.

Section 20.315.0450 Guidelines

The City Council may, by resolution, adopt guidelines and take any action that the City Council finds appropriate or necessary to implement the provisions of this chapter in a timely and efficient manner.

(Approved by Vote of the People on 6-7-88)

Section 20.400.160 Places of Assembly

- A. **Permit Requirements.** Places of assembly for religious or non-religious purposes shall be allowed, subject to the permit requirements of the applicable Zone, except as follows:
1. A CUP shall be required for the establishment of an assembly use in conjunction with a new building (development of the building in conjunction with the use).
 2. A DP shall be required for the establishment of an assembly use in an existing non-residential building to ensure adequate parking is provided and to minimize effects on other land uses within the building or site.
 3. A ZA (Zoning Approval) shall be required for the establishment of a small place of assembly use in an existing non-residential building subject to the filing of a business operations questionnaire guaranteeing that the following operational and development standards are satisfied for the duration of the land use.

Limited Use Regulations:
 - a. All activity shall be conducted entirely within an enclosed building.
 - b. The facility shall be designed to accommodate a maximum of 25 attendees.
 - c. A maximum of 2 instructors/employees shall be allowed on site at one time in addition to the attendees.
 - d. Assembly floor area shall not exceed 1,200 s.f. in size.
 - e. Assembly facilities adjacent to residentially zoned property shall not operate between 10:00 p.m. and 6:00 a.m., except that such facilities may operate until 11:00 p.m. on Fridays and Saturdays.
 - f. Parking shall be accommodated on-site per Table 20.340-1, Parking Requirements by Land Use.
- B. **Agricultural and Residential Zones.** A CUP shall be required for all places of assembly within Agricultural (A-1, A-2, A-3) and Residential Zones (all R-1, R-2, R-3-6, R-3-10) to properly condition the use as follows:~~to ensure design, noise, and parking compatibility with the adjacent neighborhood.~~
1. Front setback shall be determined through the CUP process with consideration for adequate parking and neighborhood context.
 2. Minimum interior property line setback shall be equal to twice the required interior setback of the Agricultural (A) and Residential (R) Zone.
 3. Minimum rear property line setback shall be twenty-five (25) feet.
 4. Hours of operation shall be limited to minimize disturbance to neighboring development from noise and lights.
 5. Off-street parking areas shall be located away from adjacent properties with residential uses whenever feasible to minimize disturbance to neighboring development.
 6. The maximum capacity of the use shall be determined based upon the size of the property, the intensity of surrounding development, and the capacity of streets serving the facility.
- C. **Other Zones.** The development standards for places of assembly shall be in compliance with the standards for the applicable Zone.
- D. **Columbarium.** Accessory columbarium areas (for burial ashes) in conjunction with a place of assembly land use shall be subject to the permit requirements of the applicable Zone for the "Funeral and Mortuary" land use.
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- E. **Emergency Shelter.** Where allowed by the applicable Zone, a religious place of assembly may use the site for emergency shelter without a CUP if it is consistent with the standards of section 20.400.080 (Emergency Shelters) and the following requirements:
1. The primary place of assembly land use was authorized through a CUP approval.
 2. No rent or fees of any kind shall be charged for emergency shelter services offered to homeless persons.
 3. Within Residential Zones, emergency shelter accommodations shall be limited to ten (10) persons at a single time.
 4. Appropriate design accommodations for the emergency shelter was included in the original facility design, and listing of transitional housing as an accessory use was identified in the original CUP application.
 5. Operation of the emergency shelter use commences upon receiving a Certificate of Occupancy that is consistent with the operational commencement of the primary assembly use.
 6. A person residing at the facility shall be limited to sixty (60) days.

CHAPTER 20.515 SITE DEVELOPMENT PLAN REVIEW

Section 20.515.010 Purpose of Chapter

Site Development Plan Review by the Development Advisory Committee, when applicable, is included in this chapter to achieve the following purposes:

- A. To ensure that the development, buildings, or structures will conserve the values of adjacent properties and will not prove detrimental to the character of buildings or uses already established in the area.
- B. To ensure that the proposed development will be properly related to its site and to surrounding sites and structures, and to prevent the erection of structures that would be inharmonious with their surroundings.
- C. To ensure that projects and structures subject to Site Development Plan Review are developed with due regard for the aesthetic qualities of the natural terrain and landscape and that trees and shrubs are not indiscriminately destroyed.
- D. To ensure that the design and exterior architecture of proposed structures will not be so at variance with either the design or exterior architecture of the structure already constructed or being constructed in the immediate neighborhood as to cause a substantial depreciation of property values in the neighborhood.
- E. To ensure that open space, parking areas, and landscaping are designed to enhance the visual and physical use of the property and to screen deleterious uses.
- F. To ensure, when feasible, effective concealment of electrical and similar mechanical equipment and trash and storage areas.
- G. To ensure adequate improved access to all developments.
- H. To ensure that developments are in compliance with City adopted Design Manuals and guidelines.
- I. To ensure conformance with the City adopted General Plan, any applicable Specific Plan, and all provisions of the Zoning Code.

Section 20.515.020 Applicability

Site Development Plan Review is an administrative process, unless the review is linked to a project or entitlement that requires a higher review authority; see Section 20.205.030.E (Highest Permit Level Requirement). All the following applications and project types shall require Site Development Plan Review by the Development Advisory Committee during application processing and prior to approval.

- A. Site Development Plan Review shall apply to proposed development of property in the following manner:
 - 1. R-2 and R-3 Zones require Multifamily Site Development Plan Review based on number of units.
 - a. A project proposing between two (2) and nine (9) units shall require Site Development Plan Review through Planning Commission approval.
 - b. A project proposing ten (10) units or more shall require Site Development Plan Review through Planning Commission recommendation with final approval by the City Council.
 - c. The requirements of Chapter 20.505 (Noticing and Public Hearings) shall apply.

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2. Single-family projects within an approved Specific Plan shall require Site Development Plan Review.
 3. All non-residential development in Commercial (C, O-P, S-R), Industrial (L-I, I, I-2), Business Park (B-P), Mixed Use (MU), and SPA Zones shall require Site Development Plan Review.
- B. Proposed expansion of non-residential developments consisting of a twenty percent (20%) or more increase in gross floor area or if an additional story is being proposed.
 - C. Proposed projects that are required to go before the Planning Commission/and or City Council under CUP or Specific Plan procedures shall not be required to comply with the Site Development Plan Review procedures, except that the applicable CUP and Specific Plan shall include within their scope the review requirements set forth in this chapter consistent with Section 20.205.030.E (Highest Permit Level Requirement).

Section 20.515.030 Applications

- A. **Process.** The Site Development Plan Review process is generally as follows:
 1. Project application with Site Development Plan Review materials is submitted by applicant.
 2. Initial notice of application will be sent pursuant to Section 20.515.040.C (Notice to Affected Property Owners).
 3. The application will be routed to City divisions for comments, compliance review, and consistency with this Zoning Ordinance.
 4. If environmental review is required in compliance with Title 18, (such as a Negative Declaration or Mitigated Negative Declaration), notice will be sent to surrounding property owners and occupants stating the review period.
 5. The applicant and any interested party requesting information will be provided with the preliminary Site Development Plan Review conditions. Final conditions will be issued ten (10) days after the preliminary notice if the applicant consents to conditions; the period may be extended during the resolution of any outstanding issues.
 6. All Site Development Plan Review conditions and decisions can be appealed pursuant to the procedures of Chapter 20.545 (Appeals and Revocations).
- B. **Plan Requirements.** Each Site Development Plan shall be accompanied by plot plans at a workable scale based on the project parameters, and all submittal requirements prescribed by the Director. Plans shall provide detail of all the following items:
 1. A materials board displaying proposed building materials shall also be required at time of application.
 2. Elevation, floor plans, and location of the proposed buildings.
 3. Physical features such as trees, hydrants, electric and telephone poles, lights, driveways, fences, and signs.
 4. Use and treatment of ground around such buildings or structures.
 5. Proposed drainage facilities.
 6. Identification of location and number of off-street parking spaces.
 7. Landscaping plan showing type, sizes, and irrigation system (provided on a separate sheet).
 8. Utility plan and demonstration of water compliance measures.
 9. Other pertinent project information identified by the applicant or deemed necessary for project processing purposes by the Development Advisory Committee.

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- C. **Required Fees.** A fee in the amount specified on the City's fee schedule shall accompany Site Development Plan Review applications for Business Park, Office Professional, Commercial, Industrial, Mixed Use, and Multifamily projects.

Section 20.515.040 Notice and Hearings

- A. **Administrative.** Where Site Development Plan Review is required in conjunction with a DP or other administrative permit, the Development Advisory Committee shall have the same authority to review, process, and approve or require changes to the Site Development Plan in conjunction with the Permit.
1. The Development Advisory Committee has the authority to refer plans to the Planning Commission for the purposes of making a determination on a Site Development Plan, in which case a public hearing will be scheduled before the Planning Commission.
- B. **Public Hearing for Residential Projects.** All residential development in the R-2, R-3, and Mixed Use Zones shall be reviewed by staff and scheduled for public hearing before the Planning Commission and/or City Council, depending on the number of units in the proposed project as determined by Section 20.515.020 (Applicability).
1. All hearings shall be set and notice given as prescribed in Chapter 20.505 (Noticing and Public Hearings) of this Zoning Ordinance.
- C. **Notice of Affected Property Owners.** After the Site Development Plan application has been filed, the Director shall send notice by first class mail to surrounding property owners and occupants within five hundred (500) feet of the project. Each notified person may request, in writing, the opportunity to be heard on the Site Development Plan Review. Such written request must be filed with the Director within fifteen (15) days after the mailing of the notice. Failure to so file shall be deemed a waiver of the rights under this Section. The notice required by this Section shall include a brief description of the project as proposed on the Site Development Plan, and shall inform each property owner of their rights pursuant to this Section. The failure of any person to receive the notice specified herein shall not invalidate any action taken pursuant to this Zoning Ordinance.

Section 20.515.050 Decision

- A. **Review by Development Advisory Committee.** A Development Advisory Committee composed of the Director, Building Official, and City Engineer and representatives of Special Districts, or their designees, shall have authority to approve or amend plans or deny within the intent of this chapter and criteria listed for individual Zones in Chapters 20.210 (Agricultural Zones) through 20.265 (Airport Overlay Zone). The Committee shall also have the authority to refer plans to the Planning Commission in lieu of making a decision. The Development Advisory Committee shall do the following:
1. Meet to review a Site Development Plan application after it has been deemed a complete application, and
 2. Function in accordance with administrative regulations prepared by the Development Services Department.
- B. **Decisions.** The Development Advisory Committee shall notify the applicant of the preliminary decision to conditionally approve or disapprove the Site Development Plan, along with the conditions of conditional approval or the reasons for disapproval. If the applicant is dissatisfied with such preliminary decision or with any condition pertaining thereto, he may request in writing that such preliminary decision be reviewed. Such request must be received by the Development Advisory Committee within ten (10) calendar days after the date of the preliminary decision.

Upon receipt of a timely written request for review of a preliminary decision, the Development Advisory Committee shall arrange a time and place for such review, and shall notify the applicant and appropriate City

departments and agencies thereof. In the event no timely written request for review is received, the preliminary decision shall become final and the applicant shall be so notified as provided in this Section.

The applicant shall be notified in writing of the preliminary decision and the final decision of the Development Advisory Committee. Notice shall be deemed to have been given upon deposit of the notice in the U.S. mail addressed to the applicant.

C. Issuance of Permits.

1. In no event shall building permits be issued in the I, I-2, L-I, S-R, C, NC, B-P, O-P, Mixed Use, or SPA Zones until such plans have been approved by the Development Advisory Committee, or the final approval body as determined by Section 20.500.030 (Authority and Administration) or 20.205.030.E (Highest Permit Level Requirement).
2. In no event shall building permits be issued in the R-2 and R-3 Zones until such plans have been approved by both the Planning Commission and City Council.

Section 20.515.060 Findings

The Development Advisory Committee, Planning Commission, and City Council may approve a development plan in the form submitted or in modified form if, on the basis of the application and the evidence submitted, all of the following findings are made:

- A. The project conforms with the General Plan, any applicable Specific Plan, and all provisions of this Zoning Ordinance and Code.
- B. As feasible, the project preserves mature trees and will not unnecessarily remove trees and natural vegetation.
- C. The project will preserve natural landforms and ridgelines, does not include excessive or unsightly grading of hillsides, and otherwise will not adversely affect the natural setting.
- D. The project provides adequate buffering between residential and non-residential uses, and otherwise is in the best interests of the public health, safety, and general welfare.
- E. The structure(s), Site Development Plan, and landscaping are in scale and harmonious with existing and future development and with the landforms and vegetation adjacent to and in the vicinity of the site.
- F. The structure(s), Site Development Plan, and landscaping create an internal sense of order, provide a visually pleasing setting for occupants, visitors and the general community, are appropriate to the function of the site, and provide safe and convenient access to the property for pedestrians, cyclists, and vehicles.
- G. To the maximum extent feasible, the project includes the maintenance, rehabilitation, and improvement of existing sites, structures, and landscaping; provides adequate and effectively concealed trash, storage, and utility/mechanical equipment; and will correct any violations of the Zoning Ordinance, Building Code, or other sections of this Code that exist on the site.
- H. The design and location of architecture and signs are consistent with the character and scale of the buildings to which they were attached or that are located on the same site, the signs are visually harmonious with surrounding development, and there are no illegal signs on the site.
- I. The project provides all required on-site and off-site public improvements, in compliance with City adopted Design Manuals and guidelines, as deemed necessary by the review authority.
- J. The project provides open space, parking areas, and landscaping consistent with this Zoning Ordinance and in a manner that visually enhances the physical use of the property.

Section 20.515.070 Appeals

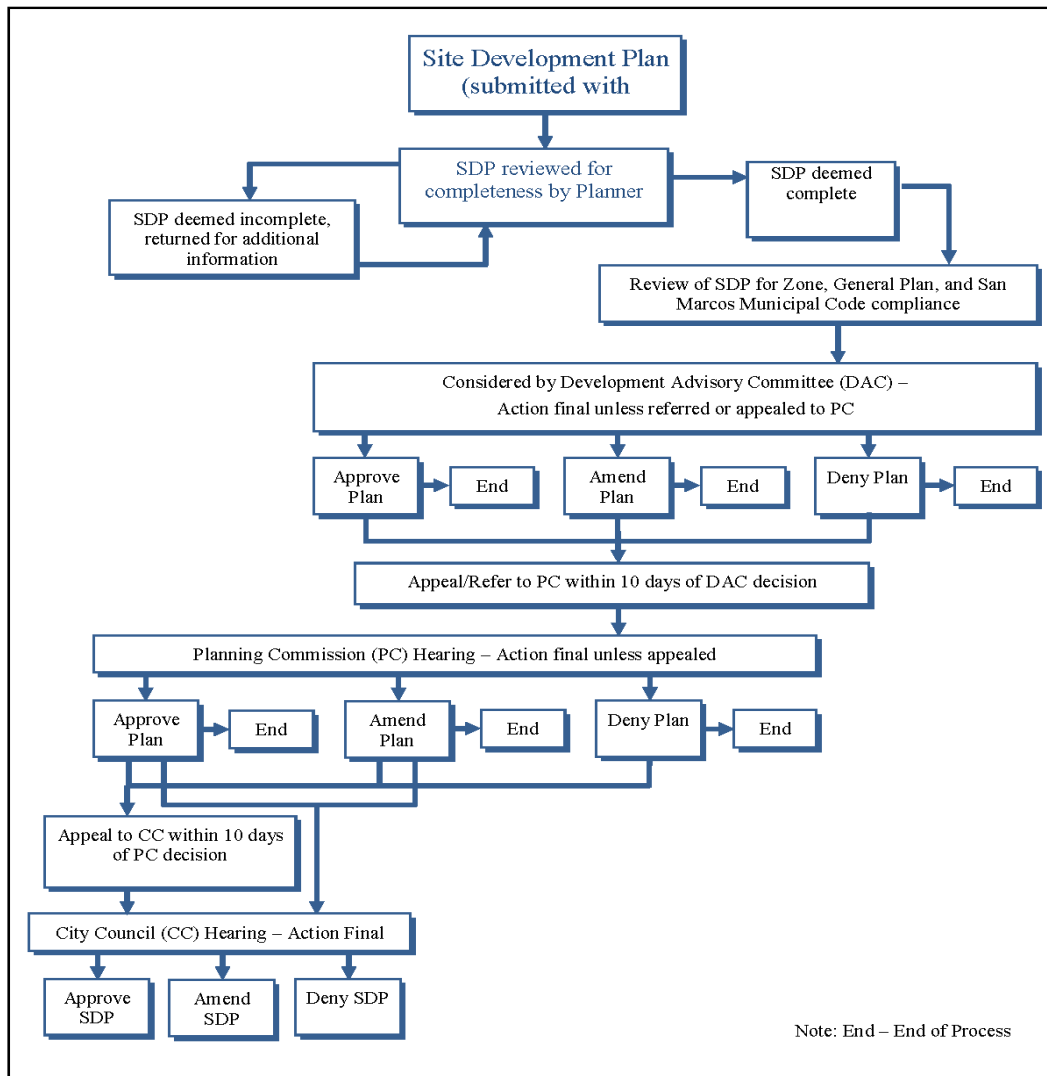
An appeal from a decision made in the administration or enforcement of this section may be taken as provided in Chapter 20.545 (Appeals and Revocations).

Section 20.515.080 Lapsing and Voiding of Site Plan Approval

Site Development Plan Review approval shall lapse and shall be null and void ~~one (1)~~two (2) years following the date upon which the plans and drawings were approved by the review authority unless, prior to the expiration of ~~one (1)~~two (2) years:

- a. ~~A~~a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.
- b. Documentation of a good faith effort toward development is provided for determination to the Planning Director.
- c. Is otherwise determined by the Planning Director.

Figure 20.515-1 Site Development Plan Review Process



CHAPTER 20.520 CONDITIONAL USE PERMITS

Section 20.520.010 Purpose and Intent

The purpose of this chapter is to establish the application, review, and granting/denial procedures for Conditional Use Permits (CUP) and modifications to CUPs to properly evaluate and condition specific land uses. These uses generally have a unique and distinct impact on the area in which they are located or are capable of impacts to adjacent properties unless given special review and conditions. CUPs may be granted at the discretion of the Planning Commission or City Council, and are not the automatic right of any applicant. CUPs go with the land and are nontransferrable to another location.

Section 20.520.020 Applicability

CUPs are required for certain uses as identified by the permit requirements of the applicable Zone. CUPs and Modifications to CUPs may only be approved by the Planning Commission or City Council in accordance with Zone requirements, and compliance with this Title.

Section 20.520.030 Applications

- A. **Initiation of Application.** CUP and modification to CUP applications may be initiated by the owner, owners, or their authorized agents of property in the City, but only where the use is authorized as a CUP in the Zone in which the property lies. All CUP applications shall be submitted in accordance with the format specified by the Director.
- B. **Fees.** Fees shall be paid at the time of application in accordance with the Fee Schedule.
- C. **Requirements.** An application for a CUP shall be accompanied by the following:
 - 1. All information and materials deemed necessary to render the requested land use decision before the application is deemed complete.
 - 2. Complete plans and description of the property involved and the proposed use.
 - 3. Evidence, satisfactory to the Director, of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six (6) months after issuance of the CUP.
- D. **Project Review and Noticing.** Applications for a CUP shall be processed if the Director finds the application to be complete at time of filing. The applicant shall be notified in writing within thirty (30) days if the application is complete.
 - 1. If the application is found to be incomplete, the Director will notify the applicant in writing within thirty (30) days, indicating what additional information is required to complete the application. The application will not be processed until that information is received by the Director.
 - 2. The review process for a CUP is generally illustrated in Figure 20.520-1, "Conditional Use Permit Process." Each application shall be analyzed by the Director to ensure the application is consistent with the purpose and intent of this Section. The Director shall submit a staff report with a recommendation to the Planning Commission and when applicable, to the City Council.
 - 3. Public notice shall be given in compliance with Chapter 20.505 (Noticing and Public Hearings).

Section 20.520.040 Hearings and Decision

- A. **Conditional Use Permit Decision.** CUPs are subject to decision based upon objective evidence by the Planning Commission and, if applicable, the City Council in a hearing or hearings noticed in accordance with Chapter 20.505 (Noticing and Public Hearings).
- B. **Conditional Use Permit Decision.** The Planning Commission may approve, conditionally approve, or disapprove an application for a CUP. The Planning Commission shall state the reasons for each decision to either grant or deny a permit so as to facilitate effective review. For CUP applications including concurrent processing of a permit that requires City Council decision, the Planning Commission will make a recommendation to the City Council. The following findings must be made by the applicable decision-making body prior to approval.
- C. **Required Finding.** The approval of a CUP shall be accompanied by all the following findings which are based on objective evidence provided to the Planning Commission and/or City Council:
 - 1. Approval of the CUP would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood.
 - 2. The design, development, and conditions associated with the CUP are consistent with the goals, policies, and intent of the General Plan, the purpose and intent of the applicable Zone, and the character of any applicable Specific Plan.
 - 3. The land use allowed in conjunction with the CUP is compatible with the existing and future land uses of the applicable Zone, and the general area in which the proposed use is to be located.
- D. **Conditions and Limitations.** CUPs may be granted upon such conditions and limitations and for such periods of time as the Planning Commission or the City Council shall deem to be reasonable and necessary or advisable under the circumstances so that the objectives of this Zoning Ordinance shall be achieved.

Section 20.520.050 Appeals and Revocations

All appeals or use revocations related to a CUP application or granted CUP shall be consistent with the standards and process of Chapter 20.545 (Appeals and Revocations).

Figure 20.520-1 Conditional Use Permit Process

