



Planning Commission Agenda Report

From: Darcy Delgado, Associate Planner

Subject: Comprehensive Zoning Code Update
For the Planning Commission to review a complete draft of the Zoning Code and provide direction to staff on the proposed revisions.

CEQA: Staff recommends the Planning Commission find this action is not a project under the California Environmental Quality Act pursuant to the State's Guidelines to Implement the California Environmental Quality Act (CEQA), §§ 15060, subd. (b)(2)-(3), 15378.

Location: Citywide

Date: July 9, 2024

Facts

1. The Zoning Code has not been comprehensively updated since the 1970s. Over the years, revisions have been made to address evolving land use and development practices, incorporate Specific Plans and new zoning districts, and address changes in State law. However, this piecemeal approach has resulted in internal inconsistencies and a disorganized structure.
2. MIG, Inc. (MIG) was retained by the City to assist with comprehensive updates to the Zoning Code.
3. The main objectives of the update to the Zoning Code include:
 - a. Providing intuitive and user-friendly development regulations;
 - b. Eliminating conflicts to create an internally consistent document;
 - c. Complying with recent legislation and case law; and
 - d. Modernizing the Zoning Code to reflect best practices, with a focus on streamlining housing entitlement and permitting processes, plus providing for flexibility and innovation.
4. The early stages of the Zoning Code update process included initial data collection, conducting stakeholder interviews, and providing a diagnostic summary of issues including recommendations for reorganizing the Code.
5. From there, staff worked collaboratively with MIG in reorganizing the Zoning Code into 9 articles and, updating each, and bringing them through a series of public study sessions.
6. On October 22, 2022, the Planning Commission held a study session and as part of the meeting reviewed a portion of Article 1 and portions of Articles 3, 6, and 9 of the Zoning Code.
7. On September 26, 2023, the Planning Commission held a study session and as part of the meeting reviewed Article 2 and a portion of Article 4.
8. On November 28, 2023, the Planning Commission held a study session and as part of the meeting reviewed Articles 5 and 7 and a portion of Article 4.
9. On February 13, 2024, the Planning Commission held a study session and as part of the meeting reviewed additional portions of Article 4.
10. On March 26, 2024, the Planning Commission held a study session and as part of the meeting reviewed Article 8 and portions of Article 3.

11. The City published a complete draft of all Zoning Code Articles on June 14, 2024.
12. The Planning Commission is now being asked to review the entirety of the Draft Zoning Code and provide feedback to staff prior to preparing for the final adoption public hearings at a later meeting.

Community Outreach

Public outreach has been ongoing throughout the Zoning Code Update process. Thus far, staff has facilitated Stakeholder interviews and conducted nine study sessions with both the Housing Constraints and Opportunities Committee and the Planning Commission of the City.

Options

1. Take no action; or
2. Provide direction to staff and consultant on any changes to the current draft of the Zoning Code update.

Analysis and Conclusions

Over the last two years, the Planning Commission has been tasked with reviewing various sections of the Zoning Code, which had previously been broken up by the different Articles. The entirety of the Zoning Code is available to be reviewed. Based on input received at prior meetings, staff is preparing for the formal public hearing process, however, the Planning Commission is invited to provide feedback on what to keep, modify, or remove, similar to past study sessions.

The table below lists the titles of the proposed Articles, which have each been reviewed by the Planning Commission. The analysis following the table provides a summary of the key changes for each of the proposed Articles.

Article 1: Enactment, Applicability, and Enforcement
Article 2: Code Administration and Permits
Article 3: Zones, Allowable Uses, and Development Standards
Article 4: Regulations and Standards Applicable to All Zones
Article 5: Special Regulations
Article 6: Standards for Specific Land Uses and Activities
Article 7: Nonconformities
Article 8: Environmental Hazards
Article 9: Terms and Definitions

Article 1: Enactment, Applicability, and Enforcement

Article 1 is the enactment of the Zoning Ordinance and its purpose within the Municipal Code. Article 1 provides standardized language to define the individual zoning districts, overlays, and Special Planned Developments (“SPDs”). The key changes to this Article are repealing two of the SPD Overlays, formerly called Special Conditions Overlays D and E. Overlay D applies to a developed property where the Food 4 Less shopping center is located, at the northeast corner of Niblick and Creston Roads. Overlay D was originally intended to prevent adverse effects on the downtown. Since this shopping center is fully developed, the overlay no longer serves its original purpose. Overlay E applies to parcels at the northwest corner of Creston and Rolling Hills Roads. The overlay was also intended to prevent any adverse effects on the downtown area, since the parcels were zoned to allow commercial uses at the time the overlay

was established. The parcels within Overlay E have since been rezoned R4, for multi-family residential uses, eliminating the potential for commercial competition against the downtown.

Article 1	
EXISTING CODE	PROPOSED CHANGE
Special Conditions Overlays	<p>Chapter 21.04 - Special Planned Developments Established</p> <ul style="list-style-type: none"> • Rename Special Conditions Overlays to Special Planned Developments (SPDs) • Repeal existing special conditions overlays D and E: <ul style="list-style-type: none"> ○ Overlay D applies to an already developed commercial property. The overlay was originally intended to prevent any adverse effects on the downtown. Since this center is fully developed, the overlay no longer serves its original purpose. ○ Overlay E applies to parcels at the northwest corner of Creston and Rolling Hills Road. The overlay was originally intended to prevent any adverse effects on the downtown, since the parcels were zoned to allow commercial uses at the time the overlay was established. These parcels have since been rezoned for residential, eliminating the potential for commercial competition against the downtown area.

Article 2: Code Administration and Permits

Article 2 establishes the process for obtaining permits and entitlements and clarifies who acts as the review authority for each permit or entitlement. Although much of Article 2 contains language from the existing Zoning Code, which was carried forward and clarified to make such provisions more user-friendly, the Planning Commission will find that there are new standards being proposed that are based on trends staff is seeing with development applications. The most notable change proposed in Article 2 is the establishment of a process to allow the Development Review Committee and the Planning Commission to approve modifications to certain development standards, such as modifications to large detached accessory structures, the allowed number of signs, or the material for single-family residential driveways, to name a few.

The modification process is established to allow development approaches that are not permitted as a matter of right, but which may be considered compatible and appropriate if such uses or features are designed or arranged on a site or in a structure in a particular manner and in accordance with conditions imposed by the review authority. This process allows the review authority to make minor deviations from the development standards applicable to a property in order to promote an integrated and high-quality design approach. The listed modifications, such as those related to large detached accessory structures and the number of allowed signs, are frequently requested from the public. The process includes the making of findings by the review authority prior to approving any such modification. Other significant changes to Article 2 are shown in the table below.

Article 2

EXISTING CODE	PROPOSED CHANGE
Some applications require a higher level of approval than reasonable/necessary	<p>Chapter 21.08 – Planning Authorities</p> <ul style="list-style-type: none">• Clarified the review authority for different application types.<ul style="list-style-type: none">○ Table 21.08.070-1: Review Authority summarizes different types of actions and the applicable review authority for each action.○ Updated references from “Director” to “Zoning Administrator” in tandem with clarifying Zoning Administrator duties vs. Director duties• Changed the review authority for oak tree removals depending on the number and condition of the trees. Additional oak tree removal thresholds will be included in Title 10.<ul style="list-style-type: none">○ Designate the City Council to be the review authority for oak tree removals for 10 or more oak trees.○ Designate the Planning Commission to be the review authority for oak tree removals between 1 and 9 oak trees with a development application.○ Designate the Development Review Committee as the review authority for single oak tree removals when no development application is included.
Lack of clarity for how the Development Review Committee operates	<p>Section 21.08.040 Development Review Committee</p> <ul style="list-style-type: none">• Clarified the Development Review Committee’s composition is made up of three members of the Planning Commission; required the Director to establish a rotating schedule for all Commissioners to serve equal time on the DRC throughout each calendar year.
No standards for Housing Accountability Act (State law)	<p>Section 21.09.080 - Housing Accountability Act</p> <ul style="list-style-type: none">• Added streamlined review section to comply with State law.
Lack of clarity for development standards that can be modified by review authorities and the findings required for approval	<p>Section 21.16.020 – Development Plan Modifications Section 21.17.020 – Site Plan Modifications</p> <ul style="list-style-type: none">• Added a modification process to revise zoning standards under Development Plan and Site Plan review process.<ul style="list-style-type: none">○ See Table 21.16-1 for Development Plan Modifications○ Table 21.17-1 for Site Plan Modifications• Established what merits a Development Plan and Site Plan modification.• Established findings for different modifications.

Special Conditions Overlays	<p>Chapter 21.11 - Special Planned Developments</p> <ul style="list-style-type: none"> • Established the Special Planned Development zoning overlay from what used to be the Planned Development (PD) Overlay. <ul style="list-style-type: none"> ○ The SPD zoning overlay functions similar to the current intent of the PD overlay as a negotiated exchange through which the City can offer flexibility of certain development standards in exchange for specific project amenities (e.g., recreational facilities, usable open space, special design features). ○ This change distinguishes between SPDs, Development Plans, and Planned Developments. ○ The “Planned Development Overlay” will still exist on the Zoning Map and there are no changes to existing zones with a PD overlay. This designation in the Zoning Code will require applicants to submit an application for a Development Plan, regardless of the size of the project.
Temporary use permits lack standards for most uses allowed	<p>Chapter 21.20 - Temporary Use Permits</p> <ul style="list-style-type: none"> • Added standards for food trucks/trailers, including they must be located on private property with existing commercial uses. • Added standards for sidewalk vending to align with State law. • Added standards for circuses, carnivals, fairs, festivals, and concerts. • Timeframes: <ul style="list-style-type: none"> ○ Seasonal stands can last up to 90 days. ○ Circuses, concerts, etc. can last up to 30 days. • Changed from CUP to TUP to allow recreational vehicle to be used as a caretaker residence for seasonal stands (i.e. pumpkin or Christmas tree lot) and for construction project with an approved and active building permit.
Home occupation standards unclear leading to challenging code enforcement in neighborhoods	<p>Chapter 21.21 - Home Occupation Permits</p> <ul style="list-style-type: none"> • Added uses to the list of what is allowed. • Added uses to the list of what is not allowed.

Article 3: Zones, Allowable Uses, and Development Standards

Article 3 contains the land use regulations specific to each of the zoning districts and includes the land use table defining where uses are allowed in the city. In the land use table, the biggest changes were consolidating similar land uses into general categories and then utilizing definitions to better define the land uses, thus shortening the table. For the regulations applicable to individual zones, there is no central theme with the recommended changes. Various zones were lacking user-friendly development standards

and/or some standards seemed too onerous. Additionally, there were some zones that were lacking any development standards at all. The following table shows the key changes to Article 3.

Article 3	
EXISTING CODE	PROPOSED CHANGE
Table 21.32-1 Zoning District Use Regulations	
Use table has many unique uses, many not defined	<ul style="list-style-type: none"> • Consolidated similar uses into general categories (e.g. general retail, heavy industrial) • Added definitions for each land use (listed in Article 9) • Added performance standards and specific regulations for certain uses (Also addressed in Article 6) • Removed line items for non uses (canopies, infrastructure support, nonconforming uses – these are addressed in other parts of the Code)
Commercial Kitchen use does not exist	Added Commercial Kitchen to the Use table and add a new definition (in Article 9) Commercial Kitchen allowed in OP, CP, C-1, C-2, C-3, RC, M, PM, AP
Communal Housing use does not exist	Added Communal housing, an emerging housing type, to the land use table and added a new definition (in Article 9)
Senior Housing has a section in the Zoning code but is not referenced in the Use Table	Added Senior Housing to the land use table and add a new definition (in Article 9)
Spaceport use does not exist	Added Spaceport to the land use table and add a new definition (in Article 9)
Electrical Generation and Storage Facilities use does not exist	Added Electrical Generation and Storage Facilities to the land use table and added a new definition (in Article 9). Added siting and operation standards (in Article 6).
Wineries, Breweries, and Distilleries: Wineries exists in use table but definition does not exist	Consolidated wineries and breweries under one new definition and use, Wineries, Breweries, and Distilleries.
Restricted Retail use does not exist	Added Restricted Retail to the land use table and add new definition (in Article 9). Added performance and location standards (in Article 6).
Restaurant	Removed limit to 5,000 square feet for restaurants outside Downtown
Personal Services -Restricted use does not exist	Added Personal Services - Restricted to the land use table and added new definition (in Article 9). Added performance and location standards in Article 6.
Two-Unit Dwelling (SB 9) has a section in the Zoning Code (with applicable standards), but is not referenced in the land use table	Added Two-Unit Dwelling to the land use table. Renamed “Urban Dwelling Unit” consistent with City of Atascadero.
Food Truck Court use does not exist	Added Food Truck Court to the land use table, added a new definition (in Article 9), and allowed as temporary use in CP, C-1, C-2, C-3, RC, RL, M, PM, AP, AG

Industrial – Artisan use does not exist	Added Industrial - Artisan to the land use table and added a new definition (in Article 9) to allow small-scale production that includes retail sales in more areas.
Amphitheatre/Stadium use does not exist	Added Amphitheatre/Stadium to the land use table and added a new definition (in Article 9).
OP District land uses	<p>There are two distinct areas zoned OP with different characteristics – south of First Street and 12th Street (west of Vine Street)</p> <p>The following uses would be allowed in the district, but not on 12th Street:</p> <ul style="list-style-type: none"> • Financial Institutions • Food and Beverage Sales • Medical Services – Clinic, Urgent Care • Restaurants • Retail – General • Transit Facility • Vehicle Charging Station • Veterinarian
Regional Commercial district: floor area limitation on office uses	Removed 10% of floor area limitation on Offices in RC zoning district
Composting Facilities allowed with CUP in AP only	Allowed Composting Facilities in additional zoning districts (C-3 and PF) with CUP
RV Parks allowed with CUP in RC, AP, and POS	Allowed <i>RV Parks</i> in additional zoning districts (C-2, C-3, RL, M, and AG) with CUP and additional site planning standards
Rural Recreation and Camping was referenced in the AG zoning district, but not in use table	Added to land use table and also allow this use in POS zoning district
Process for allowing Vehicle Sales is different for new or used cars	Combined new and used car sales into single definition and require CUP in AG, C1, C2, C3, RC, M, and AP districts
Theaters allowed use in C-1	Theaters in C-1 zoning district changed to be allowed with CUP
Heavy industrial allowed use in C-3, M, PM, and AP districts	Heavy Industrial in industrial zoning districts changed to be allowed with CUP
Self storage allowed in AP and PM zoning districts	Self Storage not allowed in AP and PM zoning districts
Bed and Breakfast Inns allowed uses in commercial zoning districts with CUP	Bed and Breakfast Inns in commercial zoning districts changed to be allowed with CUP
Airport/Helipad allowed with CUP in PF zoning district	Airport/Helipad in PF not allowed
Small and large assembly refined definition	New definitions for small and large assembly and various zones where each is allowed.
Changes to Development Standards in Applicable Zones	
Chapter 21.33 - RA Zone	
City Engineer allowed to modify minimum lot size in R-A zoning district	Removed

R-A minimum lot size 3-10 acres	Changed to 3 acres
Height = 30 ft for habitable; 50 ft for non-habitable	Removed non-habitable; limit all to 30 feet
Chapter 21.33 - R1 Zone	
B-3, B-4, B-5 detached accessory structure front setback is 15 feet	Revised front setback from 15 ft to 20 ft to match main structure
RV shelters allowed with a CUP in rear or side setback	Changed from CUP to Development Plan Modification
Detached accessory structures must be located in the rear of the lot	Detached accessory structures to be located behind front and street side of primary structure
Gross floor area of detached accessory structures not to exceed 50 percent of the gross floor area, including any attached garage, of the main building, except by approval of a conditional use permit.	<ul style="list-style-type: none"> Clarify the calculation is cumulative for all accessory structures. Changed from CUP to Development Plan Modification
Every single-family dwelling is required to have a minimum width and depth of 24 feet	Removed
Second stories are required to be set back 10 feet from the side property line	Removed. Retain existing regulations based on lot width and apply to full building instead of just ground floor. Result: Lots less than 65 ft: 5 ft setback Lots 65 ft or wider: 5 ft on one side and 10 ft on the other side
Minimum building separations are 10 feet	Reduced to 6 ft
No objective design standards for single family development	Added requirement for all new single family dwellings to: <ul style="list-style-type: none"> Provide an entryway feature 10% minimum transparency on front and street-side façades Roofs must be gable, hipped, or shed (no flat roofs) Applicants may request a Site Plan Modification (DRC) to modify standards.
Chapter 21.33 - Multi-Family Zones (R-2, R-3, R-4, R-5)	
Minimum building separations are up to 20 feet on main buildings with 3 stories	Reduced to 10 feet applied to all buildings (main and accessory)
Open Space: <ul style="list-style-type: none"> 375 sf of usable shared open required Private open can be counted as 1.5 times the value of shared open space Amount of open space and recreational amenities determined through 	<ul style="list-style-type: none"> Set clear standard for senior apartments, rather than at Planning Commission discretion (200 sf per unit, either private or shared)

development review process for senior projects	
1, 2, or 3 tot lots required for multifamily based on number of units	Allow playgrounds to be combined to one larger playground as an option, and require shade.
Rooftop open space excluded from counting towards required open space	Allow for rooftop open space to count toward open space requirements.
Standard requiring residential fire sprinklers	Removed. It is redundant and addressed in State Building Code.
Detached accessory structures are limited to 50 percent of the gross floor area for buildings with 10 units	Clarify the 50% limit is cumulatively applied to all detached accessory structures; reduced threshold from 10 to 4 or fewer units, where detached accessory structures are more likely to apply. Applicants may apply for an exception through a Development Plan Modification (Planning Commission approval).
No minimum lot size	<ul style="list-style-type: none"> • Added minimum lot sizes for R-3 (10,000 SF), R-4 (15,000 SF), and R-5 (20,000 SF) with reference to Government Code Section 66499.40 (which allows small lot subdivisions in multi-family zones) • Added language that minimum lot size must allow no less than one full density unit per lot
Complicated setback requirements	<ul style="list-style-type: none"> • Simplified Setbacks • Modified setbacks for detached accessory structures: 3 ft from property lines and 5 ft from alleys, consistent with R-1 zone. • Adjacent to R-1, setback is 20 feet for second stories and above.
Chapter 21.34 – Office Professional Zone	
OP zoning district had many complex standards and guidelines that are covered elsewhere in the Code	<ul style="list-style-type: none"> • Simplified standards • Removed guidelines and sections covered elsewhere in Code (like historic preservation) • Made accessory structure height consistent with other zoning districts (15 ft instead of 20 ft)
No language on allowed density, CUP was required for multi-family residential, but existing multifamily units are considered nonconforming (internal conflict)	Added maximum density (12 du/ac), consistent with T3-F zoning district
Parking required at a ratio of 1 space for every 200 sf of gross floor area for offices	Removed requirement for more than standard required parking for office. Now required at 4 per 1,000 sf of floor area.
Adaptive reuse allows PC approval of less parking	Parking reductions would go through the Development Plan Modification process, consistent with other zoning districts
Development standards for multi-family were unclear	Clarified standards for new multi-family residential uses in OP (comply with R-3 and ODS standards) with CUP

Detached accessory structures limited to 50% of primary structure, allowed height is 20 ft	Clarified cumulative gross floor area of detached accessory structures limited to 50% and height of 15 ft, consistent with multi-family and single-family zoning districts
Chapter 21.33 - R-3-O Zoning District	
R-3-O Zoning District applies to five parcels, with an intent to allow residential and office uses but office was not allowed in the Use Table.	Apply multi-family development standards (Section 21.33.050) and allow uses permitted in the OP district, which allows offices and additional residences through approval of a conditional use permit.
R-3-O zoning district has no development standards or a defined purpose.	Added purpose statement for the zoning district.
Chapter 21.34 - Commercial, Industrial, and Airport Zones	
Many did not include purpose statements	Added individual purpose statements for each zoning district.
Adjacent to R-1: Setbacks Required (5 ft side and 10 ft rear)	Added solid 6 ft fence Added landscape buffer
Height limit of 50 ft for non-habitable buildings in CP and RC zoning districts	Removed height limit for non-habitable buildings and defer to projections section, which allows for extra height for specific structures
No development standards in AP	Added new standards (based on previous approvals): <ul style="list-style-type: none"> • Minimum Lot Size: 10,000 sf • Minimum Lot Width: 50 ft • Height: 60 ft
Chapter 21.35 – Public Facilities, Parks and Open Space, and Agricultural Zones	
Height limit of 50 ft for non-habitable buildings in AG	Removed height limit and defer to projections section (Section 21.41.130), which allows for extra height for specific structures
AG standards	Removed some standards, including allowance for firing shotgun, allowing fur bearing animal farming, real estate disclosure sample form (will be a handout), and move animal husbandry regulations to Article 6 (Standards for Specific Land Uses and Activities)
POS zoning district refers to R-1 development standards	Simplified interior side setback to 10 ft on both sides, instead of 5 ft on one side and 10 ft on the other
Silent on residential adjacent zoning districts	Require 5 ft interior, 10 ft rear, and 20 ft setback for 2-story buildings adjacent to residential zoning districts
Chapter 21.36 - Overlay Zones	
MU Overlay	
Language was not clear about allowing stand-alone residential in MU overlay	Clarified to allow stand-alone residential, not only mixed uses.
No standards on minimum dimension for private and shared open space	Added minimum dimensions for private and shared open space
Confusing and could be interpreted to allow MU in MF zones	Modified to remove residential districts and clarify standards for residential uses in commercial zones where the overlay has been applied

Private open space can be counted as 1.5 times the value of shared open space	Removed incentive for private open space (currently counts as more than shared). Allow projects to provide all private, all shared, or a combination.
Other Overlays	
Resort Lodging Overlay	Renamed to Lodging Overlay
Historical and Architectural Preservation Overlay	Renamed to Historic Preservation Overlay
Hillside Overlay	Removed and revise to regulating hillside development based on property slope, not mapped areas (standards in Article 8).

Article 4: Regulations and Standards Applicable to All Zones

Article 4 contains the regulations that are applicable to all zones, such as rules of measurement, fence and wall standards, objective design standards for mixed and multi-family residential uses, open space requirements, parking standards, landscaping standards, and sign standards. Of these, some notable changes include adding a percent live plant requirement to all development, and allowing residential porches to project into the front and side setbacks.

Another notable change found in this Article is the addition of Objective Design Standards (ODS) which is a newly established section in response to changes within State law that require local governments to establish objective design standards to facilitate high-quality site planning and building design and to accelerate housing production through the clear communication of design objectives and efficient permitting processes. Most of the ODS section is new language for the City of Paso Robles. Some of the standards being proposed were synthesized from language in the Multi-Family Residential Development Standards from the current Zoning Code (currently Chapter 21.16i). Since most of the City’s existing standards could benefit from enhanced objectivity, the intent was to establish clearer objective standards. The following table shows the key changes to Article 4.

Article 4	
EXISTING CODE	PROPOSED CHANGE
Does not provide clear or consistent rules of measurement	Chapter 21.41 – Rules of Measurement <ul style="list-style-type: none"> Created a new section for measuring distances, height, slope, and lot width and depth. For measuring slope, eliminated conflicting measurements that were in old code and instead added 2 alternative ways to measure.
Does not state allowed density for assisted living facilities	Section 21.41.080 – Determining Density <ul style="list-style-type: none"> Codified density interpretation for assisted living facilities (beds per acre)
Requires minimum yard size for rear yard in 5-sided lots in R1 district	Section 21.41.120 – Determining Setbacks <ul style="list-style-type: none"> Eliminated the requirement for rear yard to be 1,200 square feet in area (See Figure 21.41.120-1).
Covered porches cannot project into setbacks	Section 21.41.120 – Determining Setbacks <ul style="list-style-type: none"> Added allowed porch projections: <ul style="list-style-type: none"> 6 feet into front setback 3 feet into street side setback

<p>Limited projections allowed, section lacks clarity</p>	<p>Section 21.41.130 – Projections into Setbacks</p> <ul style="list-style-type: none"> • New table summarizing allowed encroachments: <ul style="list-style-type: none"> ○ Allow patio covers and covered porches to encroach into rear yard setback (to within 10 feet of rear property line). Lot coverage requirements still apply. ○ Allow uncovered porches, decks, stoops, stairs to encroach 6 feet into a front setback and 2 feet into side setbacks.
<p>Standards for small structures unclear</p>	<p>Chapter 21.43 – Awnings, Canopies, and Patio Covers</p> <ul style="list-style-type: none"> • Added standards to detached patio covers and canopies in Residential zones. <ul style="list-style-type: none"> ○ Limit on number (3) ○ Detached canopies and patio covers count toward lot coverage (code was silent before) ○ May not be located in front yard, street side yard, or driveway • Allow for patio covers detached 1 ft from the main structure to have setbacks associated with attached patio covers.
<p>Fence standards in multiple locations. Modification process undefined.</p>	<p>Chapter 21.44 – Fences, Walls, and Hedges</p> <ul style="list-style-type: none"> • Continue to allow DRC to approve height of residential front yard fence from 3 feet to 4 feet as a Minor Modification (Article 2). • Changed process from Planning Commission to DRC (Site Plan Modification) for review of commercial front yard fence changes up to 6 ft. • Added examples of acceptable decorative materials. • Required Development Plan Modification for review of increase in commercial fence height from 6 to 8 ft. • Removed allowance for Residential or Office Professional to have 8 ft high fence along arterial streets. • Made changes to the definition of “front yard” as it applies to fencing. New diagrams added to Article 4 (See Figure 21.44.030-1) and to Article 9 (See Figure 21.92.250-1).
<p>Limited landscaping requirements</p>	<p>Chapter 21.45 - Landscaping</p> <ul style="list-style-type: none"> • Added a minimum percent live plant requirement so required landscaping is not all rocks or mulch. • Added modification option for both Site Plan Review (Minor Modification) and Development Plan (Major Modification).
<p>Limited screening requirements</p>	<p>Chapter 21.47 - Mechanical and Equipment Screening</p> <ul style="list-style-type: none"> • Added requirements for location (behind the front façade of a building) and screening mechanical equipment on roofs and at grade, and also specific standards for screening backflow devices.

<p>Parking standards lack rules of measurement, clarity on how to address nonconforming sites, and reasonable requirements for many uses</p>	<p>Section 21.48.030 – Required Parking Spaces</p> <ul style="list-style-type: none"> • New calculation for determining required parking for nonresidential uses. <ul style="list-style-type: none"> ○ When a change in use, expansion of a use, or expansion of floor area creates an increase of 20 percent or more in the number of required on-site parking or loading spaces, on-site parking and loading shall be provided. • Clarified parking requirement if a room has potential of being a bedroom (e.g. “office”). • Expanded list of uses with defined parking ratio: <ul style="list-style-type: none"> ○ Calculation of automotive repair required parking measured by building area, not by service bay ○ Added caretaker unit: 1 space ○ Added residential care general/assisted living: 1 parking space per 5 rooms ○ Added a reduced parking ratio for multi-family residential when studio or 1-bedroom units are 600 sf or less. The other multi-family residential standards stayed the same. ○ Supportive, transitional housing to be same as other residential uses. ○ Hotel parking calculation based on guest rooms ○ Remove additional required parking for offices in the OP Zone. ○ Self-storage parking rate • Parking Modification <ul style="list-style-type: none"> ○ Matched mixed use/multiple use parking reduction with what is allowed in Uptown/Town Centre Specific Plan ○ 20% parking reduction with parking demand study completed by licensed Traffic Engineer
<p>Parking lot standards lacking several desired requirements</p>	<p>Section 21.48.100 – Parking Area Design and Development Standards</p> <ul style="list-style-type: none"> • Parking lot surface material modifications: <ul style="list-style-type: none"> ○ Residential: Allowed large 1-acre+ lots to use non-permanent material, only if in rear half of lot, screened, and upon approval of a Site Plan Modification. ○ Nonresidential: Required any non-permanent material request to require a Development Plan Modification (with findings). • Changed threshold for landscaping in parking lots from 4 to 6 parking spaces. • Required parking lot perimeter curbing • Added required parking for electric vehicles consistent with State law

	<p>Section 21.48.110 – Driveway Standards</p> <ul style="list-style-type: none"> • Prohibit the establishment of new driveways that require cars to back out onto arterial or greater roads, unless it is determined to be infeasible by the City Engineer. • Maximum driveway approach width can be 30 feet. Code was silent before. • Driveway materials: Clarified decomposed granite is not considered a permanent surface.
<p>State rules require development standards for multi-family residential and mixed-use projects to be objective. Current code includes many subjective standards.</p>	<p>Chapter 21.50 - Objective Design Standards</p> <ul style="list-style-type: none"> • Replaced existing Objective Design Standards (ODS) for multi-family residential uses with new ODS for multi-family and mixed-use projects <ul style="list-style-type: none"> ○ Tiered standards that increase with size of project ○ Standards include windows, roofs, wall plane variation, and exterior building materials
<p>Limited standards for refuse collection areas; State requirements have changed</p>	<p>Chapter 21.51 – Refuse and Recycling Areas</p> <ul style="list-style-type: none"> • Added threshold for when to require an enclosure • Replaced trash enclosure design guidelines with new standards applicable for all projects. • Now require full roofs for all enclosures (previously required trellis for MFR but was silent for all other uses). • Prohibit chain link as a material when visible from a public right-of-way or abutting residential. • Prohibit enclosure in front and street side setback (previously silent on all setbacks).
<p>Sign standards lack organization, rules of measurement, and are outdated for current case law.</p>	<p>Chapter 21.52 - Signs</p> <ul style="list-style-type: none"> • Defined calculation of sign area: 8 corners • Consolidated construction signs under temporary signs and applying temporary sign standards • Consolidating monument signs under freestanding signs • Billboards and all signs in the public right-of-way moved to Title 19 and Title 11, respectively. • Large sites allowed one additional taller freestanding sign – threshold reduced from 20 acres to 10 acres. • Nonconforming signs: Existing Code does not allow change of copy without making sign conforming. Changes proposed to allow change of copy through design review process. • Require sign program for 5+ tenants (currently Code references sign programs but without a threshold to clarify when they are required). • Modifications table for signs Table 21.52.060-2
<p>Standards for swimming pools are in multiple sections of the code and conflict</p>	<p>Chapter 21.53 – Swimming Pools</p> <ul style="list-style-type: none"> • Align pool fence height with building code (5 feet), not made of fabric/mesh. • Separation for pools established at 10 feet from a primary building.

	<ul style="list-style-type: none"> • Pools not allowed in street side setback in R1 • Pools not allowed closer to front property line than the nearest residence in R1
Undergrounding required only in multi-family zoning districts	Chapter 21.54 - Underground Utilities <ul style="list-style-type: none"> • Clarified that undergrounding of service lines is required in all districts consistent with GP Goal LU-2 Action Item 3.

Article 5: Special Regulations

Article 5 lists the special regulations for certain developments including accessory dwelling units, historic preservation, and affordable housing density bonuses. Although much of Article 5 contains language from the existing Zoning Code, the Planning Commission will find that there are some substantive changes for review.

Some of the more notable changes in this Article were to the Chapter on Accessory Dwelling Units (“ADUs”). Over the years, there have been a number of changes to State law that the City has incorporated into the Zoning Code. Where the State is silent, the City has inserted standards that are most appropriate to the City of Paso Robles, such as allowing a reduced setback between an ADU and the primary structure. For a list of significant changes to Article 5, see the table below.

Article 5	
KEY CHANGES	DETAILS
Chapter 21.58 - Accessory Dwelling Units	<ul style="list-style-type: none"> • Reorganization of the chapter to be more user-friendly including differentiation between "Statewide Exemption ADUs" and "Local ADUs" and which standards apply to each; • Addition of a maximum size for a garage attached to an ADU; and • Reduced front setback to be the same as for a primary residence. • Separation between ADU and primary structure reduced from 10 feet to 6 feet. • Clarified the maximum number of ADUs in mixed-use and multi-family zones: <ul style="list-style-type: none"> ○ At least 25% converted OR no more than 2 detached. • Clarified “interior ADUs” can be converted from existing space, not including porches, patio covers, or similar.
Chapter 21.59 - Adult Business Uses	<ul style="list-style-type: none"> • No substantive changes.
Chapter 21.60 - Cannabis	<ul style="list-style-type: none"> • No substantive changes.
Chapter 21.61 - Density Bonus	<ul style="list-style-type: none"> • Changed to conform with State law.
Chapter 21.62 - Historic Preservation	<ul style="list-style-type: none"> • Simplified resource classifications (Historic Resources Inventory, Historic Districts, and Landmarks only).

	<ul style="list-style-type: none"> • Allowed the Planning Commission to consider Certificates of Appropriateness for alterations to locally designated historical resources. • Reserved review of state or nationally designated resources (Landmarks) and all demolitions of historic resources to the City Council.
Chapter 21.63 - Murals	<ul style="list-style-type: none"> • No substantive changes.
Chapter 21.64 - Short-Term Rentals	<ul style="list-style-type: none"> • No substantive changes.
Chapter 21.65 - Urban Dwelling Units	<ul style="list-style-type: none"> • Renamed “Two-Unit Projects” “Urban Dwelling Units” • Introduced list of development standards the City would modify so as not to preclude the ability for up to two 800-square foot units on a lot similar to ADUs • Changed height and setbacks to be more consistent with ADUs
Chapter 21.66 - Wireless Communication Facilities	<ul style="list-style-type: none"> • Changed to conform with Federal law requiring ministerial approval of minor modifications to existing facilities.

Article 6: Standards for Specific Land Uses and Activities

Article 6 provides standards for particular uses, including performance standards and development standards that are tailored to the use rather than the zone. Similar to other Articles, much of Article 6 is existing text from the current code that has now been reorganized into its own section. One of the more notable changes to Article 6 is cleaning up the commercial animal keeping standards, which were not comprehensively listed. A new table has been added showing the maximum density limitations for different types of animals, including instances that trigger a higher level of review such as a Conditional Use Permit.

Article 6	
KEY CHANGES	DETAILS
Animal husbandry standards listed in AG district standards, but allowed in additional zones	Section 21.69.050 – Animal Keeping, Commercial <ul style="list-style-type: none"> • Clarified commercial animal keeping standards and maximum density limitations for different types of animals. • Standards were distinguished between low-density and high-density, with the latter requiring approval by the appropriate review authority.
No standards for solar electrical generation and storage uses	Section 21.69.080 – Electricity Generation and Storage Facilities <ul style="list-style-type: none"> • Added a new section for electricity generation regulations. Also defined in Article 9 and added to the land use table in Article 3.
No standards for food trucks	Section 21.69.120 - Food Trucks <ul style="list-style-type: none"> • Added a new section for food truck regulations. Also defined in Article 9 and added to the land use table in Article 3.

Limited standards for manufactured homes outside a mobile home park	<p>Section 21.69.130 - Manufactured Homes</p> <ul style="list-style-type: none"> • Applied architectural standards for single-family residences • Added requirement that the structure be no more than 36 inches over the ground
Section 21.16J.230. Right to farm regulations listed in AG district standards, but should apply more broadly	<p>Section 21.69.220 - Right to Farm</p> <ul style="list-style-type: none"> • Right to Farm moved to its own section. • Local option real estate transfer disclosure statement removed from code, becomes handout

Article 7: Nonconformities

Article 7 establishes uniform provisions for the regulation of nonconforming land uses, nonconforming development (including structures and improvements), and nonconforming lots that were lawfully established but do not comply with the current requirements of the zoning code. The intent of this Article is to protect public health, safety, and the general welfare while allowing reasonable use of private property. Although much of Article 7 contains language from the existing zoning code, the Planning Commission will find that there are some substantive changes for review, which are shown in the table below.

Article 7	
KEY CHANGES	DETAILS
General fixes	<ul style="list-style-type: none"> • Removed amortization requirements, which are difficult to enforce. • Reorganized to clarify different procedures for nonconforming uses, structures, and lots.
Unclear whether existing nonconforming lots may have lot lines adjusted	<p>Chapter 21.75 - Nonconforming Lots</p> <ul style="list-style-type: none"> • Added allowance that lot line adjustments to nonconforming lots that do not increase the deviation between the existing nonconforming situation and the Code requirement or create a new nonconforming situation are allowed.
Legally nonconforming structures damaged by a force majeure (where the destruction affects more than 50% of the fair market value) must be rebuilt to code.	<p>Chapter 21.76 - Nonconforming Structures</p> <ul style="list-style-type: none"> • Changed to allow rebuilding dependent on the square footage of destruction rather than fair market value (which is difficult to assess), • Allowed damage to reach 75% of the square footage of structures and still allow rebuilding of nonconformity • Legally nonconforming building or structure damaged by a purposeful act of destruction, where destruction affects more than 50% of the square footage of structures, must be rebuilt in conformance with the code. • Changed process from Conditional Use Permit to Development Plan Modification

<p>Right to reestablish a nonconforming use extinguished at 6 months</p>	<p>Chapter 21.77 - Nonconforming Uses</p> <ul style="list-style-type: none"> • Nonconforming use abandonment increased to 12 months.
<p>Structures containing a legally nonconforming uses damaged by a force majeure, where the destruction affects more than 50% of the fair market value, must be rebuilt to code.</p>	<p>Section 21.77.020 - Destruction of a Structure Containing a Nonconforming Use</p> <ul style="list-style-type: none"> • Required structures containing legally nonconforming uses damaged by a force majeure, where the destruction affects more than 50 percent of the gross floor area of the structure(s), must be rebuilt to code.
<p>Code does not explicitly state when nonconforming parking should be addressed</p>	<p>Section 21.78.010 - Nonconforming Parking</p> <ul style="list-style-type: none"> • For commercial uses, any building addition or increase in the intensity of use of any building, structure, or premises shall provide parking for such addition or increase in intensity. • For single-family residential unit with only one covered parking space, additions of up to 500 SF or 20% of the existing structure (whichever is less) are allowed without adding a second covered parking space. • For single-family residential units with no parking spaces, any addition to the unit requires at least one parking space in a garage or carport (with exceptions for ADUs and two-unit projects).
<p>Code does not explicitly state when nonconforming fences should be addressed</p>	<p>Section 21.78.020 - Nonconforming fences</p> <ul style="list-style-type: none"> • Required: <ul style="list-style-type: none"> ○ Draft states single family fence nonconformities may be maintained in all circumstances. Staff will present an alternative requirement at the Planning Commission meeting. ○ Multi-family fences made to conform when density is increased. ○ Nonresidential fences made to conform with increased intensity of use or addition of 1,000 square feet.
<p>Code does not explicitly state when nonconforming landscaping should be addressed</p>	<p>Section 21.78.030 - Nonconforming landscaping</p> <ul style="list-style-type: none"> • Non-residential development made to conform with additions of 25% of the square footage of existing buildings • Residential development made to conform with additions of 50% of the square footage of existing buildings

Article 8: Environmental Hazards

Article 8 covers grading, noise, surface mining, oaks, and other environmental hazards and standards to protect natural resources. One of the more notable changes in this Article is the expansion of the hillside development standards, which had previously been includes as an overlay zone with most standards listed in the single-family residential section of the code. Proposed standards would include all uses, including

nonresidential development. Additionally, the changes include removing the hillside overlay and instead basing the regulations on lots with slopes over 10%. For a list of significant changes, refer to the table below.

Article 8	
EXISTING CODE	PROPOSED CHANGE
Chapter 21.81 - Hillside Development	
Regulations apply to areas within the Hillside development district and lots with slopes over 10%	Removed Hillside overlay; instead regulate any lot with slope over 10%
Most substantive hillside standards were listed in the single-family zoning district section of the Zoning Code	Applied hillside standards to all zoning districts
Remove extra information, definitions, and ambiguous or conflicting standards	Simplified and remove ambiguous language and internal conflicts
Regulations separated for new lots and existing lots	Combined regulations for existing and new lots, applying regulations uniformly
Requirements for density for PD Overlay in addition to lot size by slope	<ul style="list-style-type: none"> • Clarify intent of PD Overlay in Article 3 and modify to remove specific standards • Remove separate and conflicting density unique to PD overlay • Retain lot size and width requirements by slope (move to Article 3 under single-family development standards)
Landscaping is required for erosion control and street tree planting.	Added requirement to plant one tree for every 1,000 square feet of graded area.
Grading and retaining wall standards apply only to residential development	<ul style="list-style-type: none"> • Revise so grading and retaining wall standards apply to any parcel with slope greater than 10%. • No changes to height and distancing of retaining walls for residential uses • Clarify these standards also apply to multifamily • Add regulations for retaining wall heights and grading heights in nonresidential zoning districts
Individual pad grading allowed on lots with average slope less than 15%, may be allowed by DRC over 15%	<ul style="list-style-type: none"> • Foundation type dictated by existing slope of "area of disturbance" instead of average slope of the lot <ul style="list-style-type: none"> ○ <15% slope: pad grading allowed ○ 15-35% required stem walls/no pad grading ○ No area of disturbance on areas with >35% slope ○ Clarified process for modifications

Chapter 21.82 - Lighting and Illumination	
No unique section on lighting. Some zones and sections mention lighting briefly.	<ul style="list-style-type: none"> Require lighting to be dark-sky compliant or equivalent Add standards for height of fixtures, design, and shielding (minimum 2-inch shielding) Allow for modification of lighting standards through Development Plan Modification
Chapter 21.83 - Noise	
No purpose statement	Added a purpose statement
Existing provision to revisit noise control program every 3 years	Removed
Existing provision to allow legal nonconforming uses for 12 months, now expired	Removed
Existing exemption process	Revised to align with Development Plan Modification
Other	Removed explanatory text that does not include regulations, and sections covered in other Articles of the Code (appeals, severability, etc.) to simplify

Article 9: Terms and Definitions

Article 9 contains the definitions for technical terms and phrases used in the Zoning Code as a means of providing consistency in their interpretation. Generally, the Zoning Code has lacked sufficient definitions, which has made it difficult for both the public and staff to interpret the code. The majority of this Article is new, but where definitions were carried forward, most have been reworked to ensure they are clear and easy to interpret.

Article 9	
KEY CHANGES	DETAILS
New land use definitions	<ul style="list-style-type: none"> Added definitions that didn't previously exist.
Existing land use definitions	<ul style="list-style-type: none"> Clarified weakly worded definitions.

Next Steps

The final Zoning Code document will be brought before the Planning Commission for review and recommendation to Council for review for final adoption. Staff is targeting final adoption hearings to begin in August.

Fiscal Impact

None identified at this time. The expense associated with MIG's work on this project was authorized through a separate, previous contract approval process and including grant funding.

CEQA

The City finds that this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines, because the activity, which consists of discussion of amendments to the City's Zoning Code, will not result in a direct or reasonably foreseeable indirect physical change in the environment; and Section 15060(c)(3), because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, since it has no potential for resulting in a direct or indirect physical change to the environment.

Recommendation (Option 2)

Provide direction to staff and consultant on any desired changes to the draft of the Zoning Code update.

Attachments

1. Attachment 1: Summary of Zoning Code Changes
2. Attachment 2. Draft Zoning Code Update